



Appeal Decision

Site visit made on 5 September 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/R0660/D/22/3298792

8 Beeston Close, Bollington SK10 5RQ

- 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 Barry Parkin against the decision of Cheshire East Council.
 - The application Ref 21/1446M, dated 15 March 2021, was refused by notice dated 31 March 2022.
 - The development proposed is erection of a two storey side extension with additional single storey extension to the rear.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a two storey side extension with additional single storey extension to the rear at 8 Beeston Close, Bollington SK10 5RQ in accordance with the terms of the application, Ref 21/1446M, dated 15 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LP1 (Block Plan), S1 (Site Plan), FP3.1 (Proposed Ground Floor Plan), FP4.1 (Proposed First Floor Plan), D1.1 (Proposed Front Elevation), D2.1 (Proposed Side Elevation) and D3.1 (Proposed Rear Elevation).
 - 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 development proposed on the living conditions of the neighbouring occupiers of 7 Beeston Close, with particular regard to light and outlook.

Reasons

3. The appeal property is a two storey end terraced dwelling located on a small cul-de-sac of similar properties. The property is set back and elevated from the road. There are gardens to the side and rear which are terraced and a driveway to the front. The proposal is to remove the existing side conservatory and construct a two storey extension to the side of the property and a single storey

extension to the rear. The proposed two side storey extension would be set back one metre from the front elevation and would face the side of No 7.

4. No 7 is situated at a lower level than the appeal property. The neighbouring property includes a living room window at ground floor level to the side elevation which faces towards the site. Due to the position of the living room window on the north-west elevation facing the terraced side garden and mature hedge on the boundary between the appeal site and the neighbouring property, and the passage of the sun through the day, there is already an overshadowing effect on the neighbour's side window.
5. The neighbour's living room is part of an open plan layout. As well as the window to the side elevation, the living room receives light from patio doors leading to the rear conservatory and from other windows to the rear elevation of the property. The proposed extension would be slightly offset relative to the neighbour's window rather than directly facing it. Given the open plan layout and the extent to which the neighbour's side window is already overshadowed, I consider that the proposal would not result in any significant loss of light to the window.
6. The proposal would be unlikely to have an overbearing impact on the neighbour's outlook from the living room window. Views of the proposed extension from the neighbour's living room window would be at an oblique angle because the extension would be slightly offset and also due to its height above the level of the neighbour's window.
7. The proposal would be notably closer to the side of the neighbouring property than the 14 metres guideline set out in Policy DC38 of the Macclesfield Borough Local Plan (2004) (Local Plan). However, the separation distances recommended in the policy are presented as guidance only. Taking into account the particular relationship between the appeal property and No 7, I consider that the proposal would not have an unacceptable effect on the neighbour's living conditions.
8. For the above reasons, I conclude that the appeal scheme would not be harmful to the living conditions of the neighbouring occupiers of 7 Beeston Close, with particular regard to light and outlook. Consequently, it would not be contrary to saved Policies DC3 and DC38 of the Local Plan which, amongst other things, seek to ensure that development protects the living conditions of neighbouring occupiers.

Other Matters

9. The appeal site is located within the Bollington Conservation Area. I have considered the effect of the scheme in the context of the obligations under the Act¹ and the requirements of the National Planning Policy Framework. The proposed extension would be sympathetic to the scale and design of the existing property and would be constructed in matching materials. It would have no adverse effect on the established street scene. I conclude that the proposal would preserve the character and appearance of the Conservation Area.
10. Interested parties have raised other concerns with the proposal, including in relation to parking and privacy. These matters do not form part of the Council's

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

reason for refusal and I have reason to reach a different conclusion based on the evidence before me and my observations on site. The proposal would be unlikely to have any significant effect on the privacy of the occupiers of No 7 or other properties taking into account the effects of the existing raised patio and conservatory on privacy. The proposed side extension would not contain a ground floor window to the front elevation facing No 7. Concerns have also been raised about access and disruption during construction work, damage to neighbouring property and the practicalities of carrying out the development. However, these are civil matters to be resolved between the parties concerned.

11. I note the appellant's concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Conditions

12. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of the character and appearance of the area, it is necessary to include a condition to ensure that the external materials of the extension match the existing building.

Conclusion

13. For the above reasons, and subject to the conditions specified, the appeal is allowed.

M Ollerenshaw

INSPECTOR