



Appeal Decision

Site visit made on 29 August 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2023.

Appeal Ref: APP/R0660/D/23/3319457

12 Elmsway, Bollington SK10 5NP

- 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 Ms Hollingworth against the decision of Cheshire East Council.
 - The application Ref 22/2921M, dated 18 July 2022, was refused by notice dated 7 February 2023.
 - The development proposed is alterations and extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The address in the banner heading is taken from the planning application form, with the exception of the reference to Cheshire East which is the administrative area in which the appeal site is located and not part of the address. The description of development is taken from the Council's decision notice and appeal form, following the removal of a dropped kerb alteration from the proposal.
3. On 5 September 2023 the Government published an updated version of the National Planning Policy Framework (the Framework). I have had regard to the revised Framework as a material consideration in my decision. The changes made do not relate to the substantive matters of this appeal. Thus, the parties have not been consulted as no prejudice would endure.
4. The Council advises that it has no objections to the proposed single storey rear extension and proposed rear dormer window. Based on all that I have seen and read, I see no reason to disagree given the limited scale and positions of these extensions. The main issue with regard to this appeal is therefore, the effect of the proposed side extension upon the living conditions of the occupants of No 14 Elmsway, with particular regard to outlook and loss of light.

Reasons

Outlook

5. The appeal site consists of a semi-detached dormer bungalow located in a quiet residential cul-de-sac of similarly designed dwellings, including No 14 Elmsway to the north. The driveways to both properties form an intervening feature between the 2 dwellings and the side facing gables of both dwellings contain opposing first-floor bedroom windows.
6. The proposed side extension would retain a gap to the boundary with No 14. This would be narrower at the front of the extension than the 1m specified

within Policy HOU 13 of the Cheshire East Local Plan; Site Allocations and Development Plan Policies Document (CELP SADPD). Nevertheless, the Policy does allow flexibility in the use of the term 'normally.'

7. However, the proposed extension would be within 3m and 3.7m of the first-floor side facing bedroom window of No 14¹, substantially below the minimum standard of 14m as set out in Table 8.2 of Policy HOU 13 of the CELP SADPD. The height and proximity of a solid brick wall would undoubtedly further enclose and compromise the outlook from this room, such that any view to the front or rear of the appeal property would be foreshortened and at a very oblique angle. The proposed extension would thus appear dominant and oppressive in views from the adjoining window, and thereby harmful to the living conditions of the neighbouring occupants.
8. There is a second window within the rear elevation of No 14 serving the affected bedroom. However, as it is smaller and narrower than the large side facing window, it does not provide the main or an alternative source of outlook for the bedroom.

Loss of light

9. The first-floor side bedroom window to No 14 faces south such that it will receive a good proportion of daylight as well as direct sunlight, given the space created between the appeal site by the 2 parallel driveways.
10. The height, proximity and position of the proposed side extension are such that the amount of direct sunlight afforded to the window is likely to be reduced, producing gloomier living conditions for the neighbouring occupants. Whilst the rear facing window does provide another source of light to the bedroom, it is smaller and faces west/north-west. Thus, it does not receive the same level of direct sunlight as the larger side facing window. The suggestion that the light afforded to No 14 would be less affected by the proposal if the side window faced north is irrelevant, as the window faces south.
11. Moreover, whilst the general profile of the proposed side extension would be similar, it would include a greater proportion of brickwork to the side, arising from the elongated rear dormer window. The increased proximity and extent of the proposed extension would not necessarily mean that the shading effects to the adjacent bedroom window of No 14 would be broadly the same as existing. As the gap between the dwellings would be diminished, daylight but more particularly direct sunlight, would be less able to penetrate. In the absence of any substantive evidence to the contrary, for example the provision of a daylight/sunlight assessment, I cannot be certain that the amount of daylight and sunlight received by the side window and therefore the bedroom, would not be materially worsened or reduced to an unacceptable degree.

Conclusion – Living Conditions

12. The proposed development would have an adverse effect on the living conditions of the occupiers of No 14, with particular regard to outlook. The appellant has also failed to demonstrate that the proposal would not result in a loss of daylight and sunlight to the first-floor bedroom of No 14. The scheme consequently conflicts with Policies HOU 11, HOU 12 and HOU 13 of the CELP SADPD. These policies collectively seek to ensure that proposals do not cause

¹ As cited by the Council in the officer report.

unacceptable harm to the amenity of adjoining or nearby occupiers. It would also conflict with paragraph 130 of the Framework which requires new development to have a high standard of amenity for existing users.

Other Matters

13. The occupier of No 14 and the appellant advise that the proposed side extension would improve the privacy afforded to No 14 due to the removal of the side facing bedroom window in the appeal property. Be that as it may, privacy and outlook are 2 different issues. An improvement in one, does not offset increased harm to the other. Whilst I note the support offered by the occupant of No 14 for the proposal, I have reached a different conclusion regarding the impact of the development on their living conditions for the reasons given above, which would endure for the lifetime of the development.
14. It is suggested that a side extension could be erected up to the side boundary with No 14 under permitted development rights afforded to the appeal property. Photographs of extended dwellings in Cedarway and Beechway have been supplied. However, there are no substantive details of how or when these extensions were built including whether planning permission was required or granted. Even so, none of the developments in the examples provided are identical to the proposal before me and as such, they are not comparable. As the appellant suggests any permitted development extension to the side would be required to be single storey, any fallback position would be considerably different and the degree of harm less, than the proposal before me.
15. Whilst the existing relationships between dwellings within Elmsway do not meet current space standards, it does not justify permitting new development that would make an already poor situation worse.
16. Alternative extensions are suggested to bring new additional impacts. Whether or not other forms of extension would be more harmful to the living conditions of neighbouring occupiers, I am required to assess the proposal before me. There are likely to be other forms of extension that would provide additional living accommodation without exerting the harm identified.
17. The acceptability of the design of the proposed side extension and its consistency with the existing building style are a neutral matter that weigh neither for, nor against allowing the proposal.

Conclusion

18. For the reasons given above, having considered the development plan as a whole and all other considerations, the appeal is dismissed.

M Clowes

INSPECTOR