



# Appeal Decision

Site visit made on 25 July 2023

**by Hannah Ellison BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 August 2023**

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**Appeal Ref: APP/R0660/D/23/3319693**

**47 Valley Way, Knutsford, Cheshire WA16 9AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Sam Stafford against the decision of Cheshire East Council.
  - The application Ref 21/3017M, dated 28 May 2021, was refused by notice dated 6 February 2023.
  - The application sought planning permission for a front single-storey extension and new tile roof to replace the single storey flat roof without complying with a condition attached to planning permission Ref 20/0438M, dated 27 March 2020.
  - The condition in dispute is No 2 which states that:  
The development hereby approved shall be carried out in total accordance with the approved plans numbered 0 Location Plan, 00 Block Plan, 5 Proposed-Ground Floor, 6 Proposed-First Floor and 7 Proposed-Elevations received by the Local Planning Authority on 31 January 2020 except where varied by other conditions of this permission.
  - The reason given for the condition is:  
For the avoidance of doubt and to specify the plans to which the permission/consent relates.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. At the time of my site visit the first floor window with which this appeal is concerned had already been installed and had an opaque film applied to the lower section of glazing. I shall return to this matter.

## Background and Main Issue

3. Planning permission was originally granted for various amendments to the appeal dwelling, subject to a number of conditions. Condition 2 stated the approved plans. It is this condition which the appellant seeks to vary in order to account for the window which has been installed on the first floor of the side elevation and serves a newly formed bedroom.
4. The main issue is therefore the effect that varying the approved plans would have on the living conditions of occupiers at 45 Valley Way, with particular regard to privacy.

## Reasons

5. The appeal property is a two storey dwellinghouse located within a built-up residential area. The concerned first floor window is on the side elevation

adjacent to No 45, a two storey dwellinghouse. This window has a very close and direct relationship with a ground floor habitable room of No 45 and its rear garden.

6. At the time of my site visit, whilst the lower section of the window was obscured, by opening the upper section and obtaining a view from it I was able to get direct views into the garden of No 45 and its rear conservatory. The solid roof design of the conservatory does not prevent views into this room. From these observations, along with the photographs provided by the appellant, it is clear to me that if the lower section of glazing of this window were transparent it would provide significant opportunities to overlook the aforementioned areas of No 45.
7. Indeed, the appellant states that they have installed the film to the lower section of glazing of the window in order to protect the privacy of the neighbours and the occupants of the bedroom.
8. I consider that views into No 45 could be achieved from various viewpoints in the bedroom, particularly from the space alongside the bed which allows one to get up close to the window. I acknowledge that the repositioning of the bed across the window would somewhat limit overlooking. However, there is no mechanism by which I could reasonably control the placement of furniture. Moreover, there is no guarantee that this room would always be used as a bedroom. It could, for example, be used as a home office or other use in which occupiers would likely spend more time up close to the window and obtaining views from it.
9. Whilst the lower section of the window has been obscured with the opaque film, the submitted plans indicate that this window would be glazed, with no reference to the use of obscure glazing or a film. I have determined this appeal accordingly.
10. Nevertheless, even if I were to consider this proposal as installed with the film, or indeed with the imposition of a condition requiring the glazing to be obscured, this raises concerns in my mind with regard to the effect this would have on the living conditions of occupiers of the appeal dwelling. As I experienced, the lack of outlook makes this habitable room oppressive and the limited transparent glazing restricts natural light.
11. I appreciate that the rear facing windows of the appeal dwelling currently provide views into the garden of No 45. However, this mutual overlooking relationship is commonplace in built up residential areas and, moreover, these views are of the rear most section of the garden. To the contrary, the transparent side window would provide additional views into a habitable room and the most private part of the rear garden closest to the rear of the dwelling. To this extent, the overlooking would be more harmful than that which currently occurs from the rear windows.
12. Accordingly, the proposed variation of condition 2 would harm the living conditions of occupiers at 45 Valley Way. It therefore conflicts with Policy SE1 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030 (July 2017) and Policy HOU12 of the Cheshire East Local Plan, Site Allocations and Development Policies Document (December 2022) which collectively seek to ensure the developments do not cause unacceptable harm to the amenities of

neighbouring occupiers. Consequently, condition 2 is reasonable and necessary.

**Conclusion**

13. The proposal conflicts with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

*H Ellison*  
INSPECTOR