



Appeal Decision

Site visit made on 2 September 2025

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th September 2025

Appeal Ref: APP/R0660/D/25/3370560

2 Old Road, Wilmslow, Cheshire SK9 4AD

- 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 Adam Jenkins against the decision of Cheshire East Council.
 - The application Ref is 25/1496/HOUS.
 - The development proposed is described as “Erection of first floor extension to existing side extension with new subservient (1.5m lower) pitched slate roof (matching roof line of original house). With new obscure windows front and back to match the vernacular. To allow two new upstairs bathrooms and an office.”
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of:
 - Residents of adjacent dwellings in respect of outlook; and
 - Future residents in respect of outlook.

Reasons

Adjacent Residents

3. The proposal includes a 2-storey side extension which would project towards the rear of dwellings on Cliff Road. The rear elevations of the adjacent dwellings contain windows of habitable rooms, and Policy HOU13 of the SADPD¹ sets out that the minimum separation distance from those windows to the extension should be a minimum of 14m. The appeal proposal would not comply with this.
4. However, the properties on Cliff Road are set at an angle to the appeal site, so that the view from rear windows is slightly offset. There is also an existing garage to the side of the host dwelling which abuts the rear amenity areas of the Cliff Road dwellings, and this garage would provide a degree of shielding in views of the extension from the ground floor windows of neighbouring properties.
5. The side extension would project towards the first floor rear windows of dwellings on Cliff Road. But it would be set significantly lower than the existing gable wall and this would provide some mitigation in views from nearby first floor windows as the extension would be viewed against the massing of the existing gable wall. It is also proposed to paint the wall of the extension white which would provide for

¹ Cheshire East Local Plan - Site Allocations and Development Policies Document 2022

some reflected light to further reduce the potential overbearing impact on neighbouring properties. When combined with the offset angle of view from the rear of dwellings on Cliff Road, these considerations would mean that the proposed extension would not have an overbearing impact in views from the rear of those dwellings.

6. I acknowledge that the proposal would not meet the separation distance specified in Policy HOU13 of the SADPD. However, due to the layout and design of the proposal I consider that there are material considerations that indicate that the proposal should be determined other than in accordance with that specification of the development plan. Notwithstanding the conflict with the specified separation distance, the proposal would comply with the wider considerations of Policies HOU12 and HOU13 of the SADPD in respect of the amenity of nearby residents.
7. I find no conflict with Policy SE1 of the Cheshire East Local Plan Strategy 2017 as this does not address the effect on outlook in respect of liveability. However, this does not negate my conclusions regarding the conflict with the SADPD.

Future Residents

8. The first-floor rear window of the extension would primarily look onto an amenity and access area serving nearby dwellings as well as enabling an angled view of the rear of dwellings on River Street. In order to protect the privacy of nearby residents it is proposed that the window would be obscure glazed.
9. The room served by the window is described on the submitted plans as a bedroom/office, and would therefore represent a habitable room. While obscure glazing would be used to prevent overlooking, this is generally to non-habitable rooms such as a hall or stairs where outlook for residents is not required, or bathrooms where the obscure glazing also serves to protect the privacy of the occupiers. In the case of the appeal proposal, the obscure glazing would not provide a suitable outlook for occupants of this habitable room, leading to an oppressive environment with subsequent significant harm to the living conditions of occupants.
10. The appellant has suggested changing the description of the room to a walk-in wardrobe. However, the plans indicate that the room would have an en-suite toilet and that it would not connect directly to another room. Given this layout and the size of the room, even if the description is changed then it may still be used as a habitable room.
11. I therefore conclude that the proposal would lead to significant harm to the living conditions of future residents due to the inadequate outlook from a habitable room. The proposal would therefore conflict with the amenity requirements of Policies HOU11 and HOU12 of the SADPD

Conclusion

12. I am mindful of the benefits of the proposal, including the provision of improved accommodation for the resident of the dwelling and potential carers. However, these considerations would not outweigh the significant harm I have identified to the living conditions of future residents in respect of outlook.
13. Notwithstanding my conclusions on the living conditions of nearby residents, the proposal would lead to significant harm to the living conditions of future residents

due to the inadequate outlook from a habitable room. The proposal would therefore be contrary to the amenity requirements of the development plan when read as a whole.

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

David Cross

INSPECTOR