



Appeal Decision

Site visit made on 8 November 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/A0665/D/22/3305826

46 School Lane, Hartford CW8 1PE

- 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 Henry Venables against the decision of Cheshire West and Chester Council.
 - The application Ref: 21/02993/FUL, dated 12 July 2021, was refused by notice dated 7 June 2022.
 - The development proposed is two-storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey rear extension at 46 School Lane, Hartford CW8 1PE in accordance with the terms of application ref: 21/02993/FUL, dated 12 July 2021 and subject to the conditions in the schedule at the end of this decision.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of future occupants of the dwelling in respect of outlook.

Reasons

3. No.46 School Lane is a two storey dwellinghouse. It is situated at a slightly higher level than that of the neighbouring property of No.2 Lodge Lane. That neighbouring building is a bungalow with a rear single storey glazed addition which appears to be used as a utility area. The sole reason for refusal is that the proposed obscure-glazed window to serve bedroom 3 in the gable end wall facing the bungalow would not afford any outlook to the bedroom and would thereby result in significant adverse impacts to amenity and not safeguard the quality of life of the future occupiers of the proposed development.
4. The appellant advises that the Council would not accept a clear glazed window in the proposed location because, in its opinion, it would create a privacy issue for the adjacent bungalow. The appellant contends that there would not be a privacy issue, and at least no more than existed before the application for the development was made. In their opinion, a clear glazed window should be allowed.
5. At my site visit it was apparent that the bungalow was sited at a lower level than the footway next to the gable end wall of the appeal building. There is a screen fence and hedge along the boundary. The window in the rear elevation

of the bungalow facing the gable end wall of No.46 is obscure glazed. Two windows are proposed in the gable end wall of No.46 at first floor level. The window to a utility room would be obscure glazed. The window serving bedroom 3 would also be obscure glazed. However, if that window was clear glazed, I consider that any loss of privacy for the occupants of the bungalow would be insignificant. That is because views from that window would be down towards the roof of the bungalow, the utility room, obscure glazed window and its adjacent yard. The yard does not appear to be suitable as a sitting out area, being narrow in width and on the northern side of the building where it would receive minimal sunlight. Moreover, the bungalow has lawns and garden space on the other sides of the building next to School Lane and Lodge Lane. If a clear glazed window was provided for bedroom 3 rather than obscure glazed as proposed it would resolve the Council's concern regarding the lack of outlook from bedroom 3 and consequent poor living conditions for its future occupants.

6. Subject to a condition allowing a clear glazed window to bedroom 3 I find that the proposal would have no harmful effect on the living conditions of future occupants of the dwelling in respect of outlook and would cause no significant loss of privacy for occupants of the bungalow at No.2 Lodge Lane. The proposal would therefore fail to conflict with policies DM2 and DM21 of the Cheshire West and Chester Council Local Plan (Part 2), and the House Extensions and Domestic Outbuildings Supplementary Planning Document which all seek to ensure that development does not have a significant adverse effect on the amenity of neighbours including loss of privacy.

Other Matters

7. The appellant has referred to a previous proposal which included a 4-metre-deep rear extension. However, I must determine this appeal on the basis of the plans refused by the Council.

Conditions

8. In addition to the standard condition for commencement of development I have included a condition to specify the approved plans. A condition is imposed requiring the use of external materials to match those of the main dwelling in the interest of maintaining the character and appearance of the area. A condition is also included to specify that the window to bedroom 3 should be clear glazed in order to provide acceptable living conditions for its future occupants.

Conclusion

9. I have taken all other matters raised into account, including the benefit of providing additional accommodation at this existing family dwelling. For the reasons given above, I conclude that the appeal should be allowed.

Martin H Seddon

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this permission.
2. The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans, with the exception of the window to bedroom 3 which is the subject of condition 4 below: location Plan 21-818/LP and existing and proposed floor plans 21-818 sheet 1 revision A.
4. The window serving bedroom 3 shall be fitted with clear glazing and thereafter retained.