



Appeal Decision

Site visit made on 12 June 2018

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2018

Appeal Ref: APP/G4240/D/17/3182813

14 Taunton Hall Close, Ashton, OL7 9JP

- 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 Mr Ian Hodgson against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 16/01135/FUL, dated 7 December 2016, was refused by notice dated 29 June 2017.
 - The development proposed is two storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 14 Taunton Hall Close, Ashton, OL7 9JP in accordance with the terms of the application, Ref 16/01135/FUL, dated 7 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Land Registry Title No GM79206; Drawing Title Proposed Revision 01, January 2017.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 12 Taunton Hall Close with particular regard to light.

Reasons

3. The appeal property is a two storey end of terrace house in a small cul de sac in a residential area. The cul de sac divides into two such that the appeal property stands on a corner and is at around ninety degrees to another row of terraces. The end of terrace property in that row faces the side elevation, across the road, of the appeal property. The appeal property is bounded by a tall hedge and has a conservatory extension to the side.
4. The proposed development is to demolish the conservatory and construct a two storey side extension. The first storey element of the proposed extension would be set back towards the rear, such that it would cover about half of the side elevation of the house.

5. No 12 Taunton Hall Close directly faces the appeal property and lies to its east. It has been extended to the side and has two upper storey windows and one ground floor window on the front elevation.
6. Policy H10 of the *Tameside Unitary Development Plan* (the UDP) sets out detailed design requirements for new housing including that there should be no unacceptable impact on the amenity of neighbouring properties through overshadowing, amongst other things. Policy RED2 of The Council's *Residential Design Supplementary Planning Document* (the SPD) which sets out minimum privacy and sunlight distances, states that there should be a 14m separation distance between a habitable room window and a two storey wall. I have placed moderate weight on the SPD.
7. Both parties agree that the 14m distance would not be met in this case if a line were to be taken to the two storey element of the proposed extension. I have no evidence before me to indicate whether the windows on the front elevation to 12 Taunton Hall Close are the only windows serving those rooms, but since it is a terraced property, I have assumed it to be the case.
8. The roof of the proposed extension would be stepped down from the main ridge line of the house. With part of the proposed extension also to be set back from the front, the potential for the proposal to cause overshadowing to 12 Taunton Hall Close over and above any overshadowing caused by the existing house would be limited. I therefore consider that there would not be any undue additional overshadowing to 12 Taunton Hall Close given the configuration of the proposal to it and the existing house.
9. Although the provisions of the SPD in terms of the minimum separation distance would not be met in this case, I consider that for the reasons set out above, the proposal would not cause harm to the living conditions of the occupants of 12 Taunton Hall Close with particular regard to light, and therefore would accord with Policy H10 of the UDP.

Other matters

10. A local resident is concerned that the proposed extension could adversely affect visibility when reversing out of her drive. The appeal property is currently bounded by a large hedge and I consider that the proposal would not provide any additional restriction on visibility. In any case the part of the road alongside the appeal property only serves a small parking area and garages, and I note that the Council has not raised any highway safety concerns.

Conditions

11. In addition to the standard time condition for implementation, there is a need for a condition specifying the plans to which the permission relates in the interests of clarity and certainty, and a condition relating to materials, in the interests of the character and appearance of the area.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR