The Planning Inspectorate

Appeal Decision

Site visits made on 6 February 2023 & 6 March 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/R0660/D/22/3310938
9 Pochard Drive, Poynton, Stockport SK12 1JU

- 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 Ben Holland against the decision of Cheshire East Council.
- The application Ref 22/1331M, dated 31 March 2022, was refused by notice dated 3 November 2022.
- The development proposed is a first floor side extension and single storey rear extension and internal alterations.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Cheshire East Local Plan Site Allocations and Development Policies Document (LP-SADP) was adopted in December 2022 after the Council made its decision. As relevant emerging policies at the time were referred to and their coverage identified within the Council decision notice, I am satisfied that the interests of parties expressed in correspondence to this appeal are not affected by re-numbering of the relevant policies in the adopted version as referred to in this decision.

3. The reason for refusal in the Council decision notice identified the effect on Nos. 1 and 2 Highfield Road. However, based on the evidence before me and observations during my visits, the properties adjoining the side boundary of the appeal site are addressed as Nos. 1 and 3 Highfield Road. No. 3 Highfield Road had not been previously notified of the planning application, but its occupiers have had an opportunity to make representations as part of this appeal. I determine the appeal accordingly.

Main Issue

4. The main issue is the effect on the living conditions of occupiers of Nos. 1 and 3 Highfield Road, with particular regard to matters of outlook.

Reasons

5. The appeal site comprises No. 9 Pochard Drive (No. 9), a two-storey semi-detached house, that has an existing attached flat roof garage at the side and a flat roofed conservatory at the rear. The property is positioned on a curved section of Pochard Drive and therefore, lies broadly perpendicular to No. 7 Pochard Drive (No. 7). It has a shared side boundary with Nos. 1 and 3 Highfield Road which splays slightly outward to the rear and is demarcated by

an approximately 1.8m high fence. The rear elevations and rear gardens of those neighbouring properties face towards the side elevation of No. 9.

6. During my visits I observed that there is already a relatively close relationship between the side gable wall of No. 9 and the rear elevations of Nos. 1 and 3 Highfield Road. The proposed first floor side extension, although shown on the plans to be set in from an additional pitched roof to be added to the garage and the side boundary of the site, would reduce the existing separation distance of built form at upper floor level relative to the rear elevations and rear gardens of those neighbouring properties. In that respect, Policies HOU12 (Amenity) and HOU13 (Residential Standards) of the LP-SAPD refer to minimum residential standards set out in its Table 8.2. The proposed reduction of the existing separation distance of built form at first floor level of No.9 to the habitable rooms in the rear elevations of both neighbouring properties, would appear to result in less than the minimum 14m required in Table 8.2 for space between the blank wall of a two-storey building and a habitable room.

7. Having regard to the above, I observed that the proposed increase in scale, bulk and massing at first floor level of No.9 closer to its shared boundary would have a considerable overbearing effect upon habitable windows of both Nos. 1 and 3 Highfield Road and their rear gardens. The resultant unacceptable impact would be particularly harmful for occupiers of No. 3 Highfield Road which appears to have been previously extended at the rear resulting in a main building line, with ground floor patio doors serving a habitable room, set back further into its plot than all but a single storey rear extension at No. 1 Highfield Road. As a result, No. 3 Highfield Road has a slightly shallower rear garden that is also bounded by the side wall of No. 7. The cumulative overbearing, dominating effect and sense of enclosure arising from the proposed first floor side extension at No. 9 when taken with the existing side gable wall of No. 7, would unacceptably harm the outlook from the ground floor habitable room of No. 3 Highfield Road and the enjoyment of its existing rear garden which would have a significant detrimental impact upon the living conditions of its occupiers.

8. In reaching the above findings, I have taken into account that the evidence before me includes a daylight assessment indicating that the first-floor side extension has been carefully designed to avoid an overshadowing effect on the patio doors of the habitable window in the rear elevation of No. 3 Highfield Road. I am also satisfied that the proposed blank side elevation facing the rear gardens of Nos 1 and 3 Highfield Road would ensure no loss of privacy or harmful overlooking. In addition, the proposed single storey rear extension would be of a modest height and proportions at the rear of No. 9 with adequate separation distance and existing boundary screening to prevent an unacceptable impact on surrounding properties relating to that element of the proposal. However, the absence of concern in those respects do not justify the harm otherwise identified.

9. The Council have offered no specific concerns with respect to the character and appearance of the proposal, and I have no reason to take a different view as the first-floor side and single storey rear extensions and the addition of a pitch roof to the garage would be subservient additions to No. 9 when taking account of proposed materials, proportions and set back positions from the front building line. It follows that I find no specific conflict with Policy SE1 of the Cheshire East Local Plan Strategy 2010 - 2030 which addresses matters of design that do not include the living conditions of neighbouring properties in

terms of matters of outlook. Similarly, Policy HOU14 (Housing Density) of the LP-SAPD relates specifically to setting out expectations on the net density of sites insofar as relevant to proposals for housing developments rather than extensions to existing dwellings. Furthermore, I also find no conflict with Policy HOU14 (Side Extensions) of the Poynton-with-Worth Neighbourhood Plan 2016-2030 as it would appear that the proposed first floor extension would retain a gap of at least one metre to the side boundary and would not create a terracing effect in any case given it adjoins neighbouring rear gardens. However, the absence of harm and conflict with the aforementioned policies in those particular respects is a neutral factor which does not justify the unacceptable impact of the first-floor side extension that I have identified.

10. Examples of other side extensions granted planning permission in the surrounding area at No. 1 Dunlin Close and No. 87 Mallard Crescent, and elsewhere in Poynton at No. 47 Green Lane have been drawn to my attention. However, I observed that their relationships to surrounding properties are different and, in any case, the presence of side extensions elsewhere does not justify a proposal which would be harmful.

11. Having regard to all of the above, I conclude that the proposal would significantly harm the living conditions of occupiers of Nos. 1 and 3 Highfield Road, due to the overbearing effect on habitable room windows and rear gardens. The proposal, therefore, conflicts with Policies HOU11 (Extensions and Alterations), HOU12 (Amenity) and HOU13 (Residential Standards) of the LP-SAPD. The policies when taken together, amongst other things, seek that extensions to existing dwellings should preserve and not cause unacceptable impact and harm to the amenity of nearby occupiers of residential properties, including when having regard to residential standards. The policies are consistent with the associated objectives of the Framework.

Other Matters

12. The appellant has raised specific concerns about the Council approach when dealing with the planning application. However, those matters have no effect on the planning merits of the proposal before me or the outcome of this appeal.

Conclusion

13. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR