
Appeal Decision

Site Visit made on 9 November 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/R0660/W/21/3278214

10 West Bank Road, Macclesfield SK10 3BT

- 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 Reza Farahdel against the decision of Cheshire East Council.
 - The application Ref 21/0242M, dated 18 January 2021, was refused by notice dated 22 April 2021.
 - The development proposed is two storey side and single storey rear extensions and front porch replacement.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side and single storey rear extensions and front porch replacement at 10 West Bank Road, Macclesfield SK10 3BT in accordance with the terms of the application, Ref 21/0242M, dated 18 January 2021, 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: DWG No: DRG00; DRG01; DRG02; DRG03; DRG04; DRG05; DRG06; and DRG07.
 - 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.

Applications for costs

2. An application for costs was made by Mr Reza Farahdel against Cheshire East Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A Daylight and Sunlight Amenity Impact Assessment (DSAIA) was submitted as part of the appeal. The Council and third parties have had the opportunity to comment on this document as part of the appeal process. As such, no party has been prejudiced by its submission at this stage.
4. Following the receipt of the DSAIA, the Council has withdrawn its objection in relation to light at No 6 and 8 West Bank Drive (No 6 and 8). However, the effect on light was also raised by third parties and I will return to this in the Other Matters section of my decision.

5. I saw during my site visit that works had commenced, however the extension was not complete. For clarity, I have assessed the proposal against the plans submitted and determined by the Council.

Main Issues

6. The main issues are the effect of the proposal on the living conditions of the occupiers of No 6 and 8 with particular reference to outlook.

Reasons

7. The appeal building is a detached two-storey dwelling located in a residential street. It is positioned near a corner in the road with the rear of No 6 and 8 facing toward the side of the appeal property and its rear garden.
8. The appeal proposal would not comply with the separation standards set out in Policy DC38 of the Macclesfield Borough Local Plan (LP), with the proposal being approximately 2m closer to the neighbouring habitable rooms and approximately 600mm closer to the boundary than stipulated within the policy. However, the policy does stipulate that these standards are guidance and can be varied, amongst other things, depending on the site characteristics.
9. The proposal would result in an increased massing near the boundary of No 8. It would be a clearly prominent addition to the occupiers of both No 6 and 8 from within the respective rear gardens and rear rooms of the properties. This would be particularly the case for the occupiers of No 8, given its position relative to the proposed side extension, whereas the rear of No 6 and its garden would continue to face toward the rear garden of the appeal property.
10. Both No 6 and 8 are positioned with the nearest buildings to the north on the other side of the road and a southerly aspect over the conservative club car park, the rear garden of the appeal property and incorporating longer views toward maturing trees. This results in a distinctly open quality.
11. The boundary to No 8 also includes conifer trees and there is a maturing tree in the grounds of No 6 and these aspects provide a soft edge to the gardens contributing to the positive outlook. In summer the tree, when in full leaf, would reduce the longer views. However, there would still be an open aspect and sense of space.
12. The existing appeal building is already a prominent feature and the proposal would increase the presence of the built form. However, the pleasant open character and sense of space around both No 6 and 8 would assist in moderating the impact of the proposal. As such, in my view, neither property would be unduly hemmed in or enclosed with the built form close to the boundary.
13. I therefore conclude that the proposal would result in an acceptable effect on the living conditions of the occupiers of No 6 and 8 with particular reference to outlook. As such, and despite the shortfall in the standards within Policy DC38 of the LP, I find no conflict with it, or Policy DC3 of the LP. Moreover, I find no conflict with paragraph 130 of the revised National Planning Policy Framework (2021). These seek, amongst other things, to ensure high standards of living conditions for existing occupants.

Other Matters

14. The submitted DSAIA provides an assessment of the proposal against the BRE Guidelines¹. Whilst a degree of flexibility needs to be applied when using the BRE guidelines, it nonetheless provides a useful methodology to assess the levels of daylight and sunlight achieved within developments. Shadowing effects currently occur from the existing tree at No 6 and the appeal property. The proposed development would result in some increased shadowing, particularly in winter months when the sun is at its lowest.
15. However, having regard to the findings of the DSAIA, the overall effects on daylight and sunlight in both rooms and gardens of No 6 and 8 would satisfy the BRE targets and tolerances. In this regard, and considering the health and wellbeing effects of access to daylight and sunlight, there would continue to be an acceptable level of access to light overall.
16. Matters relating to communication and the commencement of development are not matters that I can consider as part of the appeal and do not affect the merits or effects of the proposal. There is no substantive evidence that the proposal would harm the health or integrity of any tree or hedge.

Conditions

17. In addition to the standard implementation condition, a condition is necessary to ensure the development is carried out in accordance with the plans submitted with the application. A condition to ensure that the materials match those used on the original building is necessary in the interests of the visual amenity of the area.

Conclusion

18. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Mr R Walker

INSPECTOR

¹ Site layout planning for daylight and sunlight: a guide to good practice (BR209), P Littlefair, 2011