



Appeal Decision

Site visit made on 26 March 2024

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/C4235/D/23/3335807

35 Broadway, Cheadle, Stockport SK8 1LB

- 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/Dr Taufeeq/Kabita Rauf/Mahtab Shah against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/089474, dated 8 August 2023, was refused by notice dated 3 October 2023.
 - The development proposed is described as 'amendment to loft general arrangement from approved plans and retention of roof window as-built'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 December 2023, the Government published a revised version of the National Planning Policy Framework (the Framework). In relation to the main issue in this appeal, Government policy has not materially changed. For this reason, I have not sought the parties' comments upon it, but neither party has been prejudiced by my having regard to it.
3. On my site visit, I saw that a high-level roof window had been installed in the location of the appeal proposal. This differs from the appeal scheme before me. However, I have determined the appeal based on the plans that have been submitted.

Main Issue

4. The main issue is the effect of the development on the living conditions of the neighbouring occupiers at 37 Broadway, with regard to privacy.

Reasons

5. The appeal property at 35 Broadway is a distinctive 1930's style hipped roof dwelling occupying a corner plot at the junction of Broadway and Barcheston Road. Along with neighbouring properties on Broadway, it is a reasonably substantial detached two-storey house set within a generous and broadly linear plot. Although surrounding houses are architecturally diverse, the consistent building line to the houses on Broadway, the use of either hedges or walls to delineate the front boundary, and the grass verge to each side of the road gives the street a somewhat cohesive and spacious character.

6. Planning permission has previously been granted to extend the appeal property¹. This included a high-level roof light within a loft conversion to serve a bathroom. The appeal proposal would replace this with a 'Velux Cabrio' roof window into the west facing side elevation of the main hipped roof. It would now serve a bedroom and it would face the adjacent property at 37 Broadway. This specific type of window would be fitted reasonably close to the floor level. It would have an upper and lower glazed section to it and once opened, the lower window would become vertical to form a small balcony.
7. The Council's Extensions and Alterations to Dwellings Supplementary Planning Document (2011) (E&AD SPD) advises that balconies on upper floor levels should generally be avoided near to a neighbouring property where they may invade privacy. In this case, the appeal scheme would facilitate some outlook from the bedroom at eye level. Whilst closed, the view from it would principally be across the roofscape and upper floors of No 37, in which there are no windows. However, when fully opened, the type of window to be used would effectively create a temporary roof balcony. It would allow a person to stand in the space created by the opening, beyond the roof plane.
8. I accept that direct visibility from this viewpoint into the ground floor window on the side elevation of No 37, whether in residential use or part of the holistic therapy use at the premises, would be likely to be limited as a result of the direct downward angle of view. However, it would, nonetheless, facilitate the opportunity for overlooking of No 37's rear garden. Even if it offered a somewhat limited vista of the garden, and not the area closest to the house, it would still result in views of it. It would be detrimental to the privacy of the neighbouring occupiers as a result.
9. I appreciate that there is a secondary door on the west elevation of the appeal property that is accessed from a path running between Nos 35 and 37, from which there is a view of No 37's ground floor window. There are also other windows on the west facing flank elevation of No 35. However, these are not part of the appeal scheme before me, which relates only to the roof window.
10. Furthermore, even if the windows to the original rear elevation of No 35 provided a view towards the garden of No 37, as those to No 37 might offer views to Nos 35 and 39, the outlook would be at an oblique angle and a common arrangement for neighbouring dwellings along a street. Equally, views to the garden of 2 Barcheston Road would be separated by the generous rear garden depths of Nos 35 and 37. In comparison, the appeal proposal would introduce a new opening in the side facing roof slope of No 35 in close proximity to the boundary it shares with No 37. It would facilitate a balcony when opened, which would result in the opportunity of a direct view towards the garden of No 37 at roof level. Even with the evergreen planting in this neighbouring garden, the raised position of the window when opened as a balcony would, nonetheless, provide an elevated vantage point of at least part of the garden to No 37, and a consequentially harmful loss of privacy.
11. For the reasons given above, I conclude that the 'Velux Cabrio' roof window would result in a harmful loss of privacy for the occupants of 37 Broadway. It would therefore lead to conflict with the requirements of Policy SIE-1 of the Stockport

¹ DC/067080

Metropolitan Borough Council (SMBC) Core Strategy DPD (Adopted March 2011) and Saved Policy CDH1.8 of the SMBC Unitary Development Plan Review (Adopted May 2006). These policies seek to ensure, amongst other matters, that development takes account of the need to provide satisfactory levels of privacy for existing and neighbouring users and does not result in overlooking or loss of privacy. It would also be contrary to the E&AD SPD in respect of the relevant guidance to safeguard against an unacceptable loss of privacy on the occupants of neighbouring dwellings. It would further conflict with guidance within the Framework, which generally promotes the importance of good design, including that development provide a high standard of amenity for existing and future users, as well as the National Design Guide, which broadly seeks to ensure that development is well-designed, including a consideration of privacy.

Other Matters

12. I acknowledge matters raised by a third party, which include a concern about overlooking of another property other than No 37. The Council's Delegated Report does not raise any issue about the effect of the proposal on the living conditions of any other existing occupiers. From my observations on site, principally because of the degree of separation between the appeal proposal and these other neighbouring houses, I do not disagree on this point. In any event, I am dismissing the appeal for the reasons given.

Conclusion

13. The appeal proposal would conflict with the development plan as a whole, and there are no material considerations that would indicate a decision otherwise would be appropriate. For the reasons given above, I therefore conclude that the appeal should be dismissed.

K Mansell

INSPECTOR