

Appeal Decisions

Site visit made on 25 January 2023

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 February 2023

Appeal A Ref: APP/A0665/D/22/3303909

52 Cromwell Road, Northwich, Cheshire CW8 4BN

- 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 V Forrest against the decision of Cheshire West and Chester Council.
 - The application Ref 21/04503/FUL, dated 5 November 2021, was refused by notice dated 19 July 2022.
 - The development proposed is a 2-storey extension to the rear.
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Appeal B Ref: APP/A0665/D/22/3303910

50 Cromwell Road, Northwich, Cheshire CW8 4BN

- 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 M Nixon against the decision of Cheshire West and Chester Council.
 - The application Ref 21/04462/FUL, dated 3 November 2021, was refused by notice dated 19 July 2022.
 - The development proposed is a part 2-storey and part single-storey extension to the side and rear.
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Preliminary Matters

1. The application form describes the extension to No. 52 Cromwell Road (Appeal A) as a 2-storey rear extension. However, the submitted plan shows a part single-storey, part 2-storey rear extension and referred to as such in the decision notice. As a more accurate description of the proposal, Appeal A is determined based on a part single-storey, part 2-storey rear extension.
2. The Grounds of Appeal for No.52 (Appeal A) refer to the submission of a revised plan reconfiguring the proposed bedrooms. However, no plan has been provided and this appeal has been determined based on the plans submitted with the application.
3. The Grounds of Appeal for No. 50 Cromwell Road (Appeal B) refer to the appellant's willingness to accept a condition limiting the projection of the extension to 4m. No plan has been submitted to show the implications of the proposed change on either the extension at No. 52 or No. 48. Appeal B has been determined based on the submitted plan.
4. Separate planning applications for Nos. 50 and 52 were submitted, the Council decided each application separately and separate appeals were submitted. Despite the separate applications and appeals, the grounds of appeal indicate that, the extensions would be implemented as a joint project. Moreover, the plans show that the rear extensions would share a party wall

and the rear roof planes of both extensions would extend over the common boundary. Thus, it appears that neither extension could be built without the other. I have considered the appeals on this basis.

Decisions

Appeal A

5. The appeal is dismissed.

Appeal B

6. The appeal is dismissed.

Main Issues

Appeal A

7. These are, (a) the implications for neighbour's living conditions with reference to outlook, privacy and light and (b) the occupiers' living conditions with reference to bedroom size.

Appeal B

8. These are, (a) the implications for neighbour's living conditions with reference to outlook, privacy, and light and (b) the effect on the character and appearance of the host property and the area.

Reasons

9. The development plan includes The Cheshire West and Chester Council Local Plan Parts 1 and 2 (LP). Providing generic guidance, The House Extensions and Domestic Outbuildings Supplementary Planning Document (SPD) is read alongside LP policies and is a material consideration.
10. LP Part 1, Policy ENV 6 and LP Part 2, Policies DM2 and DM 3 seek high quality design, in particular extensions that respect the scale, character and appearance of existing buildings and are subordinate to the original dwelling and surrounding properties. LP Part 1, Policy SOC 5 and LP Part 2, Policies DM 2 and DM 21 seek to ensure that domestic extensions do not have a significant adverse effect on the amenities of neighbours with reference to outlook, privacy and on the amenity of future occupiers of the dwelling.

Appeal A

Neighbours' Living Conditions

11. The SPD says that single-storey rear extensions projecting up to 4m from the original rear wall will usually be supported. Here, the submitted plan shows the depth of the extension matching that proposed for No 50 at some 5m. The ground floor extension would conflict with the SPD guidance.
12. Two-storey rear extensions projecting up to 4m from the original rear wall of a house will usually be supported, if the extension would not cross a 45-degree line taken from the closest part of any rear wall of a neighbouring house containing a habitable room window. The first-floor extension would project some 3.6m from the original rear wall. Whilst the appellant asserts that the 45° guidance would not be breached, the approach used is inconsistent

with the SPD. Given there is no plan showing this exercise, it cannot be said with any certainty that the SPD guidance has been breached.

13. The proposal has been assessed on a worst case scenario that the extension would breach the 45° guidance. Given the conclusion that neither of the extensions could be implemented without each other, in respect of the impact on No. 50, there would be no change in terms of light, privacy, and outlook.
14. SPD guidance is generic and recognises that each proposal must be assessed on its own merits and circumstances. Here, No. 54 is located to the west and as such there would be no material impact on daylight or sunlight to the rear. Given the topography and the depth of gardens on this side of Cromwell Road, and houses to the rear on Alderley Road, these houses enjoy a substantial open aspect to the rear. Whilst the ground-floor extension would be closer to the common boundary, the first-floor extension would be set back. Given, the open aspect, the extension would have no material impact on the outlook of No. 54. Other than bringing the furthest first-floor bedroom window from No. 54 forward by some 3.6m, there would be no material change to the degree of overlooking of the rear garden/amenity area of No. 54.
15. Drawing the above together, notwithstanding a potential breach of the 45° guidance, the part single-storey, part 2-storey extension would not unacceptably affect the living conditions of the occupiers of Nos. 50 and 54 through loss of outlook, privacy, daylight, and sunlight or conflict with development plan policy.

Occupiers' Living Conditions.

16. The Council refer to the size of the proposed bedrooms falling below those set out in the Technical Housing Standards – Nationally Described Space Standard, March 2017. However, the introduction to the document sets out unequivocally, that, *"The... standard for bedrooms... are relevant only in determining compliance... in new dwellings and have no other statutory meaning or use."* Whilst LP Part 2 Policy DM 21 refers to the resultant development not having a significantly adverse effect on the amenities of future occupiers, I can find no specific guidelines on room sizes in the LP or SPD. The inclusion of the word *"significantly"* in the policy indicates a high bar. Here, the resultant rooms sizes are such that what is proposed would not result in a significant adverse effect on the occupiers' living conditions. Accordingly, there would be no conflict with development plan policy.

Appeal B

Living Conditions

17. Here, the ground and first-floor extension would project some 5m from the main rear elevation. In addition, the first-floor extension, supported on brick piers at the front and rear corners, would extend out to the side, almost up to the common boundary with No.48. Given the conclusion that neither of the extensions could be implemented without each other, in respect of the impact on No. 52, the extension would not change the existing situation in terms of light, privacy, and outlook.
18. The appellant uses an approach to the 45° guideline that is inconsistent with the SPD. However, given the scale of the projection to the rear and side, I

am confident that the proposal would breach the guidance in the SPD to a material extent.

19. SPD guidance is generic and recognises that each proposal must be assessed on its own merits and circumstances. No. 48 sits to the east of No. 50, and notwithstanding the open aspect to the rear, there would be a material and unacceptable reduction in the amount of daylight and sunlight received by patio area and rear habitable rooms of No.48. Moreover, the substantial area of blank gable wall at first-floor level projecting 5m behind the rear elevation would appear dominant and overbearing when viewed from the rear patio and habitable room windows of No.48. The unacceptable loss of light and outlook would make No. 48 a materially less pleasant place to live. As such there would be conflict with the development plan.

Character and Appearance

20. The SPD indicates that side extensions have the potential to unbalance the symmetry of groups of existing buildings. Side extensions of similar height to the existing dwelling are supported where they are subordinate to the main building, set back at least 1m from the main part of the front wall and at least 1m from the side boundary and properly integrated into the main roof of the dwelling. Whilst the side extension would be close to the common boundary, the setback from the front main wall would be substantial. Thus, whilst the proposal would be glimpsed from Cromwell Road, the substantial setback would ensure that there was no unacceptable impact on the street scene. Whilst the extension to No. 50 would be larger than proposed at No. 52, given the proposed lower ridge line, the use of a hipped gable and the extensive open aspect to the rear would ensure that the extension would appear subordinate not overwhelm the character of these houses. Accordingly, there would be no conflict with the relevant policies of the development plan.

Conclusions

21. Notwithstanding my favourable conclusions in relation to Appeal A and the impact of the side extension to No. 50, given the respective extensions are proposed as a joint project and the conclusion that neither could be constructed in isolation, the unacceptable effect the extension to No. 50 would have on the living conditions of the occupiers of No. 48 means that both appeals must fail. Accordingly, given the conflict with the development plan and having considered all other matters, these appeals are dismissed.

George Baird

Inspector