



Appeal Decision

Site visit made on 6 October 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/C4235/W/20/3256011

19 Daylesford Crescent, Cheadle SK8 1LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Dr Samehia Aziz against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/075525, dated 16 December 2019, was approved on 22 April 2020 and planning permission was granted subject to conditions.
 - The development permitted is loft conversion, hip to gable roof extension and erection of side dormer to both the northern and southern elevations. Proposed single storey front extension to infill the south western corner of the existing house. Proposed front porch extension, three additional obscure glazed windows within both the northern or southern side elevations and one additional window to both the front and rear elevations to serve habitable room windows within the proposed loft conversion.
 - The condition in dispute is No 5 which states that: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting that Order) no additional windows, doors or openings of any kind shall be inserted in the northern (side) elevation or roofslope (facing no. 17 Daylesford Close) or the southern (side) elevation (facing no. 19A Daylesford Close) of the proposed development.
 - The reason given for the condition is: To safeguard the privacy of occupiers of the adjoining property in compliance with Policy SIE-1 "Quality Places" of the adopted Stockport Core Strategy DPD and Saved Policy CDH1.8, "Residential Extensions", of the Stockport Unitary Development Plan Review.
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Decision

1. The appeal is allowed and the planning permission Ref DC/075525 for loft conversion, hip to gable roof extension and erection of side dormer to both the northern and southern elevations. Proposed single storey front extension to infill the south western corner of the existing house. Proposed front porch extension, three additional obscure glazed windows within both the northern or southern side elevations and one additional window to both the front and rear elevations to serve habitable room windows within the proposed loft conversion, at 19 Daylesford Crescent, Cheadle SK8 1LQ, granted on 22 April 2020 by Stockport Metropolitan Borough Council, is varied by deleting condition 5.

Background and Main Issue

2. Planning permission has been granted for various alterations to 19 Daylesford Crescent, subject to a number of conditions. The only condition in dispute in this appeal is No 5, which removes permitted development rights for additional windows and doors within the side elevations of the approved development in

order to safeguard the privacy of neighbours. The appellant seeks to remove this condition on the grounds that it is unnecessary.

3. Thus, the main issue in this appeal is whether condition 5 meets the tests for the use of conditions contained within the National Planning Policy Framework (the Framework) and in Planning Practice Guidance (PPG), with particular regard to safeguarding the privacy of neighbouring occupiers.

Reasons

4. The appeal property is flanked by bungalows on each side. Additional unobscured windows in the side elevations of the approved roof alterations, particularly any towards the rear, could potentially lead to increased overlooking of the rear gardens of both neighbours.
5. However, the installation of new windows on residential properties is already controlled by the Town and Country Planning (General Permitted Development) (England) Order 2015 under condition A.3b of Class A. This requires that any additional upper floor windows inserted in the side elevations of the approved development would have to be obscure glazed and also non-opening up to 1.7 metres above floor level. No clear justification has been provided to demonstrate why this would not be sufficient to protect the privacy of neighbouring occupiers.
6. Paragraph 55 of the Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, otherwise known as 'the 6 tests'. The PPG states that any condition that fails to meet one of the 6 tests should not be used. For the reason above, I conclude that a condition restricting further upper floor openings in the side elevations of the approved development is not necessary to safeguard the privacy of neighbouring occupiers and therefore, does not meet all the relevant tests. Accordingly, condition 5 should be deleted.

Conclusion

7. For the reasons given, I conclude that the appeal should succeed, and that the planning permission should be varied by deleting condition 5.

A Caines

INSPECTOR