



Appeal Decision

Site visit made on 12 April 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/C4235/W/21/3284786
118 Lavington Avenue, Cheadle SK8 2HH

- 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 Rachel Davison against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/080703, dated 3 March 2021, was refused by notice dated 9 September 2021.
 - The development proposed is a two-storey side extension, single-storey rear extension and a single-storey front extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of occupiers of No 114 Lavington Avenue.

Reasons

3. The appeal property is a two-storey detached dwelling with a driveway to the side and a detached garage to the rear. The rear elevation of No 114 Lavington Avenue faces the side elevation of the appeal property. The proposal includes a two-storey side extension which would extend across the driveway and up to the boundary between the appeal property and No 114. I understand the proposal was amended after a previous planning application¹ was refused.
4. My attention is drawn to the 'Extensions and Alterations to Dwellings' Supplementary Planning Document (the SPD) (adopted February 2011), which advises a distance of 12m should be maintained between habitable room windows and a blank elevation. It goes on to add that the bulk, height and overall massing of an extension along or adjacent to common boundaries should be kept to a minimum.
5. Although the appellant has made efforts to lessen the impacts of the proposal from the previous planning application, the proposed side element of the proposal would remain of a significant scale. Moreover, despite views from the rear of No 114 already facing the side of the appeal property, the proposal would extend closer to the rear garden area and rear elevation of that

¹ DC/077779

property. Although there is some disagreement between the parties regarding this measurement, even if I were to take the greater distance of 10m this would fall significantly short of the 12m advised in the SPD. While this is guidance, it remains a material consideration and I see no reason why it should not be used to guide development such as the proposal before me, or any reason to deviate from said guidance in this instance.

6. As a result, the extension would introduce an overbearing and visually dominant feature which would be perceived as a large structure adjacent to, and extending across, a large proportion of the width of the rear garden and in views from the rear windows of No 114. Despite being set down from the ridge and back from the front elevation of the host building, this would reduce outlook from these rooms at the rear and create a feeling of enclosure within the rear garden which would diminish the enjoyment of these spaces. The dominating presence of the proposal would therefore detract from the quality of the living environment for occupiers of No 114 with regards to outlook. Although the existing pitched roof of the garage to the rear would be replaced with a flat roof, this would be at a more oblique angle from the rear of No 114 and any improvements to outlook would be minimal and would not offset the harm I have identified.
7. Reference is made to a '25-degree rule'² which is used by some decision-makers to aid in the assessment of similar proposals. I do not have this document before me, although from the evidence this is not guidance currently adopted or used by the Council. Moreover, this appears to relate to assessments of daylight and sunlight, to which the Council has not taken issue. As such I have not considered this matter further.
8. Based on the above, the proposal would harm the living conditions of occupiers of No 114 with regards to outlook and would therefore be contrary to Policies SIE-1 of the Stockport Core Strategy DPD (adopted March 2011) and CDH1.8 of the Stockport Unitary Development Plan Review (UDP) (adopted May 2006). These seek to ensure residential extensions do not cause damage to the amenity of neighbouring properties by reason of visual intrusion, among other things. The proposal would also be contrary to advice in the SPD and the aims of the National Planning Policy Framework, which states development should ensure a high standard of amenity for existing and future users.

Other Matters

9. The decision notice details that a planning application for a two-storey rear extension at No 114 was previously approved³ but was not implemented. This has now lapsed, although the Council is concerned that were the proposal before me to be allowed and constructed, this could prejudice any future prospects to extend No 114 to the rear.
10. However, I have nothing before me to indicate there are plans to submit a further planning application nor is that the proposal before me. Moreover, were this to come forward it would be assessed on its own merits based on the site-specific circumstances at that time. Withholding permission on this basis at this time would be unreasonable. Moreover, while there is further concern regarding the impact on the ability to extend No 114 using the respective

² Site layout planning for daylight and sunlight: a guide to good practice (BR209)

³ DC/066874

permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015, the proposal before me would not alter the distance to the boundary from the rear of 114.

11. As such, there is nothing before me to indicate the proposal would negate the ability of occupiers of No 114 to extend, were this to come forward. In any event as I am dismissing the appeal on other matters, I have not considered this further.
12. I am directed to a fallback position whereby it is claimed the appellant could extend the property in a similar manner to the proposal before me using their own permitted development rights. Be that as it may, from the evidence before me this permitted development would entail an extension of the same width but with a maximum height of 4m. This would fall significantly lower than the proposal and the resultant visual and overbearing impact of this fallback scheme would be lessened by its set back at first floor level. It is therefore a different scheme to the proposal before me. Moreover, I cannot be sure that the alternative fallback scheme would be carried out if this appeal were to fail, particularly because the resultant extension would not seem to satisfy the requirements of the appellant due to the lack of a first floor. Accordingly, I give this matter limited weight.

Conclusion

13. The proposal would harm the living conditions of the occupiers of No 114 Lavington Avenue. As such it 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. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR