



Appeal Decision

Site visit made on 27 February 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2024

Appeal Ref: APP/R0660/D/23/3332788

5 Grangeway, Handforth, Cheshire SK9 3HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Barrie McCluney against the decision of Cheshire East Council.
 - The application Ref is 23/2018M.
 - The development proposed is a rear first floor conservatory structure extension to provide additional living space.
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Decision

1. The appeal is allowed and planning permission is granted for a rear first floor conservatory structure extension to provide additional living space at 5 Grangeway, Handforth, Cheshire SK9 3HY in accordance with the terms of the application, Ref 23/2018M, subject to the conditions in the attached schedule.

Preliminary Matters

2. At the time of my site visit the rear first floor conservatory had already been constructed. Whilst permission is therefore sought retrospectively, the appeal development also proposes some amendments to its design, which I shall return to below. I have proceeded accordingly.
3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The effect of the development on the living conditions of occupiers at 7 Grangeway, with particular regard to outlook.

Reasons

5. The appeal property is a two-storey, detached dwelling located in a predominantly residential area. The adjacent property, No 7, is within very close proximity to the appeal dwelling, with both properties having limited space to the shared side boundary.
6. There is an existing side window on the first floor of No 7 which faces the appeal dwelling. The evidence before me indicates that this is the sole window

serving a bedroom and was installed following a first floor extension to the rear of No 7.

7. The introduction of this window in a position directly facing and within close proximity to the side elevation of the main part of the appeal property is an unusual arrangement. Occupants of No 7 would have a poor outlook from this room which is predominantly of the original side elevation of the appeal property. Only a very oblique line of sight towards the space now occupied by the first floor conservatory would have previously been provided.
8. The appeal development would extend the first floor side elevation of No 5 through the introduction of boarding which reflects the external wall finish of the original property. The non-transparent side elevation would further restrict outlook from the side window of No 7 through the erosion of the already limited line of sight. Nevertheless, it would not create any greater overbearing sense of enclosure to the bedroom than that which already exists. The outlook would remain very poor, similar to that which occupiers currently experience.
9. Accordingly, the proposal would not result in additional harm to the living conditions of occupiers at 7 Grangeway and thus it accords with Policies SE1, HOU12 and HOU13 of the Cheshire East Site Allocations and Development Policies Document (December 2022). Together with paragraph 135 of the Framework, these policies aim to protect the living conditions of existing occupiers.

Other Matter

10. I note the concerns raised by an interested party regarding the design of the development and privacy. All rear facing windows would be replaced with obscure glazing and I shall condition this to be at the level required so as to prevent overlooking.
11. Whilst some views of the development may be possible from neighbouring properties and from public vantage points beyond to the rear, I share the Council's view that the design is acceptable and the development is not an unduly prominent feature in the locality.

Conditions

12. I have attached the standard plans list condition for certainty. The standard time limit condition is not necessary as the development has already been constructed.
13. However, as it is necessary for the installation of obscure glazing in the interests of neighbouring living conditions, a time frame for this amendment is required. There is a strict timetable for compliance in condition 2 because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the glazing before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met. Given the nature of the matter, I consider six months to be a reasonable timeframe.
14. In the interests of the living conditions of neighbouring occupiers, I have also attached a condition requiring details of the air conditioning condenser unit to be submitted and approved prior to its installation.

15. A condition requiring details of how the biodiversity value of the site may be enhanced is necessary in the interest of biodiversity. A condition requiring details of materials to be submitted is not necessary as they are included on the approved plans.

Conclusion

16. The proposal accords with the development plan as a whole, thus the appeal should be allowed.

H Ellison

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: As Proposed Site Plan 2022.058.PL02A rev A, As Proposed Floor Plans 2022.058.PL04A rev A and As Proposed Elevations 2022.058.PL06A rev A.
2. Unless within six months of the date of this decision the rear facing windows of the development hereby permitted shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard), the use of the development shall cease until such time as a scheme is approved by the Local Planning Authority and implemented.
Upon installation of the obscure glazing specified in this condition, it shall thereafter be retained.
In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
3. Prior to its installation, full details of the air conditioning condenser unit shall be submitted to and approved in writing by the Local Planning Authority. It shall include details on acoustics and vibration, along with any mitigation proposed. The unit shall be installed in accordance with the approved details.
4. The development hereby permitted shall not be brought into use until a strategy for the incorporation of features to enhance the biodiversity value of the proposed development, which includes the provision of features for nesting birds, shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.