
Appeal Decision

Site visit made on 4 July 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/R0660/W/17/3169906

52A Stalbridge Road, Cheshire East, Crewe CW2 7LP

- 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 Mr Mateusz Myszkowski against the decision of Cheshire East Council.
 - The application Ref 16/3025N, dated 20 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is to change the use of No. 52A Stalbridge Road from a two storey general industrial (Class B2 use), to a three-bedroom residential dwelling (Class C3 use) with parking, courtyard and upgrades to energy efficiency of property with overall aesthetic of building. The ground floor layout will be altered with a spacious reception room/bedroom with en-suite bathroom, and large entrance hall leading to under stairs storage and staircase. The original room space to the left of the property will have unaltered use by removing stairs and kept as separate room with its own toilet and restroom for future small workshop/office/shop use working from home. The first-floor layout will also be changed to create 2 bedrooms, with a family bathroom and the utilisation of current layout to much more ergonomic and appealing use of walkthrough kitchen and living room/dining room area. The property and surrounding streets have been in existence for approximately 100 years; however, the site had become dilapidated before being purchased by the owner who has since started a program of refurbishment and due to no time and wrong way of using of building caused himself trouble and once again has put the property into dilapidated state. The materials and look of the property will be adapted to Local Planning Authority standards.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant proposes a solution to address the Council's reason for refusing planning permission. However, the suggested changes are different to the scheme that was subject to public consultation and on which the Council based their determination. The appeal process should not be used to evolve a scheme and normally a fresh planning application should be made to the Council. Thus, I have considered this appeal on the basis of the scheme refused by the Council.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of future occupants, with regards to outlook and the living conditions of 50 and 52 Stalbridge Road, with regards to privacy.

Reasons

4. The appeal site comprises of a two storey building. The site is behind two pairs of semi-detached dwellings that front Stalbridge Road. The pairings of 46 and 48 Stalbridge Road and Nos 50 and 52 back onto the appeal site. Some of their windows in the side and rear elevations appear to serve habitable rooms.
5. New windows and doors would be installed in the front and side elevations together with the rear roof plane. Each opening would consist of three panes of glazing and be energy-efficient. The first floor windows would be obscure glazed. The majority of the new openings would be in the front elevation that directly faces Nos 50 and 52.
6. I acknowledge the appellant has revised their proposal since an earlier scheme was dismissed at appeal¹. I, like my colleague Inspector recognise that commercial uses are not generally dependent on outlook to provide adequate working conditions and they are also likely to have limited operating hours. Residential uses on the other hand are reliant on a good outlook to secure satisfactory living conditions for occupiers who generally occupy their homes throughout the day.
7. Taking this perspective, the use of obscure glazing for the first floor windows would not provide a satisfactory outlook from the proposed dwelling. This is important, given the use of the rooms upstairs, which include the main bedroom, kitchen and the living room/dining area. Occupants of dwellings usually spend considerable periods of time in these rooms. So, while day and sunlight would serve these rooms and internal changes would be made to form an ergonomic layout, I consider that future occupants of this family dwelling would have a limited outlook to a point that satisfactory living conditions for future occupiers would not be achieved.
8. I recognise the site specific circumstances mean that without the use of obscure glazing there would be privacy issues due to the close proximity of neighbouring dwellings. Nevertheless, the living conditions of future occupiers of the dwelling must also be to a satisfactory standard. However, so must nearby residents who raise privacy concerns in terms of clear views being obtained from open windows. Each of the proposed first floor windows facing Nos 50 and 52 would be able to open. This would lead to greater overlooking of neighbouring properties than the existing use of the appeal site, resulting in harm to the privacy of the occupiers of Nos 50 and 52.
9. For these reasons I conclude that proposal would result in significant harm to the living conditions of future occupants, with regards to outlook and the living conditions of Nos 50 and 52, with regards to privacy. As a result, the proposal would not accord with saved Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 (Local Plan); which seeks development not to prejudice the amenity of future occupiers by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

Other Matters

10. In the previous appeal, it was held that this scheme would not conflict with saved Local Plan Policy BE.3 or with the National Planning Policy Framework. Based on the evidence before me, the site has adequate space for one vehicle

¹ Appeal Decision Ref: APP/R0660/A/14/2214136

to park and there would be no adverse effect on highway safety in terms of the means of access or provision of on-street parking provision.

11. In considering this appeal, I have taken into account the appellant's points relating to his investment in the property and resultant improvements to it, the lack of offers in respect of its existing use and the potential that the site would become derelict. However, I do not consider that these matters would outweigh the harm identified in respect of the main issue.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR