

Appeal Decision

Site visit made on 16 September 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2024

Appeal Ref: APP/R0660/W/24/3343528

36 Knutsford Road, Cheshire East, Alderley Edge SK9 7SF

- 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 Knutsford Road Developments Limited against the decision of Cheshire East Council.
 - The application Ref is 22/3945M.
 - The development proposed is the demolition of existing and erection of 2 no. pairs of semi-detached homes.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the planning application the proposed scheme was amended. Therefore, a more accurate description of the development is provided in the decision notice and appeal form as 'Demolition of existing dwelling and erection of a pair of semi-detached homes'. I have proceeded with this appeal accordingly.

Main Issue

3. The effect of the proposed development on the living conditions of occupiers at 34B Knutsford Road, with particular regard to outlook and light.

Reasons

4. The appeal site includes a two storey semi-detached dwelling. At the time of my visit the dwelling was in a derelict condition and the site was considerably overgrown.
5. The gable wall of the proposed dwelling at plot 1 would be within close proximity to the dwelling at No 34B which is located to the east of the appeal site. It would be three storeys in height and project along much of the full length of No 34B's rear garden. Given its significant height and mass and the close relationship between it and the modest size of the rear garden of No 34B, the proposal would be a very intrusive and overbearing feature when viewed from the rear garden and would restrict light reaching this area.
6. I acknowledge that the existing mature trees along the shared boundary already cast a shadow on the rear garden of No 34B. However, as indicated

by the shadow study provided by the appellant, there are few examples of times when the proposal would result in betterment to the existing situation. Furthermore, those examples would not result in a significant increase in areas of the rear garden which would receive light, thus any very limited improvement which may occur would not be discernible for occupiers. Moreover, dappled light would be able to filter through the existing vegetation and, unlike the appeal proposal, the existing trees are not permanent built form and could be subject to removal.

7. The appellant suggests that the proposal adheres to the Council's standards for space between buildings however this is not of direct relevance to this main issue. Furthermore, compliance with the Council's 45-degree guideline concerns a proposal's impact on outlook and light to principal and habitable room windows rather than outdoor space, as is the concern in this case.
8. Extracts of approved plans for other developments have been provided however I do not have the full details and cannot conclude that the circumstances are directly comparable to this appeal.
9. Taking all the above and the letter of support from the neighbouring occupier into consideration, the proposed development would harm the living conditions of occupiers at No 34B and thus it conflicts with Policy SE1 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030 (July 2017) and Policy HOU12 of the Cheshire East Local Plan, Site Allocations and Development Policies Document (December 2022). Together, these policies aim for developments that make a positive contribution to their surroundings and not cause unacceptable harm to the amenities of nearby occupiers of residential properties.

Conclusion

10. The proposal conflicts with the development plan as a whole and there are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

H Ellison

INSPECTOR