



Appeal Decision

Site visit made on 10 May 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/R0660/W/22/3311381

11 Hough Close, Rainow SK10 5UN

- 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 Simon Coates against the decision of Cheshire East Council.
 - The application Ref 21/4765M, dated 8 September 2021, was refused by notice dated 24 August 2022.
 - The development proposed is first floor rear extension to No. 11. Replacement of existing rear pitched roof with new flat roof to form balcony at No. 9 & No. 11.
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Decision

1. The appeal is allowed, and planning permission is granted for first floor rear extension at 11 Hough Close, Rainow SK10 5UN in accordance with the terms of the application, Ref 21/4765M, dated 8 September 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 plan, 952.000 Location and Block Plan, 953.001 Existing Floor Plans and Elevations and 953.002 Rev A Proposed Floor Plans and Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. It is clear from the evidence before me that the proposal originally applied for was amended during the course of determination, replacing the first floor balcony with a monopitch roof. The Council determined the proposal on that basis and so shall I. I have therefore used an amended description, agreed by the parties in my formal decision above.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 46 Sugar Lane, with particular regard to privacy.

Reasons

4. The appeal property is a two-storey semi-detached house with a ground floor extension which projects into the modest rear garden. It is set noticeably above the dwellings to the rear, including No 46 Sugar Lane, due to the sloping topography. Tall fencing separates the rear gardens, however there is already a degree of intervisibility between the properties, with existing overlooking of the properties fronting Sugar Lane from the first floor of the appeal property.
5. The proposal would provide a bedroom at first floor level, above the existing single storey extension. While it would project from the rear building line, the offset distance would be limited and aligned with the existing ground floor extension. The separation distance would be below the guideline distances set out by Policy DC38 of the Cheshire East Local Plan: Local Plan Strategy 2010-2030 (July 2017) (CELPS). However, the introduction of one additional rear facing window would not harmfully increase the overlooking currently experienced by No 46 and other surrounding properties. A sufficient distance, upwards of 22 meters would be provided between the proposal and the properties to the rear, maintaining a commensurate degree of privacy within the garden and rear facing habitable rooms.
6. Therefore, I conclude that the proposal would not harm the living conditions of the occupiers of No 46 Sugar Lane, with particular regard to privacy and overlooking. The proposal would accord with Policy SD1 of the CELPS and Saved Policy DC38 of the Macclesfield Borough Local Plan (January 2004) (MBLP) which collectively seek to ensure development supports the health, safety, social and cultural well-being of residents by providing a commensurate degree of privacy between buildings.
7. In addition, the Council have referred to Policy SE1 of the CELPS and Policy DC3 of the MBLP within their delegated report when discussing amenity of neighbouring occupiers. The proposal would accord with these policies, which seek to ensure that development does not significantly injure the amenities of adjoining or nearby residential properties through loss of privacy and that appropriate levels of privacy for new and existing properties are provided.
8. The proposal also accords with the National Planning Policy Framework (the Framework) paragraph 130 which seeks to ensure development creates places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
9. The Council refers to Policy SD2 of the CELPS and Policy DC2 of the MBLP in their reason for refusal, however these policies do not set requirements related to living conditions and are therefore not relevant to this appeal decision.

Conditions

10. The Council have not provided any suggested conditions. Consequently, I have imposed the standard condition which limits the lifespan of the planning permission. A further condition is required to ensure compliance with the approved plans as this provides clarity. In the interests of the character and appearance of the area a condition requiring matching materials is necessary.

Conclusion

11. For the reasons given above, I conclude that the proposal would accord with the development plan, when read as a whole, and the Framework, and material considerations do not indicate a decision other than in accordance with the plan, therefore the appeal is allowed.

K Allen

INSPECTOR