



Appeal Decision

Site visit made on 11 April 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2022

Appeal Ref: APP/C4235/D/22/3292638

3 College Close, Heaviley, Stockport, Cheshire, SK2 6TJ

- 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 Kimberley Diggins against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/081574, dated 18 June 2021, was refused by notice dated 23 December 2021.
 - The development proposed is "demolition of conservatory and erection of orangery with lantern roof and bi folding doors to the front of the orangery and a Upvc double glazed window to the side elevation. The orangey is to the same footprint as the original conservatory which had been there approx. 15 years. The reason for taking down the existing conservatory and having the orangery is to make the property better insulated and more eco friendly due to not needing the heating on as much as the orangery is insulated."
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Decision

1. The appeal is allowed and planning permission is granted for demolition of conservatory and erection of orangery with lantern roof and bi-folding doors to the front of the orangery and a Upvc double glazed window to the side elevation at 3 College Close, Heaviley, Stockport, SK2 6TJ in accordance with the terms of the application, Ref DC/081574, dated 18 June 2021, and the plans submitted with it.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The original planning application was made retrospectively and during the site visit I observed the completed works. The appeal has therefore been considered on the same retrospective basis.
4. The description of development given in my formal decision is taken from the Decision Notice rather than the planning application form, as this provides a more succinct description of the development. I have removed reference to the orangey being the same footprint as the original conservatory as this is not development.

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the host dwelling and surrounding area, and
- the effect of the proposal on the living conditions of the neighbouring occupiers with particular regard to outlook and light.

Reasons for the Recommendation

Character and appearance

6. The appeal property is a modern semi-detached dwelling in a residential area characterised by a mix of housing types. The appeal proposal is on the same footprint as a previously constructed conservatory albeit with a flat roof to replace the glazed pitched roof.
7. The orangery is approximately 3.55 metres long and extends to the width of the original dwelling, the property having been previously extended with a two-storey side extension. From my visit I saw that the rear garden retained sufficient amenity space and that the orangery, whilst not replicating the design of the host dwelling, complemented the host dwelling.
8. Whilst the materials of construction are not brick but cedar cladding, it is not obtrusive and the colour complements the brickwork of the dwelling.
9. From the site visit I saw that, due to the height and design of the orangery and the existing fencing and landscaping of the adjoining dwelling, there were limited views of it from Canada Street. Any impact on the street scene is therefore equally limited.
10. I conclude that the development does not harm the character and appearance of the host dwelling or surrounding area. It does not therefore conflict with policies SIE-1 and H1 of the Stockport Core Strategy and Policy CDH1.8 of the Stockport Unitary Development Plan Review which together amongst other things seek to ensure that development is of high standard and has regard to the built environment within which it is sited.

Living Conditions

11. Whilst I acknowledge the Council's concern about the projection of the extension and that the proposal has reduced the outlook from the patio doors which serve the living room of the neighbouring property, the views of the sky remain due to the flat roof construction, replacing the original conservatory pitched roof. In addition, views across the garden are uninterrupted. On the basis of the evidence before me, whilst it is acknowledged that the proposal has reduced the level of light into the neighbours living room, this is not to the degree that would make it a less pleasant space to spend time in. I also understand that the garden faces in a north westerly direction and therefore the proposal does not add significantly to the overshadowing of the garden or dwelling due to the track of the sun during the day.
12. The Extensions and Alterations to Dwellings Supplementary Planning Document (SPD) provides guidance that rear extensions should project no more than 3 metres along a party boundary and that a 45 degree splay at 3 metres may allow a greater projection. Whilst the proposal may not strictly comply with this guidance, due to the reasons given above, I have still found that it would not

have a harmful effect on the living conditions of occupiers of neighbouring property with regards to outlook and light.

13. I conclude, due to the proposals size, height, design and positioning, it does not harm the living conditions of the neighbouring occupier with particular regard to outlook and light. It does not therefore conflict with Policy SIE-1 of the Stockport Core Strategy and Policy CDH1.8 of the Stockport Unitary Development Plan Review which together amongst other things seek to ensure that development provides a satisfactory level of amenity for neighbouring users.

Other Matters

14. I have taken into consideration points raised by the neighbouring occupiers regarding the maintenance of the proposal and access from their property. However, I regard this to be a private matter between the two parties and this issue does not have any impact on the planning merits of the proposed development.
15. The additional comments relating to the insulation of the orangery and eco-friendly nature of the materials of construction, along with property values, are not matters which I can have regard to in determining the appeal.

Conditions

16. The Council has suggested that, in the event of the appeal being allowed, conditions regarding compliance with approved plans and matching materials should be imposed. However, as the development has been carried out such conditions, in this instance, are not necessary. I have however, referred to the plans in the formal decision.

Conclusion and Recommendation

17. The proposal does not conflict with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding.
18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Chris Baxter

INSPECTOR