



Appeal Decision

Site visit made on 8 April 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/R0660/D/25/3361078

68 Mobberley Road, Knutsford, Cheshire East, WA16 8EL

- 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 V Brown against the decision of Cheshire East Council.
 - The application reference is 24/3373M.
 - The development proposed is internal alterations with replacement of outrigger roof to enable a balcony area.
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Decision

1. The appeal is allowed, and planning permission is granted for internal alterations with replacement of outrigger roof to enable a balcony area at 68 Mobberley Road, Knutsford, Cheshire East, WA16 8EL in accordance with application ref: 24/3373M and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan and site plan A_393_01 Rev A, proposed elevations A_393_11 Rev A and proposed floor plans A_393_12 Rev A;
 - 3) The external materials used within the development hereby permitted shall match those of the existing dwelling unless otherwise required by other conditions attached this permission. Materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority;
 - 4) Prior to occupation or use of the balcony hereby approved, the 1.8m high privacy screen to the South side elevation of the balcony, as shown on the approved drawings, shall be installed and thereafter retained for the lifetime of the development;
 - 5) Prior to occupation or use of the balcony hereby approved privacy screening to the north and west elevations of the balcony, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, shall be installed and thereafter retained for the lifetime of the development.

Main Issue

2. The main issue is the impact of the proposal upon the residential amenity of adjacent occupiers with regard to overlooking and privacy.

Reasons

3. The appeal site is an end of terrace residential dwelling which benefits from a small, paved, area to the immediate site frontage (immediately adjacent to the pavement) and to the rear of the appeal site is an open yard arrangement. From my site visit, and the documentation before me, this area (the open/courtyard) is outside of the appeal site/appellant's ownership and is privately owned by the immediately adjoining dwelling – 70 Mobberley Road (no. 70) but across which the appellant has access via/through the courtyard serving no. 70 (and 72 Mobberley Road (no. 72)).
4. The Council's delegated report confirms that the proposed small side/rear infill extension, alterations to the roof the existing single storey rear elevation (to a flat roof) and balcony addition above, and rear gable window addition, would be considered in scale to be a modest addition to the dwelling which would clearly be subordinate. The proposal overall, including that of the balcony, is outlined by the Council to be considered to be appropriately designed as a result of the revised plans which were received during the application process. Based upon my site visit, and the plans that are before me, I find no reason to conclude differently in relation to the design, scale or similar in relation to this proposal. In addition to this, having parked around the corner from the appeal site and walked around as at the time of my site visit the proposal would not be realistically visible from public vantage points and, overall, the proposal would not be inappropriate in terms of design or visual quality of the property nor have any impact upon the character and appearance of the area.
5. At the time of my site visit I noted that there is currently no boundary treatment between the appeal site and no. 70 with clear views, into this open yard area, being available as a result of full length (glazed) doors off what is currently shown on the floorplans as a dining area. Views, from this door and the immediately adjacent area, which is within the appeal site boundary, currently offer full views to the open yard area/amenity space of no. 70. As a result of the existing site arrangement, and land ownership, the appeal site itself benefits from limited outdoor private amenity space and that which is available could not be fairly described as usable.
6. I acknowledge that the proposed balcony would be located in the region of 2.8 metres from the open yard area within the ownership of no. 70. As outlined above, no existing boundary treatment exists between these dwellings and I find that, in terms of privacy and overlooking, the existing views and interaction is already notable. I do not find that the proposal, for a balcony, would result in potential views which could be stated to be of a wider range of visibility than the existing relationship between the appeal site and the adjacent property. I find the existing relationship to be visually intrusive allowing clear, unrestricted, views of the open yard area. Comparatively the balcony, even though heightened, could be appropriately managed through the use of boundary treatment/screening which with natural use (sitting down etc) would certainly not exacerbate any views already available as a result of the interaction between the two properties.
7. The proposed balcony may be able to offer some, limited or glimpsed views into the private outdoor amenity space of no. 72 which is in the region of 6.5 metres from the northern edge of the proposed balcony (and across which the appeal site is stated to have access). Based upon the plans before me, and my site visit, no. 72 appears to benefit from a larger, wider, plot in comparison to, for example, the

immediately adjacent dwellings. Whilst there may be some views available, as the result of the proposal when standing, I do not find that these would be sufficient enough to warrant refusal particularly with a condition requiring submission and approval of the boundary treatment of the north elevation to ensure that with normal use of the balcony such views would be limited to an appropriate level.

8. In relation to properties on Middle Walk to the rear (7-78 as noted in the refusal reason) the proposal would be located in the region of 8.4 metres away with the yard area of 78 Middle Walk being in the region of 12.3 metres. The revised balcony design has been set in from the single storey roof edge, at its minimum, by in the region of 2.1 metres. Taking into account this set back, from the edge of the single storey roof, and combined with an appropriate condition relating to screening (to be combined with the proposed picket fencing – not necessarily of greater height but to reduce general views out from the balcony when sat down but without completely limiting outlook for users of the proposal) I find that any limited views in the context of the property to the rear on Middle Walk, whilst greater than is presently possible, would not be sufficient to warrant refusal given the general level of mutual overlooking in the area as a result of the close proximity of properties within the vicinity of the appeal site.
9. In relation to 66 Mobberley Road (no. 66), the plans before me, of a reduced scale, demonstrate a 1.8-metre-high privacy screen as being installed as part of the proposals along the southern elevation of the proposal which would be adjacent to the northerly side elevation wall of no. 66. Whilst some views may be available from the proposal into the rear garden of no. 66, the neighbouring property does, comparatively, have a large garden and I find it unlikely that views would be possible of anything more than the far end of the garden. Whilst I appreciate that the views available would be greater than that currently experienced as a result of the host dwelling at the appeal site I do not find that the degree of overlooking would be any greater than, for example, the immediate neighbour at 64 Mobberley Road or indeed the properties which are orientated directly towards the rear garden of no 66 which creates an existing level of mutual overlooking as a result of the interaction and layout of the existing properties within the immediate locality.
10. Overall, whilst I have acknowledged, and noted as above, the possibility of some increased visual availability as a result of the proposals I do not find that this would be of such impact so as to result in adjacent occupiers experiencing a standard of amenity which is sufficient to warrant refusal given the existing level of mutual overlooking, existing interaction between the properties as well as the general layout of properties within the area. Properties within such locations have an existing level of mutual overlooking and I do not find the proposal would unacceptably harm amenity taking the site characteristics into account. With natural use of the proposed balcony, sitting down etc, a condition requiring submission and approval of further privacy screening to the north and west elevations of the proposed balcony, combined with the proposed picket fencing as outlined above, would appropriately protect the amenity of neighbouring residential properties even from a perceived sense of overlooking when users of the proposal were sat on the balcony in question and ensure the appropriate controls were in place to make the proposal acceptable in planning terms.
11. Furthermore, I note, from my site visit, that the host dwelling does not benefit from any usable outdoor amenity space, and I therefore place moderate weight upon the

provision of a modest area of outdoor amenity space, as a result of these proposals, as a notable improvement to the amenity of occupiers of the appeal site itself on balance. The proposal, even with screening secured by condition, I find in turn would result in the appeal site having some form of private outdoor amenity space where its occupiers could at least reasonably sit outside compared to the existing arrangements. This is not a case of who's amenity is more important but, in this case, I find the impact to neighbouring amenity to be limited for the reasons set out and not result in unacceptable harm compared to the notable improvement to outdoor amenity for the appeal site.

12. Subject to conditions I find that the proposal would be consistent with Cheshire East Local Plan 2017 Policy SE1 which seeks to ensure an appropriate level of privacy for new and existing residential properties and Site Allocations and Development Policies Document 2022 Policy HOU11 which seeks to ensure that extensions or alterations do not cause unacceptable harm to the amenity of nearby occupiers. The proposal would also be consistent with Policy HOU12 which outlines that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties due to loss of privacy.
13. The proposal would also be consistent with paragraph 135 of the National Planning Policy Framework 2024 insofar as decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

14. I note objections to the proposal received during the application process from neighbouring properties as well as Knutsford Town Council. I also note that the comments and representations were received prior to the revised plans having been submitted as was the basis for the determination of the proposal by the Council and the basis upon which I have considered this appeal. I have dealt with matters relating to privacy and overlooking in the context of the main issue above.
15. Due to the positioning and presence of the existing structure, which is set behind the rear elevation wall of number 66, I have no evidence to conclude differently in relation to loss of light and overbearingness and find that there would be no significant loss of light or overbearing issues raised in the context of that neighbour. I note that it is contended that insufficient justification is provided, however, I have considered the case based upon its own merits and find that there is justification for a proposal of this nature in light of the host dwelling benefitting from essentially no usable private outdoor amenity space at present or if this appeal was dismissed.
16. Fear of a precedent is insufficient reason to warrant refusal. Each case should be considered on its own merits at the point any future applications may, or may not, be made. In this case I find that the interaction between the appeal site and neighbouring dwellings, combined with the specific design characteristics of the proposal and the lack of existing outdoor amenity space for occupiers, as a combination, is sufficient based upon the facts of the case to warrant allowing the appeal for the reasons set out throughout this decision letter.
17. Whilst I acknowledge the Council's inclusion of Policy HOU13, the policy presents, to me, as one which is applicable to new housing development and spaces between buildings with the proposal ultimately not being a proposal for new

housing development. I acknowledge the overarching objectives of Policy HOU13, however, I do not find that it is directly applicable to a proposal of this nature.

Conditions

18. The Council have suggested four conditions in the event that this appeal is allowed which I have considered as appropriate. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent, and a materials condition is required to ensure an appropriate finish in accordance with the details submitted or, in the case of the screening, in accordance with details submitted and approved via condition.
19. A condition requiring construction of the privacy screen, shown on the attached plans, is required prior to first occupation to ensure adequate protection of the residential amenity of neighbouring occupiers and a final condition requiring submission, and approval, of privacy screening (in combination with the picket fencing) is required to ensure that any limited views from the balcony when in use, sitting down etc, are limited in the context of the surrounding properties to ensure that any increased overlooking or availability of views (actual or perceived) is minimised to an appropriate level as discussed within the main body of this decision letter.

Conclusion

20. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR