



Appeal Decision

Site visit made on 29 July 2024

by K Winnard Solicitor LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/A0665/D/24/3346696

17 Keristal Avenue, Great Boughton, Chester CH3 5XA

- 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 Mrs Georgia Quinn against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/03681/FUL.
 - The development proposed is a single storey side and first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and first floor extension at 17 Keristal Avenue, Great Boughton, Chester CH3 5XA in accordance with the terms of the application, Ref 23/03681/FUL, and the plans submitted with it, 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: Drawing Location Plan, Drawing Site Plan and Amended Drawing 001 Rev A Existing and Proposed Plans (received 14 February 2024).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The Council amended the description of the development and I have adopted this description as it is more accurate. Amended plans were received in the course of the application to show a set back from the boundary. The Council made its decision having regard to the amended plans and I have accordingly determined the appeal on the same basis.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwelling, No 15A Keristal Avenue.
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Reasons

4. The appeal property, No 17 Keristal Avenue (No 17), is a semi detached property situated on a residential cul de sac. To the north west is situate No 15A, a large detached bungalow. The properties are set back from the road and separated on their boundary by a fence, shrubbery and footpaths which run alongside both side elevations. A single storey side extension with a pitched roof has been added to the side of No 17 and the appeal relates to the construction of a single storey side extension projecting towards the front of the property with a first floor extension over the existing and proposed extension to form a two storey side extension.
5. There would therefore be an increase in the massing of the side elevation of No 17 when viewed from the habitable rooms of No 15A at the front of the property. The orientation of the properties and staggered building line is such that a window within a habitable room of No 15A would directly face the proposed extension. However a second window in this room on the front elevation would mean that levels of light and outlook would be maintained within this room. A second habitable room has a window within its front elevation facing south-west. As such, the proposal would breach the 45 degree line taken from the closest part of the wall of No 15A as suggested in the Council's Supplementary Planning Document; House Extensions and Domestic Outbuildings (SPG). However, I note that the SPG indicates that this standard may be relaxed if it can be demonstrated that there would be no adverse effects on neighbouring windows serving habitable rooms and the impact of the neighbouring garden space would be acceptable.
6. Whilst the increase in the mass of the extension at the side of No 17 including its additional height and depth would introduce an enclosing feature to the outlook from No 15A, this would not in my view be overbearing given the separation distances between the two properties. The resulting extension would be apparent from No 15A, however the wider outlook from the nearest habitable room towards the front garden and the properties on the opposite side of the road would not be significantly compromised. Further I note that the proposal would not breach a 45 degree angle when taken from the centre point of the window as recommended in the BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice. Overall, viewed in the context of the surroundings as a whole the impact on the living conditions of the occupiers of No 15A would be limited.
7. I note that the Council does not raise any concerns with regard to the impact of the development on the character and appearance of the host dwelling and the area. Nor is it considered that the proposal would have an unacceptable impact on highway safety.
8. For the reasons given, I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 15A with regard to outlook. It would therefore not conflict with Policy DM21 of the Cheshire West and Chester Local Plan Part Two Land Allocation and Detailed Policies which requires extensions not to have a significant adverse effect with regard to light and outlook on the residential amenity of the occupiers of neighbouring properties. Nor would it conflict with the SPD insofar as it aims to safeguard residential amenity.

Conditions

9. The Council has suggested a number of conditions. Conditions in respect of timescales and approved plans are necessary in the interests of certainty and as revised plans were submitted. A condition regarding matching materials is necessary in the interests of the appearance of the area.

Conclusion

10. For the reasons given I allow the appeal as set out in the decision notice above.

K Winnard

INSPECTOR