



Appeal Decision

Site visit made on 8 December 2021

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/A0665/D/21/3280483
28 Myrtle Grove Chester CH2 3EL

- 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 Alan Treeby & Miss Cornelia Anna Luijnenburg against the decision of Cheshire West and Chester Council.
 - The application Ref 20/03568/FUL, dated 28 September 2020, was refused by notice dated 18 May 2021.
 - The development is a proposed single storey and two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey and two storey rear extension at 28 Myrtle Grove Chester CH2 3EL in accordance with the terms of the application, Ref 20/03568/FUL, dated 28 September 2020, and the plans submitted with it, 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: Location Plan, Existing Elevations: Drawing No. KH094-001; Proposed Floor Plan and Elevations Drawing No. KH094-101 Revision M.
 - 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.

Procedural Matters

2. In July 2021, the Government published its revised National Planning Policy Framework (the Framework). It replaces the previous version published in February 2019. The Framework represents the Government's up to date planning policies for England and how they should be applied. The circumstances of this appeal are such that it has not been necessary to seek comments from the parties on the revised Framework.

3. The Council amended the description of the development and I note that the appellant's agent has also used this description on the appeal form. I have used this description of the development as it is more succinct.
4. I note that amended plans were submitted to the Council which amended the design to a 5 metre single storey extension with a 4 metre two storey extension with a splayed corner. My decision is based on the revised plans.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of 26 Myrtle Grove with particular regard to outlook and natural light.

Reasons

6. The appeal property, No 28 Myrtle Grove, (No 28) is a semi detached property with a long rear garden. The principal outlook from the rear windows of No 26 Myrtle Grove (No 26) is to the garden with views to the side towards a high wooden boundary fence which forms the boundary between Nos 26 and 28. The proposed development would add a significant amount of built form close to the side boundary of No 26.
7. At 5 metres, the depth of the proposal would be in excess of the guidelines set out in the Cheshire West and Chester Council's Supplementary Planning Document: House Extensions and Domestic Outbuildings (SPG). However, the nearest part of the proposed extension which would be visible above the fence line would be the sloping roof of the single storey element of the extension. The roof would slope away from the boundary and the rear of No 26 to reduce the overall bulk and mitigate the depth of the extension.
8. The proposal as a whole would not respect the 45 degree line set out in the SPG, although I note that the revised plan indicates a 45 degree angle at first floor level would be obtained by the splaying of the corner of the first floor extension. In any event, the SPG indicates that this standard may be relaxed if it can be demonstrated that there would be no adverse effects on neighbouring windows and the impact on the neighbouring garden space would be acceptable. The setting in of the proposed first floor extension from the boundary and the splaying as a design feature would reduce the visual impact and bulk of the structure in views from No 26. Accordingly, whilst there would be some reduction in outlook from the rear windows and garden of No 26 this would not be unacceptable.
9. Nos 26 and 28 have a north-east facing orientation and benefit from long rear gardens with a generally open aspect. Given this orientation, the separation distances between Nos 26 and 28 and the design features of the proposed extension, the proposal would be unlikely to materially affect the daylight received by No 26 or create an overshadowing effect. Overall, and viewed in the context of the surroundings as a whole the impact on No 26's outlook, daylight and enclosure would be limited.
10. I note that the Council does not raise any concerns with regard to the impact of the development on the character and appearance of the area. The Council has also concluded that the proposal would not give rise to a significant adverse impact on the living conditions of the occupiers of No 30 Myrtle Grove. Having regard to the separation distances between Nos 28 and 30 I would agree with

their assessment. The Council's Parking Standards Supplementary Planning Document would require 3 car parking spaces for a new 4 bedroom house but I note that there is sufficient parking on the hardstanding to the front of No 28. Nor did I observe any obvious on street parking problems on my site visit.

11. For the reasons given, I conclude that the development would not give rise to unacceptable effects on the living conditions of the occupiers of No 26 with regard to outlook and loss of daylight. It would not therefore conflict with Policy SOC5 of the Cheshire West and Chester Local Plan (Part 1) and Policies DM2 and DM21 of the Cheshire West and Chester Local Plan (Part 2). These policies collectively require extensions not to have a significant adverse effect with regard to light and outlook on the residential amenity of the occupiers of neighbouring properties. Nor does the proposal conflict with the SPG insofar as it aims to safeguard residential amenity. The proposal would also accord with the Framework which seeks to ensure a good standard of amenity for all occupiers of land and buildings.

Conditions

12. The Council has suggested a number of conditions. Conditions in respect of timescale and approved plans are necessary in the interests of certainty and as revised plans were submitted. A condition regarding matching materials is necessary in the interests of the amenity of the area. Notwithstanding the officer report, the Council has not suggested a planning condition requiring off street parking to be available. In the absence of harm to the safe operation of the highway, such a condition is not necessary.

Conclusion

13. For the reasons given and having taken all other matters in account, I allow the appeal as set out in the formal decision notice above.

K Winnard

INSPECTOR