
Appeal Decision

Site visit made on 23 May 2017

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 June 2017

Appeal Ref: APP/R0660/D/17/3173217

123 Crewe Road, Sandbach, Cheshire CW11 4PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Shona Booth against the decision of Cheshire East Council.
 - The application Ref 17/0404C, dated 24 January 2017, was refused by a notice dated 21 March 2017.
 - The development proposed is a two-storey extension to the rear of the property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal has made in the name of Mr Sean Booth. Mrs Shona Booth, who made the planning application the subject of this appeal, has confirmed that she has authorised Mr Sean Booth to act on her behalf.

Main Issue

3. The main issue in this case is the effect on the living conditions of the occupants of the neighbouring property at 125 Crewe Road, with particular regard to outlook and light.

Reasons

4. The proposed development would introduce a substantial two-storey extension onto the rear elevation of the existing detached dwelling. The neighbouring property 125 Crewe Road is a bungalow, and situated within its flank wall there is a bedroom window facing towards the existing flank wall of the appeal property. There is a distance of approximately 3.3metres (m) between these facing walls and the common boundary between the properties is delineated by a fence. However, by reason of differing ground levels the fence does not obstruct the outlook from No 125's bedroom window.
 5. Despite the bedroom window facing directly towards a brick wall, it is clear that from within the bedroom there are views beyond the rear wall of the appeal property which provide the bedroom with some open aspect, views of the skyline and access to daylight.
 6. There is some discrepancy between the measurements set out in the Officer's report which describes the rear extension as having a depth of 5m, and the appellant's statement which advises that this measurement should be 4.3m.
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However, even if I accept that it would extend 4.3m beyond the appeal property's existing rear wall, it is clear to me that the proposal by reason of its depth and height would completely remove the only source of daylight and open aspect which is currently enjoyed by the occupants of the bedroom at No 125. Furthermore, the proposed extension would have a significant enclosing effect on this room.

7. I recognise that due to the orientation of the bungalow the bedroom does not receive sunlight for most of the day. However, it is likely to receive some evening sun, and as a consequence of the proposed extension any evening sunlight would no longer be available.
8. It is clear that there is an existing technical breach of the recommended separation distances for new dwellings as set out in the Council's Supplementary Guidance Note 2: Provisions of Private Open Space in New Residential Developments, and this breach which would not change as a result of the appeal proposal. I therefore give this consideration limited weight.
9. I have also taken into consideration the scenarios that have been provided by the appellant which detail how the property could be extended under permitted development rights. However, the appeal proposal would be for a larger extension than those rights would allow, and the existence of permitted development rights for a different development which may or may not be equally harmful would not justify the development proposed in this case. Furthermore, although there has previously been a single storey enclosure over the former pond area and boundary trees, they are no longer in existence. I therefore give this consideration limited weight.
10. I conclude that the proposed development would have a significant and harmful effect on the living conditions of the occupants of 125 Crewe Road, with particular regard to outlook and light. It would conflict with the development plan, and in particular with Policies GR1, GR2 and GR6 of the Congleton Borough Local Plan, First Review, 2005 which seek to ensure that new development is appropriately designed for the site, and where adjoining residential property, it does not have an unduly detrimental effect on their amenity due to, amongst other things, loss of sunlight, daylight and visual intrusion.

Conclusion

11. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR