

Appeal Decision

Site visit made on 6 December 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH January 2023

Appeal Ref. APP/A0665/D/22/3308735
150 Chester Road, Northwich CW8 4AW

- 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 and Mrs Andrew and Corinna Travis against the decision of Cheshire West and Chester Council.
 - The application ref. 22/02624/FUL, dated 12 July 2022, was refused by notice dated 20 September 2022.
 - The development proposed is described on the application form as "*Alterations to existing side elevation windows & doors. Alterations to existing rear bay incorporating partial closing up the sides and formation of bi-fold door opening. Formation of rear terrace with associated balustrading and stepped access. Ground and first floor internal alterations (Resubmission of Application 21/03545/FUL)*".
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Decision

1. The appeal is allowed and planning permission is granted for *Alterations to existing side elevation windows and doors. Alterations to existing rear bay incorporating partial closing up the sides and formation of bi-fold door opening. Formation of rear terrace with associated balustrading and stepped access. Ground and first floor internal alterations (Resubmission of Application 21/03545/FUL)* at 150 Chester Road, Northwich CW8 4AW in accordance with the terms of the application ref. 22/02624/FUL, dated 12 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered/titled: 001 Site Location Plan; 100 Revision A Existing Site Layout; 101 Existing Floor Plans; 102 Revision B Existing Elevations; 201 Revision D Proposed Site Layout; 202 Revision D Proposed Floor Plans; 203 Revision D Proposed Elevations; and SK100B 1:50@a3 Rear Elevation with lines of sight.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the householder application form and approved plans.
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Main issue

2. The main issue is the effect of the proposed development upon the amenities of the neighbouring occupiers at 148 Chester Road, with particular regard to the potential for overlooking and loss of privacy.

Reasons

3. Nos 148 and 150 form a pair of semi-detached houses. Their respective back gardens slope down away from the main buildings. I was able to inspect the rear-facing rooms and back gardens of both properties on my site visit.
4. Planning permission is in place under ref. 21/03545/FUL for a virtually identical scheme of works at the rear and side of no. 150. The key material difference arising with the appeal scheme is that the stepped access between the rear-facing bi-fold glazed doors of the ground floor dining area/kitchen and the terrace or decking in the back garden would increase in width from 1 m wide (as approved) to 2.383 m wide (as now proposed). Put another way, the stair flight would be the same width as the bi-fold doors and 1.383 m closer to the common boundary with no. 148 than the approved steps.
5. The Council said that given the design and location of the stairs, the impact on the neighbouring private amenity space in terms of overlooking and loss of privacy would be considered unreasonable.
6. When looking out of the existing first floor bedroom and ground floor lounge windows at no. 150 that are close to the boundary with no. 148, there are already very clear views down into the private rear garden space of no. 148.
7. The top of the proposed staircase directly outside the glazed doors would be very small, function as a normal step and not be configured as a landing. Assuming normal domestic use, it would allow for users to move safely between the ground floor dining area/kitchen and the next step near the top of the staircase and for little else. It and the staircase as a whole could not be practicably used as a daily outdoor amenity area. There would be no landing, platform or seating area upon it.
8. From what I observed on site and the photographs and lines of sight information supplied by the appellants, I am satisfied that any views that users of the proposed steps would gain over the back garden at no. 148 would not be materially different to the views that would be available if the stairs allowed under the extant planning permission were to be built.
9. Given the markedly lower level of the rear garden at no. 148, it is also the case that the proposed steps would not offer the same degree of overlooking of that neighbouring private rear amenity space as when looking out of the first floor bedroom and ground floor lounge windows at no. 150.
10. Although not directly raised by the Council, the occupiers of no. 148 pointed to their open plan rear dining room and kitchen which are served by 2 large low-level bay windows and to the prospect that persons on the planned stairs would have uninterrupted views into those rooms. I can understand the concerns being raised. However, whether going up or down the external stairs, it would be difficult to gain anything but an oblique view towards those habitable room windows in no. 148 some distance away. The higher up the steps closer to the

main building, the more oblique would be the views. In any event, I believe that people are more likely to be focussed on making safe passage on the stairs, rather than on attempting to observe the activities of their neighbours. I have also taken into account the proposed arrangement of the bi-fold door such that the door leaf that would see regular use would be the one furthest away from the boundary with no. 148. It can be assumed from this that many trips up and down the stairs would take place at a point not too dissimilar from the approved steps.

11. I consider that the proposed external flight of stairs would not intrude upon the privacy of the neighbours at no. 148 or create a perception of overlooking to such a serious extent as to justify withholding planning permission. In reaching this view I have attached very little weight to the wider set of external steps approved at Cranmore, Earles Lane, Wincham (ref. 21/01258/FUL). This related to a replacement detached residential property in a different setting. I have assessed the appeal scheme before me entirely on its own merits.
12. I find on the main issue that the proposed development would not have a significantly adverse effect upon the amenities of the neighbouring occupiers at 148 Chester Road, taking into account the potential for overlooking and loss of privacy. As such, there would be no conflict with Policy SOC 5 of the Council's Local Plan Part One or Policies DM 2 and DM 21 of the Council's Local Plan Part Two, all of which, amongst other things, seek to avoid significant adverse impacts on the residential amenity of the occupiers of existing properties. Similarly, there would also be compliance with the National Planning Policy Framework which aims to ensure developments create places with a high standard of amenity for existing and future users and with the Council's Supplementary Planning Document: *House Extensions and Domestic Outbuildings*, in particular paragraphs 3.1 i and m relating to general principles on residential amenity.
13. As well as a condition giving a time limit to begin the development, a condition requiring that the scheme is carried out in accordance with the relevant approved drawings is necessary to provide certainty. The Council seeks the use of matching materials but in order to ensure that the development is appropriate to its surroundings, it would be more apt to provide that the external surfaces of the development are as specified on the application form and approved plans, just like condition 3 of the planning permission granted under ref. 21/03545/FUL.
14. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR