



Appeal Decision

Site visit made on 22 August 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2022

Appeal Ref: APP/A0665/D/22/3297685

173 Chester Road, Northwich CW8 4AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms Vanessa Jawando against the decision of Cheshire West and Chester Council.
 - The application Ref 22/00851/HHE, dated 28 February 2022, was refused by notice dated 11 April 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used in the banner heading above is taken from the Council's decision notice which is more concise than that given on the application form. I note that the appellant has raised no specific objection to the use of that description, which they have subsequently used in their appeal statement.
3. As set out under Schedule 2, Part 1, Class A, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), where an adjoining occupier objects to the proposed development of a larger home extension, as is the case here, the Local Planning Authority is required to assess the impact of the scheme upon the amenity of all adjoining premises whilst considering any representations received. The Council has not alleged that the proposal fails to comply with any other condition, limitation or restriction potentially applicable to the proposal, and I shall consider the appeal accordingly.

Main Issue

4. The main issue is the effect of the development proposed on the amenity of the occupiers of 171 and 175 Chester Road, with particular regard to light and outlook.

Reasons

5. The appeal property is a two-storey mid terraced dwelling which is located within a predominantly residential area. The property includes a small front garden and a larger rear garden. The neighbouring properties on either side of the appeal site, Nos 171 and 175, include rear windows at both ground and

first floor levels. The rear garden of the host property is divided from the neighbouring gardens by high timber fences.

6. No 171 includes a kitchen window within close proximity of the boundary with the appeal site. The rear garden of that neighbouring property is bound by a substantial two storey outrigger to the rear of No 169 and by a single storey lean-to on the south-west side of the outrigger. The proposed extension would create a long flank wall alongside the southern side of the neighbour's rear garden and at 2.6m high to eaves level would rise above the height of the dividing boundary fence, which is around 1.8m high. It would be only slightly offset from the boundary with that property. That would create an uncomfortable sense of enclosure within the neighbour's rear garden in combination with the existing outrigger to the rear of No 169. Therefore, due to its length and height, the proposal would have an overbearing impact on this neighbour's rear garden. It would also be situated close to the neighbour's kitchen window and would diminish the outlook and amount of light received by that window.
7. The proposed extension would have a staggered footprint which responds to the angled nature of the rear garden. The extension would project away from ground floor window to the rear of No 175 and would be to the north of that property. The proposal would not result in an unacceptable loss of outlook or light to the occupiers of No 175.
8. The windows to the side elevations of the proposed extension would be unlikely to have any harmful effect on the privacy of the neighbours due to the high fences on either side. There is no substantive evidence before me to indicate that the proposal would lead to increased noise nuisance.
9. The recent clearance of dense vegetation and removal of a small outdoor toilet block within the rear garden of the appeal property may have improved the amount of light received by the neighbouring properties. However, this does not provide justification for the appeal proposal, which in my assessment would have an unacceptable effect on the amenity of the occupiers of No 171.
10. For the above reasons, I conclude that the proposal would not be harmful to the amenity of the occupiers of No 175. However, it would be harmful to the amenity of the occupiers of No 171, with particular regard to outlook and light. Although there is no statutory requirement to determine the application in accordance with the development plan, in coming to this conclusion I have taken into account Policy DM 21 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies, as well as guidance in the Cheshire West and Chester Supplementary Planning Document: House Extensions and Domestic Outbuildings (2021). Amongst other things, this policy and guidance seek to ensure that development protects the living conditions of neighbouring residents.

Other Matters

11. A neighbouring occupier has also raised concerns that the proposal would block an existing gated access from the rear garden of No 171, which they say is the only means of escape from the rear of the house in case of a fire. However, as I am dismissing the appeal for other reasons, there is no need for me to consider this matter further.

12. I appreciate that the proposal would provide enlarged and improved accommodation for the appellant. However, the criteria under the GPDO refer solely to the impact on the amenity of adjoining premises in terms of determining the appeal.

Conclusion

13. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR