



Appeal Decision

Site visit made on 1 July 2025

by **H Senior BA (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th August 2025

Appeal Ref: APP/R0660/D/25/3363232

3 Mere View, Newcastle Road, Astbury, Cheshire CW12 4XW

- 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 Mr Andrew Pilling against the decision of Cheshire East Council.
 - The application Ref is 24/4195/HOUS.
 - The development proposed is "On a raised bank at the end of garden, request to build a wooden terrace surrounded by plants and shrubs to protect the neighbour's privacy. Terrace will be accessed by wooden steps from existing lawn, both steps and terrace are protected by railings to ensure safety. Terrace only to be used on an ad hoc basis. terrace will provide access to maintain the hawthorn bush which provides privacy to the house at the back of our property. Neighbours at number 2 & 4 were consulted prior to the work starting and have no issues with privacy and will be providing a written statement to that effect."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The wooden terrace has been constructed. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to privacy.

Reasons

4. 3 Mere View is a detached two-storey dwelling within a row of similar dwellings. To the rear of the garden is a raised bank which is replicated in the gardens of the adjoining dwellings.
5. I acknowledge that the terrace allows access to maintain the hedge and planting to the rear boundary and that the height of the terrace is lower than the original banking, however the presence of occupiers on the terrace allows opportunities for overlooking the gardens and into the rear rooms of the adjacent dwellings. Whilst the appellant states that the use of the terrace is limited, the presence of garden furniture on the terrace indicates that the area could be used for prolonged periods resulting in a loss of privacy for the neighbouring occupants.
6. Although there may be an existing element of mutual overlooking from within the dwellings due to the position of the windows on the dwellings, this is not a reason to further reduce the privacy of the neighbouring occupiers.

7. The proposal harms the living conditions of neighbouring occupiers with regard to privacy. It conflicts with Policy SE1 of the Cheshire East Local Plan Strategy (2017) and Policy HOU12 of the Site Allocations and Development Policies Document (2022) which, together and amongst other matters, seek to ensure that development does not cause unacceptable harm to the amenities of adjoining occupiers due to loss of privacy.

Other Matters

8. I note the letters of support from the neighbouring occupiers. However, they do not outweigh the significant harm I have identified above.
9. As part of the appeal submission the appellant has indicated that they are prepared to raise the fencing should it be required. In addition, I saw that trellis had been added to the existing fencing. However, the appeal process should not be used as a means to evolve a scheme and as it is important that what is considered by the Inspector at appeal is essentially the same as was considered by the local planning authority and by interested parties at the application stage.

Conclusion

10. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR