



Appeal Decision

Site visit made on 29 November 2022

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/R0660/D/22/3306357

Rydal, 74C Clifford Road, Poynton SK12 1JA

- 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 James Reeder against the decision of Cheshire East Council.
 - The application Ref 22/0168M, dated 14 January 2022, was refused by notice dated 12 August 2022.
 - The development proposed is a first floor extension and part garage conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is the effect of the proposed extension on the living conditions of the occupants of 6 Woolley Avenue (No 6), with particular reference to outlook.

Reasons

3. Whilst the proposed extension is within the existing footprint of 74C Clifford Road (No 74C), the mass of the building would increase. Building above the garage will increase the height of the property in the area closest to the boundary with No 6.
4. The outlook from the nearest ground floor window at No 6 is generally open and beyond the existing single storey garage and boundary treatment to No 74C. Although the existing outlook from the window includes built development, building atop the garage would significantly alter the outlook from the window. The existing roof of the garage slopes down towards the fence, by building a first floor extension the height of the building immediately next to the fence will increase significantly. Given the proximity and height of the enlarged garage, the extended property will become the dominant feature from the outlook of the window, despite not directly facing towards No 6.
5. From my observation on site, the nearest ground floor window of No 6 is set back from the boundary and there is some vegetation along the boundary. However, the height of the proposed extension would lead to it dominating the outlook. This would result in a restricted and uninviting outlook, as well as an increased sense of enclosure.
6. Whilst the outlook from No 6 may have improved as a result of previous development, I have only considered the impact on outlook against existing circumstances.

7. Table 4 of saved Policy DC38 of the Macclesfield Borough Local Plan, adopted January 2004 (Local Plan) provides guidance for space between buildings from the centre line of any window. The evidence suggests that the proposed development would be contrary to the guidance. Based on the site characteristics, in this instance, the extension would dominate the outlook.
8. The outlook from the garden of No 6 would not be significantly impacted, as there is a wider outlook, including alternative views away from the appeal site.
9. I conclude that the proposed extension would unacceptably harm the living conditions of the occupants of No 6 with regard to outlook. The appeal scheme is therefore contrary to saved Policies DC3 and DC38 of the Local Plan, where it states development should not significantly injure the amenities of an adjoining residential property due to an overbearing effect and provides guidance on space between buildings. It would also be contrary to paragraph 130 of the National Planning Policy Framework where it states decision should ensure developments create places with a high standard of amenity for existing and future users.

Other Matters

10. The extension to 74B Clifford Road (No 74B) is materially different from the appeal scheme; in terms of the relationship between the host property and the neighbouring properties. The extension to No 74B is immediately adjacent to the side elevation of the appeal property where there are few windows.
11. Even if the proposed development did not give rise to harm with regard to character and appearance of the area; other living conditions, along with a lack of objection from the Town Council these would be neutral factors.
12. Conditions to mitigate the impact of the proposed development in relation to character and appearance, privacy and protection of trees would not overcome concerns I have identified with regard to outlook.

Conclusion

13. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
14. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR