



Appeal Decision

Site visit made on 13 May 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/R0660/D/24/3338147

152 Grove Park, Knutsford WA16 8QD

- 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 and Mrs Michael and Hilary Philipson against the decision of Cheshire East Council.
 - The application Ref is 23/3633M.
 - The development proposed is described as 'the erection of a longer privacy screen close to the boundary fence in place of the privacy screen on the edge of a retained terrace required in planning permission 21/0650M.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a longer privacy screen close to the boundary fence in place of the privacy screen on the edge of a retained terrace required in planning permission 21/0650M at 152 Grove Park, Knutsford WA16 8QD in accordance with the terms of the application, Ref 23/3633M, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 121, 124, 125, 135.
 - 3) The privacy screen hereby approved shall be retained in the approved position and height for the lifetime of the terrace.

Preliminary Matter

2. I have been made aware that the appeal site was subject to a previous appeal.¹ I do not have the full appeal decision before me, but have had regard to the previous Inspector's comments from extracts within the submissions from the Council and appellant.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbouring occupants at 154 Grove Park with particular regard to outlook and privacy.

¹ Ref: APP/R0660/D/22/3312216

Reasons

4. The boundary between 152 and 154 Grove Park consists of timber fence panels with trellis panels above that gradually step down, following the sloping topography.
5. No 154 is set in and angled away from the boundary with No 152, with the primary outlook of the neighbouring occupants towards the open aspect at the rear of their garden. Consequently, the proposed privacy screening, appearing above the existing boundary treatment, would be viewed at an oblique angle from the rear elevation of No 154.
6. The garden at No 154 consists primarily of a raised grass terrace. There is also a narrow, sloping grass strip between the shared boundary and raised terrace, which is where the height of the proposal would be most apparent. However, the large terrace is where the occupants of No 154 would likely spend the majority of their time. When viewed from the raised terrace the proposed privacy screening would not appear overbearing on the outlook for the occupiers of No 154.
7. Based on my observations and submitted plans, I am satisfied that the proposed height and positioning of the screening would prevent any material overlooking to the vast majority of the garden area and rear elevation of No 154. This would remain the case even when the foliage that covers parts of the existing fence is out of leaf.
8. Despite the proposed screens, limited oblique views of the rear corner of the garden at No 154 from the appellant's terrace would still be possible. However, due to the difference in land levels, a limited degree of mutual overlooking already exists to this area from the rear patio doors of the appeal property and from the neighbouring raised terrace, towards the rear of the appeal property. Consequently, it would be unreasonable to expect the proposed privacy screen to eliminate all opportunities for overlooking.
9. For the above reasons, I find that the proposal would not have a harmful effect on the living conditions of the occupants of 154 Grove Park with regards to privacy and outlook. It therefore accords with Policy HOU11 and HOU12 of the Site Allocations and Development Policies Document (2022) (SADPD). These, amongst other matters, seek to ensure development does not harm amenity in relation to privacy and overbearing effects of development. It would also accord with Policy SE 1 of the Cheshire East Local Plan Strategy 2010-2030 (2017) (LP) which has similar aims.
10. The proposal would also accord with Policy SD 2 of the LP and Policy GEN1 of the SADPD which, requires proposals to be of a good design ensuring, amongst other matters, that they have a positive relationship with neighbouring properties.

Other Matters

11. There is no substantive evidence before me to suggest that there would be any health and safety risks associated with the proposed screen in high winds. Any ongoing maintenance would be a private matter between the involved parties.

Conditions

12. In addition to the standard time condition, a condition shall define the approved plans in the interests of certainty. As part of the original application, two plans showing different materials for the proposed privacy screening were submitted, one using glazing and the other using timber. I share the concern of the Council that glazing would appear stark and incongruous against the existing timber fencing. On that basis, I have only conditioned the plan that uses timber for the screening as this material satisfactorily assimilates with the existing boundary treatment.
13. The Council have suggested a condition requiring the materials to match those on the application form. As the material is specified on the approved plans and is subject to a separate plans condition, this condition is not necessary.
14. In order to protect the living conditions of residents at 154 Grove Park, it is necessary for a condition to secure the retention of the proposed privacy screen in the approved position and height for the lifetime of the terrace.

Conclusion

15. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed, subject to conditions.

T Bennett

INSPECTOR