



Appeal Decision

Site visit made on 3 June 2025 by E Clifford BA(Hons) MA

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2025

Appeal Ref: APP/R0660/D/25/3364794

107 Birchin Lane, Nantwich, Cheshire CW5 6JZ

- 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 Helen Pemberton against the decision of Cheshire East Council.
 - The application Ref is 24/2834N.
 - The development proposed is a rear single storey kitchen/ utility extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of 105 Birchin Lane (No 105), with particular regard to light.

Reasons for the Recommendation

4. The appeal dwelling forms part of a two-storey terrace. The dwellings within this terrace typically have two-storey outriggers and small rear gardens, as is the case on the appeal site and its adjoining neighbour at No 105. From my observations on site, there is the potential that the levels of daylight and sunlight experienced within the rooms to the rear of these dwellings is restricted to some extent by the close relationships between some of the windows and neighbouring built form. Even so, due to the current spacing between the outrigger at the appeal site and the low level of the boundary wall to the shared boundary, it is likely that the rooms to the rear of No 105 receive suitable levels of light.
5. Even accounting for the shallow pitch of the extension's roof; its height, elongated form, and very close proximity to the nearest ground floor windows at No 105 has the potential to noticeably overshadow and reduce levels of daylight within the associated rooms of this neighbouring dwelling. From what I saw these windows serve main habitable rooms and given their already intimate relationship with the appeal dwelling and boundary wall, neighbouring occupiers would likely be particularly vulnerable to any reductions in light below existing levels. Whilst there is a tall boundary fence further along the shared boundary, this is set away from the

windows that would most likely be affected by the proposal and so does not justify the harm identified.

6. The appellant has provided a photograph showing a shadow cast by the existing outrigger on the host dwelling. However, it is unclear at what time of the day or year the appellant's photograph was taken. Moreover, there is no detailed evidence, for example in terms of sunlight and daylight surveys, to demonstrate that there would be no material effects on levels of light experienced by occupiers of No 105 when compared with the existing situation.
7. The appellant has drawn my attention to a rear extension at 111 Birchin Lane. However, from what I can ascertain, there is also an extension infilling the return of the neighbouring dwelling at 109 Birchin Lane. Therefore, the window relationships in that instance are unlikely to be identical to those referred to in this appeal. In any case, relationships in terms of light on another site do not justify the site-specific harm I have identified.
8. I conclude, the proposed development would have a harmful effect on the living conditions of occupants of No 105 Birchin Lane, with particular regard to light. It would therefore fail to accord with Policy HOU 12 of the Cheshire East Local Plan - Site Allocations and Development Plan Policies Document (2022) which requires that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties due to loss of sunlight and daylight.

Other Matters

9. The Council's handling of the planning application is not a matter that can influence my assessment of the proposal which relates to its planning merits considered against the development plan. Even if the current occupiers of No 105 have not objected to the proposal, this does not justify the potential harm I have identified to neighbouring living conditions for existing and any future occupiers of this neighbouring dwelling.

Conclusion and Recommendation

10. For the reasons given above the appeal should be dismissed.

E Clifford

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR