

Appeal Decision

Site visit made on 14 May 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2024

Appeal Ref: APP/R0660/D/23/3333275

23 Knotting Road, Langley SK11 0AU

- 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 J Ashall against the decision of Cheshire East Council.
 - The application Ref is 23/1956M.
 - The development proposed is a new double door.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issues of this appeal, I have not sought comments on the revisions.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupiers of No.25 Knotting Road.

Reasons

4. The appeal property is a detached two-storey dwelling which occupies a corner plot on a bend in the estate road of a new-build residential development. Due to its position, the host dwelling is offset from the neighbouring No.25. The proposal seeks to install inward opening double doors and a Juliet balcony on the east facing side elevation of the appeal building.
5. The diagram on page 11 of the appellant's statement of case includes a line drawn with a 45-degree viewable arc from the proposed door position which transects the rear garden of No.25. The photographs in paragraph 5.2 also show the view from the proposed door position with the garden of No.25 in clear view.
6. The east elevation of the host property currently has two small windows at first floor level which serve a bathroom and en-suite and are obscure glazed. From my observations on the site visit and from all that I have read in the evidence before me, the introduction of a double door of near full floor to ceiling height at first floor level would increase views into the rear garden of No.25. This would cause overlooking of that area and reduce the privacy of its occupiers, harming their living conditions as a result.

7. The appellant contends that the doors would be no different to a standard window. While this may be the case when the doors are closed, when open they would allow a 180-degree range of view from the new opening were the users of the room to look out past the building threshold. However, 'unlikely' the appellant may be to look out in this manner, this cannot be guaranteed and any 180-degree views from here would also include the rear elevation windows of No.25, which would further reduce privacy for the occupiers of that property.
8. I take on board that other houses already have views into other gardens. This includes No's 25 and 27 Knotting Road given they are laid out in a linear fashion. This is typical of many housing estates as the appellant points out and was considered acceptable by the Council when approving the overall housing estate proposal. However, the introduction of new views into the garden of No.25 from the appeal property at first floor level to the side would be harmful regardless.
9. I am directed to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which allows certain development to residential buildings without the need for planning permission. I am informed that a rear two-storey extension could be allowable provided it is not less than 7m from the rear boundary. This could result in overlooking of an adjoining property to the rear. However, this is a moot point given the proposal is not an extension and would be installed on a side elevation. The permitted development rights in that example are not directly relatable to the scheme before me and this does not convince me the harm identified in this proposal is acceptable.
10. I understand the desire to increase light into the bedroom and views of the woodland adjacent. However, these would be private benefits to the appellant and worthy of little weight in favour of the scheme which would not outweigh the harm that carries substantial weight against granting permission.
11. To conclude, the proposal would harm the living conditions of occupiers of No.25 Knotting Road by increased overlooking of their private amenity space and rear elevation. This would be contrary to policies HOU11, HOU12 and HOU13 of the DPD¹ and policies MP1, SD2 and SE1 of the LP². These seek, among other things, to ensure development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, including through loss of privacy.

Other Matters

12. A large part of the appellant's case focuses on the Council's handling of the planning application. While disputes are unfortunate, it is not my role to mediate disputes of this type and any perceived errors do not justify the proposal in and of themselves. The Council will have its own complaints procedures towards which I would point the appellant.

¹ Cheshire East Local Plan Site Allocations and Development Policies Document (adopted December 2022)

² Cheshire East Local Plan Strategy 2010 – 2030 (adopted July 2017)

Conclusion

13. The proposal would harm the living conditions of a neighbouring occupier by increasing overlooking of their rear elevation and garden thereby reducing privacy. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR