



Appeal Decision

Site visit made on 30 October 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/R0660/D/23/3319517

3 Goss Place, Alsager ST7 2LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Bell against the decision of Cheshire East Council.
 - The application Ref 22/4736C, dated 30 November 2022, was refused by notice dated 10 January 2023.
 - The development proposed is single storey rear extension in compliance with Class A.
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (the GPDO), planning permission is granted for the enlargement, improvement or other alteration of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the Local Planning Authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Paragraph A.4 (7) of Class A requires that, where any owner or occupier of an adjoining premises objects to a larger rear extension, the Local Planning Authority must assess the impact of the proposal on the amenity of any adjoining premises.
5. In this case, objections were received from neighbouring occupants thus the prior approval of the Local Planning Authority was required. It considers that the proposal would be unduly dominant and intrusive, resulting in a sense of enclosure for neighbouring occupiers and it is on this basis that the Council refused the application.

Main Issue

6. The main issue is therefore whether prior approval should be granted having regard to the effect of the proposed development on the amenity of neighbouring occupiers at 9 Goss Place, with particular regard to outlook and a sense of enclosure.

Reasons

7. The appeal property is a two storey, detached dwellinghouse located within a close-knit residential area comprised of similar properties. It has a rear garden of modest length, which adjoins the rear garden of 9 Goss Place. The appeal dwelling and its rear garden occupy a slightly higher position than the garden and property at No 9.
8. The proposed extension would be single storey and project a very significant 8m from the rear wall of the host dwelling into the garden. Much of it would be within very close proximity to and run along a considerable stretch of the shared boundary fence with No 9.
9. Given the resultant substantial bulk and mass of the proposal and its close relationship to No 9, taking also into consideration the noticeable difference in land levels, it would be readily apparent from the garden and rear facing habitable rooms of No 9. It would therefore be an overly dominant and oppressive addition which would unacceptably reduce the outlook from these parts of No 9 and create an undue sense of enclosure.
10. Accordingly, the proposed development would harm the amenities of occupiers of No 9 as the harm to outlook and increased sense of enclosure would significantly reduce the occupants' enjoyment of their property and garden.

Other Matters

11. I appreciate that the appeal dwelling may have various permitted development (PD) rights intact as they were not removed in the original permission for the wider residential estate. However, the National Planning Policy Framework makes it clear that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. It seems to me that the appeal plot is of a good size so as to allow for various alterations through PD, notwithstanding my conclusion on this appeal. Moreover, the presence of such PD rights does not affect the outcome of my assessment above as to whether prior approval should be granted for a larger extension.
12. The appellant has demonstrated the various extensions and alterations which may be possible at the appeal site under PD rights. However, I am not satisfied that they are an accurate representation of what could actually be achieved, namely the illustration of combined works. Further, the evidence is not persuasive that they represent a true fallback as I am not convinced that they would be carried out should this appeal fail.
13. The appellant has also suggested that any enlargement within 2m of the boundary and not exceeding 3m in height could not reasonably be deemed unacceptable given PD restrictions. I do not agree with this assertion, as an application for prior approval provides the ability to consider a proposal's effect on the amenity of adjoining premises, and to which I have found harm above.

Conclusion

14. For the reasons give above, I conclude that the appeal should be dismissed.

H Ellison
INSPECTOR