



Appeal Decision

Site Visit made on 3 August 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/R0660/D/21/3274476

36 Sandiway Road, Crewe CW1 3QR

- 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 Beata Helinska against the decision of Cheshire East Council.
 - The application Ref 20/4215N, dated 25 September 2020, was refused by notice dated 9 April 2021.
 - The development proposed is described as 'Installing on the rear existing house extension a roof terrace and exchange window from rear bedroom.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have determined the appeal on the basis of the Council's description of the development proposed, which I have used in the bullet header above, as it more accurately describes the development.
3. During my site visit I noticed that some of the development forming this scheme has been carried out. Namely the replacement of a first floor rear window with a glazed door. I have considered the appeal accordingly as seeking part retrospective planning permission.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the dwelling and the effect of the proposed development on the living conditions of the occupiers of 38 Sandiway Road, with particular regard to outlook and privacy.

Reasons

Character and Appearance

6. The appeal relates to one half of a pair of semi-detached properties that are situated within a predominantly residential area. The western side of Sandiway Road is characterised by similar semi-detached dwellings that have long rear garden areas. The proposed roof terrace would be above an existing single storey flat roof rear extension.

7. I appreciate that the wooden fencing proposed to enclose the proposed roof terrace would be similar in appearance to the existing garden boundary treatment. Nonetheless, this would be erected at first floor level. I noted on my site visit that the surrounding properties have a common appearance at first floor level as the predominant building material is brick.
8. The use of timber materials, combined with the varying heights of the proposed enclosure would thereby contrast with the brick materials of the dwelling and surrounding properties and appear as an awkward, unsympathetic and conspicuous feature. The discordant effect of the proposal would be plainly visible from a number of neighbouring properties' rear windows and back garden areas.
9. As such I find that the proposed development would significantly harm the character and appearance of the dwelling. Conflict would therefore arise with Policy SE 1 of the Cheshire East Local Plan Strategy 2010-2030 (2017) and Saved Policy RES.11 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 (2005) (CNBRLP). Together, these require development to make a positive contribution to their surroundings, including through respecting the setting, design, scale, and form and materials of the original dwelling.

Living Conditions

10. The western side of the proposed roof terrace would run along the shared first floor boundary with the adjoining neighbouring property at No 38. The proposed wooden cladded wall has therefore been designed to protect the privacy levels of the residents using the nearest first floor bedroom window in this neighbouring property. Nonetheless, the substantial height and close proximity of the proposed wooden cladded screen wall to this neighbouring bedroom window would result in an undue sense of enclosure that would significantly prejudice the level of outlook from this window and reduce the amount of natural daylight to it, thereby having an oppressive and overbearing effect.
11. Even with the taller wooden cladded screen wall proposed, there would be significant views into No 38's rear garden area, which would be at closer quarters than the existing first floor windows. Overlooking from a balcony is of a different character than from within a room as the presence of people outside has a much more intrusive feel. When the closer distance is taken together with the intrusive character of the overlooking the result would be a significant and unacceptable loss of privacy.
12. I therefore find that the proposed development would have a significantly harmful effect on the living conditions of the occupiers of 38 Sandiway Road, with particular regard to outlook and privacy. As such it would conflict with Saved Policy BE.1 of the CNBRLP. Amongst other things, this seeks to ensure that the amenity of the occupiers of adjacent properties are not prejudiced by reason of overlooking and visual intrusion.

Other Matters

13. In support of her case the appellant has put forward that the wooden handmade screen wall has been designed for easy maintenance. However, this would not overcome or outweigh the harm that I have identified that the proposed development would cause.

Conclusion

14. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be dismissed.

Mark Caine

INSPECTOR