



Appeal Decision

Site visit made on 12 May 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/R0660/D/22/3292156

11 Woodpecker Close, Sandbach CW11 3JU

- 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 and Mrs Paterson against the decision of Cheshire East Council.
 - The application Ref 21/4960C, dated 23 August 2021, was refused by notice dated 12 January 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 11 Woodpecker Close, Sandbach CW11 3JU in accordance with the terms of the application, Ref 21/4960C, dated 23 August 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 approved plans:
 - Location Plan 20050 L 01 A
 - Proposed – Ground Floor and Site Plan HA20050 P 01 B
 - Proposed – First Floor and Roof Plan HA20050 P 02 A
 - Proposed – Roof and Block Plan 20050 P 05 A
 - Proposed – Sections and Elevations HA20050 P 03 A
 - 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.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 12 Woodpecker Close (No 12) in relation to outlook.

Reasons

3. Woodpecker Close is within a modern, suburban housing development, characterised by two storey properties with modest, enclosed rear gardens. The host dwelling is situated at the end of Woodpecker Close with Moss Lane, a pedestrian and access only route through the development, to the north. It is

attached to No 12, to the south, forming a two story semi-detached pair. To the rear of both properties, and broadly in line with No 12's garden boundary, is the side gable of another two storey house.

4. In general, due to the layout of this part of the housing development, the outlook from the rear of the properties is limited to views above the fence line, across other gardens. This leads to a reasonably contained and somewhat enclosed feel to many of the gardens. The host dwelling benefits from a marginally more open aspect along its northern and rear boundaries due to its proximity to Moss Lane. No 12 also partially benefits from this, but this is mainly from the far end of the garden looking broadly north-eastwards.
5. The proposal would extend approximately halfway along the shared boundary with No 12 so would not intrude into the existing open aspect of No 12's garden. It would increase the boundary height immediately next to the rear elevation of the semi-detached pair so would be visible from the garden and the ground floor windows of No 12. However, although visible, the proposal would not constitute overbearing or intrusive development due to the existing enclosed nature of the garden and the built up surroundings. It would retain the limited open aspect of No 12's garden and so would not harm the overall outlook for the occupants of No 12.
6. The proposed development would not, therefore, harm the living conditions of the occupants of No 12 in relation to outlook. Consequently, it would comply with Policy GR6 of the Congleton Borough Local Plan First Review (2005) and paragraph 130 of the National Planning Policy Framework (the Framework), insofar as they relate to living conditions.

Conditions

7. In addition to securing commencement within the relevant statutory timeframe, I have also imposed conditions requiring adherence to the approved plans and that matching materials should be used to ensure the proposal integrates acceptably within the character and appearance of the host dwelling and surrounding area.

Conclusion

8. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework. I conclude that the appeal should be allowed.

RJ Redford

INSPECTOR