The Planning Inspectorate

Appeal Decision

Site visit made on 26 April 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2022

Appeal Ref: APP/A0665/D/22/3292883
16 Black Lion Lane, Little Sutton, Ellesmere Port CH66 4PF

- 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 Chris May against the decision of Cheshire West & Chester Council.
- The application Ref 21/01868/FUL, dated 23 April 2021, was refused by notice dated 30 November 2021.
- The development proposed is a first-floor and two-storey side extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extension on:

   - The character and appearance of the area; and
   - Living conditions for occupiers of the neighbouring property at No 20 Black Lion Lane, with particular regard to loss of outlook and daylight.

Reasons

Character and appearance

3. The appeal property is a two-storey, link detached house within a residential area of Ellesmere Port. It has a pitched roof with front and rear gables, and an attached side garage which, with a front porch, projects a short way forward of the main front elevation. It is part of a small group of three similar properties on Black Lion Lane; the other housing in the surrounding area is of a variety of ages and styles. The proposal is the erection of a one- and two-storey side extension, above and behind the existing garage, to provide additional living and utility space at ground floor level, with a new master bedroom and ensuite shower room above.

4. The Council's *House Extensions and Domestic Outbuildings* Supplementary Planning Document ("the SPD") provides guidance intended to help ensure that side extensions do not unbalance the appearance of existing buildings and groups of buildings, particularly by disrupting symmetry, and that they do not create a cramped "terracing effect" where that would not be in keeping with the character and appearance either of the original dwelling or neighbouring properties. It states that side extensions will be supported where they are subordinate to the main building; among other things it advises that this can be achieved by ensuring that extensions do not exceed half the width of the

original house, are set back at least 1m behind the main front elevation, and have a roof which is lower than that (but properly integrated into) that of the main dwelling. The proposed extension would not comply with any of those three points of guidance in the SPD.

5. In this case, the width threshold would be exceeded at first floor level because of the way the extension would sit above the existing garage. It would not lead to a disproportionate increase in the width of the property as a whole, nor would it be visually jarring. As a result, I do not find that any unacceptable harm would arise from a failure to comply with that element of the SPD advice.

6. However, the front of the side extension would be set only around 0.6m behind the main front elevation. While the roof would be hipped and well-integrated into the main roof, it would not significantly lower than the main ridge. As a result, the extension would be a prominent addition to the appeal property, and would close the gap between it and the neighbouring house at No 20 (there is no No 18). It would also disrupt the rhythm of spaces above garages which is a pleasing and positive characteristic of the small group of three similar properties Nos 12 to 16 Black Lion Lane. Because of a bend in the street, and the siting of No 20 well forward of the appeal property, this would be particularly noticeable when approaching from the north. As the appellant points out, the SPD is guidance which cannot take into account every site-specific consideration. However, in this case I consider that a failure to follow these elements of guidance would result in the extension being harmful to the streetscene.

7. I saw on my site visit that No 12 Black Lion Lane has a two-storey side extension which has been built to the full height of the main dwelling. However, while the two properties are of the same original type, the extension at No 12 is set back behind the front elevation by a greater distance than would be the case here, and as it is on the other side of the property it does not disrupt the pattern of spaces above garages within the group. It does not set a precedent for the proposal in this appeal.

8. I conclude that the proposed extension would be a prominent addition and would not be subordinate to the original property; it would also break up the visual coherence of the small group of three houses. As a result, it would be harmful to the character and appearance of the area. The proposal therefore conflicts with Policy ENV6 of the 2015 Cheshire West and Chester Local Plan Part One ("the Part One Plan") and Policy DM21 of the 2019 Cheshire West and Chester Local Plan Part Two ("the Part Two Plan"). Together, and among other things, these policies seek to ensure that development is well-designed and respects local character, and that domestic extensions and alterations are in keeping with and subordinate to the original dwelling.

Living conditions

9. The appeal property and the neighbouring house No 20 are next to each other on the inside of a short bend in Black Lion Lane. Because of this, the rear parts of the two properties are angled towards one another. There are windows serving habitable rooms on both ground and first floors of the main rear-facing elevation of No 20 (I understand these respectively to be a living room and a bedroom). There are also side-facing windows on the ground floor of the rear outrigger and extension at No 20, although the evidence before me does not indicate the uses of the rooms those windows serve.

10. I saw on my site visit that the space at the rear of No 20 already has a considerable sense of enclosure resulting from its proximity, and alignment in relation to, the appeal property. The proposed extension would result in there being a two-storey gable wall close to the common boundary between the appeal property and No 20. This would exacerbate the existing sense of enclosure, and would be an oppressive feature when viewed from within the habitable rooms at the rear of No 20. I therefore consider that there would be a loss of outlook which would harm the living conditions of the neighbouring occupiers.

11. No 20 lies south-east of the appeal property, and the proposed extension would be more or less due west of the rear-facing windows at No 20. The Council's officer report indicated that, because of the relative orientation and siting of the two properties, the windows of the living room and bedroom on the rear elevation of No 20 "are in shade most of the time". That may be so, although at the time of my site visit (which was carried out early in the afternoon) the first-floor bedroom was beginning to receive some sunlight, and it seems likely that the windows would receive direct sunlight for at least some of the afternoon for much of the year. It may well be that, as the appellant argues, the loss of direct sunlight to the rear windows of No 20 would be "minimal", although no evidence was provided to support their architect's conclusion to this effect.

12. However, given the already close relationship between the two properties, it seems likely to me that the increased built mass of the proposed extension close to the common boundary would lead to a significant loss of daylight, if not direct sunlight, entering the rear windows at No 20. This would make the affected rooms within that house darker and gloomier than at present. While the appellant has referred to the existing degree of shading at No 20, this does not justify allowing further unacceptable harm, and there is nothing before me which substantiates the appellant's assertion that "the appeal proposal brings forward no additional measurable impact upon the adjacent neighbouring property".

13. I conclude that the proposed extension would have a significantly harmful effect on the living conditions of the occupiers of No 20, arising from a loss of outlook and daylight. The proposal therefore conflicts with Policy SOC5 of the Part One Plan and with Policy DM2 of the Part Two Plan, which among other things seek to ensure that new developments safeguard the quality of life for nearby residents.

Conclusion

14. The proposal would conflict with the development plan taken as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan.

15. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector