



Appeal Decision

Site visit made on 30 November 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22/12/2021

Appeal Ref: APP/R0660/D/21/3282752

3 Toll Bar Avenue, Macclesfield SK11 7DE

- 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 Sarah Oldman against the decision of Cheshire East Council.
 - The application Ref 20/5839M, dated 30 December 2020, was refused by notice dated 5 July 2021.
 - The development proposed is a rear 2 storey extension consisting of ground floor lounge extension & 1st floor bedroom extension over existing kitchen.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on living conditions for the occupiers of the neighbouring property at No 5 Toll Bar Avenue, with particular regard to loss of outlook, daylight, and sunlight.

Reasons

3. The appeal relates to No 3 Toll Bar Avenue, which is a two-storey mid-terrace dwelling. At present it has a single-storey rear outrigger accommodating the kitchen. The proposal is to infill part of the space at ground floor level alongside the outrigger to provide an enlarged lounge, and to create an extension above the kitchen to provide an additional bedroom. The submitted drawings show that the extension would project from the main rear elevation of the house to approximately half the length of the existing outrigger.
4. The proposed extension at first floor level would project beyond a 45-degree line taken from a mid-point of both the ground floor lounge and first floor bedroom of No.5 Toll Bar Avenue, the neighbouring property to the north. As far as I am aware this "45-degree rule" is not part of either the development plan policy or related guidance, but it is nevertheless a useful aid to assessing effects on outlook and daylight. The height and length of the extension, and its proximity to the boundary, mean that it would restrict the outlook from the rear windows of No 5. The windows on the main rear elevation of No 5 would be put in a deep recess between the proposed extension and the existing two-storey extension at No 5, and this would exacerbate the loss of outlook. The rear of the terrace faces a little north of west, and the proposed extension would also therefore result in a loss of daylight and sunlight reaching the rear

windows of No 5. The combined effect of this loss of outlook, daylight and sunlight would make the rear rooms at No 5 more gloomy and enclosed, which in my view would amount to causing unacceptable harm to living conditions.

5. All four other houses in the terrace already have two-storey rear extensions, and the appellant has pointed out that the proposed extension would be similar to those on the neighbouring properties. The Council did not have an "in principle" objection to the scheme, nor did it consider that it would cause harm to the character or appearance of the area. Based on what I saw on my site visit I do not disagree; the scheme before me would, in its design and scale, be entirely in keeping with the rest of the terrace.
6. I also note the appellant's comment that the upper floor of the extension has been designed to be smaller than others in the block so as to reduce its impact on adjoining properties. While the current owners of No 5 do not object to the scheme, I nevertheless have to consider the long-term effects of the development, which if permitted would be likely to outlast any individual's time living within an affected property. From what I saw it seems to me that the current arrangement of extensions and outriggers puts the appeal property in the unique position within the terrace of being unable to accommodate even a relatively modest two-storey extension as proposed without causing unacceptable harm to neighbours' living conditions. While I therefore have considerable sympathy with the appellant, these other factors raised do not outweigh the harm I have found.
7. I conclude that, because of the loss of outlook, daylight and sunlight to the rear rooms of No 5 Toll Bar Avenue, the proposed extension would cause unacceptable harm to living conditions for occupiers of that property. The proposal therefore conflicts with Saved Policy DC3 of the 2004 Macclesfield Local Plan and with the requirements of Paragraph 130 of the National Planning Policy Framework, both of which seek to ensure that development creates a high standard of amenity for existing and future users.

Other Matters

8. The appellant's statement drew my attention to the time the Council took to determine the planning application, and the Council's refusal to consider proposed alterations to the scheme. These are issues which the appellant would need to raise with the Council rather than matters for me to address in determining this appeal. I have reached my conclusion based only on the planning merits of the proposal before me.

Conclusion

9. The proposal would be detrimental to neighbours' living conditions and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector