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## Appeal Decision

Site visit made on 22 October 2019 by Hannah Ellison BSc (Hons) MSc

**Decision by Susan Ashworth BA (Hons) BPL MRTPI**

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

**Decision date: 20 December 2019**

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**Appeal Ref: APP/R0660/D/19/3235019**

**2 Clarendon Cottages, Styal, SK9 4HA**

- 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 Neil O'Toole against the decision of Cheshire East Council.
  - The application Ref 19/2174M, dated 28 February 2019, was refused by notice dated 26 June 2019.
  - The development proposed is a single storey extension to rear.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues in this case are the effects of the proposal on the living conditions of occupiers at No.3 Clarendon Cottages, with particular regard to outlook and light; and on the living conditions of occupiers of the appeal dwelling, with particular regard to garden provision.

### Reasons

4. The appeal site comprises a two storey, mid-terrace dwelling located within a modern cul-de-sac development of similar properties. The site is located within the Green Belt and the Styal Conservation Area. The proposed development would extend the property to the rear at ground floor level.
5. The extension would project 3.3 metres (m) to the rear and span much of the full width of the dwelling. It would be within close proximity to a rear window serving a habitable room of No.3 Clarendon Cottages. The shared boundary between the appeal site and No.3 is currently a low hedge, which provides a sense of openness at the rear of the dwellings. This proposal would introduce a solid mass along the shared boundary and, due to its depth and positioning, it would result in an uninviting outlook and overbearing sense of enclosure for occupiers of No.3.
6. It is acknowledged that the rear gardens of the host terrace are west facing. As such, given the positioning of the proposed extension along the northern

boundary of No.3's rear garden, it would not impact on the amount of direct sunlight reaching the garden and windows of this property.

7. However, it is noted there are several mature trees on land to the rear of the terrace which currently impact the amount of daylight reaching the garden and habitable rooms of No.3. It is suggested that many trees have recently been felled or lopped, which has increased the amount of light. Be that as it may, at the time of site visit I observed that the amount of light reaching the rear garden and windows of No.3 is already restricted, due to the west facing orientation. Additionally, the submitted evidence highlights that the depth of the proposed extension would fail to meet the recognised Building Research Establishment 45 degree rule. Whilst this test is open to interpretation and the resultant harm is dependent on various factors; when combined with the currently reduced levels of daylight, this proposal would further reduce diffused daylight reaching No.3, thus resulting in an oppressive living environment for occupiers.
8. Turning to the matter of living conditions for existing and future occupiers of the appeal dwelling, the proposal would result in a rear garden with depth of 2m. It would therefore take up much of the useable external space. It has been highlighted that there is an area of communal external space to the rear of the appeal terrace which is available for use by the occupiers of dwellings of the host terrace. Indeed, at the time of site visit I observed various elements of domestic paraphernalia including garden storage units and play equipment, which suggests this area is currently used by local residents. However, I have not been provided with any evidence regarding ownership of this piece of land and whether access to it would remain in perpetuity. As such, I cannot be certain that existing and future occupiers of the property would always have access to this space. Consequently, this limits the weight I can give to the space in my consideration of the appeal.
9. Consequently, taking all the above into consideration, the proposed rear extension would harm the living conditions of occupiers at No.3 and existing and future occupiers of the appeal dwelling. Therefore, the proposal conflicts with policy DC3 of the Macclesfield Borough Local Plan, January 2004, which seeks to ensure developments do not significantly injure the amenities of adjoining residential properties due to an overbearing effect and loss of daylight. The proposal would also fail to accord with the requirements of the National Planning Policy Framework which seeks to create places that are of a high standard of amenity for existing and future users.

### **Other Matters**

10. The Government attaches great importance to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As set out in the National Planning Policy Framework, new buildings are regarded as inappropriate except in certain circumstances including the extension or alteration of the building provided that it does not result in a disproportionate addition over and above the size of the building.
11. In this case the Council does not consider that the proposal would represent a disproportionate addition to the building. There is limited information before me about the total floorspace in the existing building. However, the Council suggest the ground floor alone is some 46sqm. On the basis that the extension

would be around 15 sqm in terms of its floor area, I am satisfied that it would not equate to a disproportionate addition.

12. The Framework is also clear that the fundamental aim of Green Belt policy is to keep land permanently open. The proposal would increase the bulk of the building and as such would reduce openness in terms of its spatial aspect. However, considered against the backdrop of existing houses, and given its limited size relative to the Green Belt as a whole, the impact would be minimal. Consequently, I am satisfied that the proposal would preserve the openness of the Green Belt.
13. The appeal site is also located within the Styal Conservation Area (the 'CA'). Its special interest is largely derived from the quality of historic buildings and the natural landscape. The Council consider the proposal would preserve the character and appearance of the CA and from all I have seen and read I have no reason to find otherwise. However, this does not negate the harmful aspects of the proposal as set out above.
14. It is noted this proposal would provide a dining space for occupiers. Whilst this may be a private benefit for the current occupiers, floor plans have not been submitted to indicate the existing internal layout and I cannot therefore draw a conclusion as to the necessity of the proposal. In any event, due to its overall projection, the proposed extension would significantly reduce available garden space thus harming living conditions as noted above.
15. I acknowledge that the appellant is willing to accept a condition which requires the proposal to be finished in materials to match the host dwelling. This does not however overcome the harm to living conditions identified above.

### **Conclusion and Recommendation**

16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

*Hannah Ellison*

Appeal Planning Officer

### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Susan Ashworth*

INSPECTOR