
Appeal Decision

Site visit made on 2 June 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2020

Appeal Ref: APP/A0665/D/19/3239586

47 Weaverham Road, Cuddington, Northwich CW8 2NG

- 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 Nicola Haupt against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01613/FUL, dated 26 April 2019, was refused by notice dated 8 October 2019.
 - The development proposed is a part single storey and part two storey extension to rear and single storey extension to front.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Council raise no objection to the amended planning application in respect of the front extension. I have no reason to disagree with the views expressed about this part of the development proposal. The main issue is therefore the effect of the rear extension on the occupiers of No 49 Weaverham Road in respect of outlook and light.

Reasons

3. It is proposed to erect a part single and part two storey extension to the rear. At ground floor there would be a kitchen/diner and at first floor there would be a bedroom. The point of contention between the parties relates to the two storey element of the rear extension. This part of the proposed development would be positioned about four metres from the kitchen window of No 49 Weaverham Road.
4. I acknowledge that there is an existing outbuilding/addition to the existing dwelling that is in a similar position to the proposed two storey development. However, such development is single storey and it has only a limited adverse impact on levels of outlook and light to the neighbouring kitchen window. In contrast, and owing to the height, bulk and proximity of the two storey part of the rear extension, I consider that it would appear dominant and overbearing when viewed from the kitchen window.
5. Given the above, there would be conflict with policy DM2 of the Cheshire West and Chester Council Local Plan (Part 2) Land Allocations and Detailed Policies 2019 (Part 2 LP). Indeed, the supplementary commentary to the policy states that there should be a '*minimum distance of 21 metres between facing*

windows of main habitable rooms and 13 metres between windows of main habitable rooms and blank walls'. Neither the orientation of the properties, nor respective land levels, leads me to reach a view that an approximate 4 metre separation between the two storey development and the kitchen window would be acceptable in planning terms.

6. In addition to the above and given the height and depth of the two storey part of the rear extension, there would be some harmful loss of daylight to the kitchen window. The appellant makes the claim that as the impacted window relates to a kitchen there is not the same need for natural light. However, there is nothing before me to suggest that this habitable room is not used regularly, or that the occupiers of the neighbouring property should be expected to endure harmful outlook and light effects just because the window relates to a kitchen. Furthermore, whilst there is a glazed door on the opposite side of the kitchen which allows some limited light to penetrate, this does not alter my view that overall there would be a harmful loss of daylight into the kitchen.
7. When the above adverse effects are considered as a whole, I conclude that the proposal would cause significant harm to the living conditions of the occupiers of No 49 Weaverham Road in respect of outlook and light. In reaching this view, I am cognisant of the undisputed claim that it would be possible to erect a similarly sized rear extension to that proposed, albeit positioned further away from the neighbouring kitchen window. However, there is no evidence to indicate that there is a greater than theoretical possibility of a permitted development scheme being implemented. In any event, such a proposal would have a less severe impact on the occupiers of No 49 Weaverham Road and so the appellant's permitted development argument does not justify allowing the appeal proposal which would be harmful in living conditions terms.
8. I therefore conclude that when the development is considered as a whole, it would not accord with the residential amenity requirements of policy SOC5 of the Cheshire West and Chester Council Local Plan (Part 1) Strategic Policies 2015 or with policies DM2 and DM21 of the Part 2 LP.

Conclusion

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

D Hartley

INSPECTOR