
Appeal Decision

Site visit made on 4 February 2025

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2025

Appeal Ref: APP/R0660/D/24/3352549
35 South Crofts, Nantwich CW5 5SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Barron against the decision of Cheshire East Council.
 - The application Ref 24/1527N, dated 23 April 2024, was refused by notice dated 24 July 2024.
 - The development proposed is single storey extension to rear of dwelling, re-submission of application no 23/1821N.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.

Main Issue

3. The main issue in this appeal is the effect upon the living conditions of the residents of No. 34 South Crofts, in particular in relation to loss of light.

Reasons

4. The appeal site comprises a two-storey terraced dwelling, with an existing single storey, pitched roof rear addition which extends into the garden. The appeal property sits within a long but relatively narrow plot.
5. The proposed development would involve the demolition of the existing single storey addition, and its replacement with the proposed development. It would extend no further than the rear building line of the appeal property and would extend across the full width of the existing plot.
6. The adjoining property, No. 34 South Crofts is a mid-terrace property of a similar design to the appeal site. It has a ground floor window which faces towards the rear garden, along with a kitchen window which faces directly towards the appeal property. The boundary between the appeal site and No. 34 comprises a brick-built wall, with some additional height provided by an existing wooden fence which is attached to it.

7. Whilst the proposed development would not extend beyond the rear building line of No. 35, it would be larger in both footprint and overall height when compared with the existing single storey element of the host property. As such, it would increase the overall height, bulk and mass of the existing appeal property along the boundary with No 34. Given the narrowness of the plots and the proximity of the rear ground floor windows of No. 34, this addition would represent a visually intrusive and overbearing form of development, that would create a significant feeling of enclosure and result in a reduction in light to these rear windows. This would be detrimental to the living conditions of the occupiers of No. 34.
8. The existing rear ground floor window of No. 34 faces in a northerly direction. This, along with the existing boundary treatment, reduces the amount of light currently entering the rear of the property. As such, it is therefore important that any development does not make the situation any worse which, due to its height and proximity to the boundary, I find that the proposed development would.
9. The submitted drawings show that the ground floor room of No. 34 benefits from an additional window, which is located at the front of the property. Therefore, to some degree, this provides an additional source to allow light to penetrate the rear of the house. However, considering the already reduced light to the rear of No.34, I do not find that the presence of the front window, or the internal layout of No.34, to be sufficient to overcome the harm I have found.
10. I have been referred to other developments within South Crofts, in particular No. 37 where a similar extension to that proposed with this appeal has been constructed. That said, whilst the size and position of the extension at No.37 may be comparable to that proposed here, I have no details of that case before me and, in any event, I am required to determine this appeal on its merits.
11. I therefore conclude that the proposed development would have a harmful effect on the living conditions, with particular regard to loss of light, of the residents of No. 34 South Crofts and, in this respect would be contrary to Policy HOU 12 of the Cheshire East Site Allocations and Development Policies Document and The Framework. These policies seek, amongst other things, to ensure that new development does not have an unduly detrimental effect on the amenities of nearby residential properties from loss of sunlight or daylight.

Conclusion

12. For the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR