



Appeal Decision

Site visit made on 27 May 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2024

Appeal Ref: APP/R0660/W/24/3336845

52A STALBRIDGE ROAD, Crewe, Cheshire East CW2 7LP

- 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 Khalid Suleiman against the decision of Cheshire East Council.
 - The application Ref is 22/1101N.
 - The development proposed is change of use from B2 to C3.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring and future occupiers.

Reasons

3. The appeal site is a small plot bounded by the gardens of neighbouring dwellings and an alleyway travelling along the backs of the properties. The site comprises a two-storey linear building with a single-storey lean to addition which covers what appears to have formerly been a yard area. I understand the building is a B1 use and, at the time of my visit, it was being used for storage. On the first floor of the building, windows are limited to the elevation facing towards Stalbridge Road. These windows serve two office rooms at either end of the building, and a bathroom and store room set between them.
4. I was not able to see the window serving the store room, but the windows serving the offices and bathroom were covered with films that, with the exception of some gaps, obscured the outlook from these windows. Without this obscuration views of the opposing first-floor windows would be readily available to the detriment of the privacy and living conditions of the neighbouring properties along Stalbridge Road.
5. The proposal would convert the building to a residential dwelling providing three bedrooms on the first-floor. As part of this conversion two front-facing windows, those serving the existing first-floor offices, would be removed and replaced with windows on the side elevations (those elevations facing towards Walthall Street and Westminster Street). Moving these windows would prevent overlooking from the two end bedrooms to the opposing windows serving the rear of the properties on Stalbridge Road. However, I consider that it would open up new opportunities for overlooking. The proposed bedroom window on the Walthall Street side would face an opposing clear glazed window at a close

- distance. The window on the Westminster Street side would not face any opposing windows but would provide clear and open views on to two private gardens to the rear of properties on Stalbridge Road.
6. Even if the window serving the existing store room is not currently obscure glazed, I consider that a bedroom would be more regularly used and would afford a greater opportunity for overlooking to occur. In considering this I recognise that the store room is unlikely to always be so filled with goods, as it currently is, so as to prevent access to the room or window.
 7. Consequently, without obscure glazing I find that the windows serving the three proposed bedrooms would result in an unacceptable level of overlooking that would harm the privacy of neighbouring occupiers when using their homes and gardens. Such overlooking and loss of privacy would be detrimental to the living conditions of neighbouring occupiers.
 8. I note the Council states that the three bedroom windows would be obscure glazed. The appellant's submissions do not demonstrate this but I find that it could be secured through a suitable condition. Obscure glazing would prevent any overlooking or loss of privacy to neighbouring occupiers and, therefore, protect their living conditions. However, this glazing would also prevent any outlook from the bedrooms. Although rooflights have been proposed, these would be at some height above eye level and so would not provide a suitable replacement outlook from the bedrooms. These rooms would therefore feel enclosed and unpleasant and would not provide a good standard of living conditions for future occupiers.
 9. The appellant has provided amended plans which include the provision of two box projections serving the end bedrooms. Two of the three sides would be blocked out with the third side containing a clear glazed window. The proposed windows would be very modest and located around a corner from the main portion of the room. They would, as such, provide very little in the way of outlook. This is especially so for the bedroom closest to Westminster Street whose window would face directly on to a wall. This scheme would also not overcome the issues of the middle bedroom window.
 10. In conclusion the proposed scheme before me could not achieve a good standard of living conditions for future occupiers whilst also protecting the living conditions of neighbouring occupiers. It would, therefore, conflict with Policy HOU12 which seeks to prevent unacceptable harm to the amenity of nearby or future occupiers, including with regard to privacy. The proposal would also conflict with the National Planning Policy Framework (the Framework) including Paragraph 135, which requires developments to promote health and well-being, and provide a high standard of amenity for existing and future users.

Conclusion

11. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling in a residential area. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract modest weight.

12. Conversely, the proposal would result in living conditions harms, in conflict with the development plan taken as a whole. This attracts significant weight and outweighs the benefits associated with the proposed development.
13. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR