



Appeal Decision

Site visit made on 31 July 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2023

Appeal Ref: APP/C4235/D/23/3321379

38 Lavington Avenue, Cheadle, Stockport SK8 2HH

- 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 Jason Clayton against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/087161, dated 17 November 2022, was refused by notice dated 7 February 2023.
 - The development is proposed new single storey garden room at the rear of the dwelling with matching facing brickwork and finished with a flat roof and glazed rooflight.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupants of 36 Lavington Avenue, with particular reference to outlook, sunlight and daylight.

Reasons

3. No 38 is a two-storey, semi-detached dwelling situated within a residential area. The dwelling has an existing part single-storey and part two-storey rear extension which is marginally set in from the boundary shared with No 36 (the adjoining semi-detached dwelling). The proposed extension would project beyond the existing extension.
4. The Council's Extensions and Alterations to Dwellings Supplementary Planning Document (2011) (SPD) predates householder permitted development rights, but it continues to provide useful guidance. It states that poorly designed or overly large extensions can cause a loss of outlook, overshadowing or an overbearing impact to neighbouring properties. The SPD sets out that to avoid such an impact, a single storey rear extension should project no further than 3 metres along a party boundary close to a habitable room window of a neighbouring property.
5. No 36 has not been extended to the rear. It has patio doors close to the common boundary, and the evidence before me highlights that this serves an original principal habitable room. There is a fence along the common boundary, and shrubs in No 36's garden. There would be no guarantee that the shrubs would be retained. In any event, the shrubs would only provide very limited screening and the extension would be noticeably higher than the boundary fence. The extension would be sited towards the east of No 36. It is likely that

- the existing arrangement (including No 38's existing extension, boundary fence and shrubs) has affected light and outlook to No 36.
6. The proposed extension would be set in from the common boundary. The total depth (being the proposed extension together with the existing extension) would be approximately 6.6m. Thus, the proposal, in combination with the existing extension, would result in a significant addition to the rear of the semi-detached dwelling.
 7. By reason of the orientation of the sun, location of No 36's patio doors, as well as the total depth, scale, bulk, massing and siting of the extension, it would result in a loss of light in the earlier hours of the day and would have an overbearing effect on the outlook from the patio doors. The proposed extension together with the existing extension would result in an overly large addition to the rear. The extension would be a dominant addition when viewed from the habitable room served by the patio doors and occupiers would feel hemmed in from this room. Consequently, having regard to the information before me, the extension would result in unacceptable overshadowing and loss of outlook.
 8. I acknowledge the other matters raised by the appellant, including that the owners of No 36 have not objected and permitted development rights. However, my role is to determine the appeal based on the planning merits and impacts of the proposed development before me. The proposed extension could not be built under permitted development. The other matters raised would not outweigh the harm I have found.
 9. For the reasons given above, the proposed extension would have an unacceptable effect on the living conditions of the occupants of No 36, with particular reference to outlook, sunlight and daylight. Consequently, it would conflict with Policy SIE-1 of the Stockport Metropolitan Borough Council Local Development Framework: Core Strategy DPD (2011) and Policy CDH1.8 of the Stockport Unitary Development Plan Review (2006). These seek, amongst other matters, to ensure that a proposal does not cause damage to the amenity of neighbouring properties by reason of overshadowing or visual intrusion.
 10. The proposal would also conflict with the SPD which aims to achieve appropriately designed extensions which preserve the residential amenity of neighbouring properties. In addition, it would conflict with the National Planning Policy Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Conclusion

11. For the reasons given above, having considered the development plan as a whole, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR