The Planning Inspectorate

Appeal Decision

Site Visit made on 8 February 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/A0665/D/20/3262941
4 Mere Lane, Cuddington, Northwich, CW8 2NN

- 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 A Hewitt against the decision of Cheshire West and Chester Council.
- The application Ref 20/03017/FUL, dated 20 August 2020, was refused by notice dated 24 October 2020.
- The development proposed is first floor extension to side of dwelling.

Decision

1. The appeal is allowed and planning permission is granted for first floor extension to side of dwelling at 4 Mere Lane, Cuddington, Northwich, CW8 2NN in accordance with the terms of the application, Ref 20/03017/FUL, dated 20 August 2020, subject to the following conditions:

   1.The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2.The development hereby permitted shall be carried out in accordance with the following approved plans: 01/17/LP Location Plan; 01/17/BP Block Plan; 83/20/2 Proposed First Floor Plan; 83/20/3 Proposed Elevations.

   3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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.

Procedural Matter

3. The Cheshire West and Chester House Extensions and Domestic Outbuildings Supplementary Planning Document (SPD) was adopted on 13 January 2021, during the course of this appeal. The parties have been consulted on this and their representations on it have been taken into account.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 6 Mere Lane with particular regard to outlook and light.

Reasons

5. No 6 Mere Lane is a corner property and as such is orientated at an angle towards the appeal property. Notwithstanding this, the outlook from the rear of the property is largely open, across its rear garden.

6. The new extension would take the built form of the host property closer to No 6 than at present and it would be visible from the kitchen and bedroom windows in the rear of this property. Although the extension would be constructed closer to the rear of No 6 than the guidance set out within the supporting text of Policy DM2 of the Cheshire West and Chester Local Plan (Part 2) (LP Part 2) and the SPD, I find that the relationship between the respective properties would ensure that it would not be intrusive or take up the full view from the rear facing windows. The largely open outlook from them would be retained and the new extension would be unlikely to make the rear rooms and garden of No 6 less pleasant to use.

7. Moreover, the new extension would be located in an easterly direction to the rear of No 6. It is likely that the existing property casts some shadow in the morning over the rear of No 6, however it is unlikely that given the scale of the extension that there would be a noticeable loss of light to the rear rooms within No 6, or its rear garden over and above that which exists.

8. Accordingly, on the basis of the information before me and in the absence of evidence to demonstrate otherwise, I conclude that the proposal would not be harmful to the living conditions of the occupiers of 6 Mere Lane. Furthermore, whilst not referred to in the Council's refusal reason, I find that there would be no overlooking of nearby properties over and above that which already exists in a built up environment such as this. The proposal would therefore not cause harm to nearby occupiers' living conditions as a result of loss of privacy either. I note the concern relating to a potential increase in damp to the rear elevation of the neighbouring property. This is however a private matter and outside the scope of this appeal. The proposal conforms with the aims of Policy SOC5 of the Cheshire West and Chester Local Plan (Part 1) and Policies DM2 and DM21 of the LP Part 2 and the SPD, which together seek to ensure that development safeguards the quality of life for nearby occupiers and does not result in a significant adverse impact on residential amenity.

Conditions

9. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as suggested by the Council as this provides certainty. A condition requiring matching materials is also necessary to protect the character and appearance of the area.

Conclusion and Recommendation

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

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the suggested conditions.

R C Kirby

INSPECTOR