



Appeal Decision

Site visit made on 11 September 2018

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th September 2018

Appeal Ref: APP/G4240/D/18/3207684 17 Southway, Droylsden M43 6EH

- 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 Ritesh Suthar against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 18/00203/FUL, dated 7 March 2018, was refused by notice dated 2 May 2018.
 - The development proposed is a two storey side and rear and single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has requested that amended plans be considered which show internal alterations and the provision of an external ramp. However, I must assess the appeal on the basis of the plans determined by the Council.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of No. 36 Westway with particular regards to outlook.

Reasons

4. The appeal relates to a semi-detached dwelling which is located at the end of a row of houses. Directly to the south of the appeal dwelling sits the cul-de-sac of Westway. The nearest of the properties of this cul-de-sac is No. 36 Westway, which is a semi-detached bungalow sitting at right angles to the appeal dwelling at a significantly lower ground level. The outside space at the back of this bungalow is very shallow. As a result, its main garden is to the side, facing the side elevation of the appeal dwelling.
 5. The proposed two storey extension would sit flush with the front of the appeal dwelling, would be just under 3 metres wide and would extend beyond its rear elevation by some 4 metres. Even accounting for the fact that the ridge height of the rear section of the two storey extension would be lower than the ridge height of the host dwelling, it would be a substantial addition. It would sit
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about 4 metres from the boundary shared with No. 36 Westway, which exceeds the 1 metre minimum recommended by the Council's adopted Supplementary Planning Document titled '*Residential Design*' (SPD) for standard situations. However, this neighbouring bungalow sits at a much lower ground level and has a very shallow rear amenity area, as I have explained.

6. Given the height and depth of the proposed extension combined with its proximity to the neighbouring bungalow at No. 36 which sits at a much lower ground level, I consider that that its effect would be unduly overbearing for the occupiers of this property when viewed from the nearest room at the back of the bungalow and from its garden.
7. The appellant asserts that the proposal amounts to sustainable development. However, the National Planning Policy Framework explains that good design is a key aspect of sustainable development and for the reasons I have explained, the proposed extension does not amount to good design. On this basis, it cannot amount to sustainable development in the widest sense of the definition provided by the Framework.
8. In light of the above, I conclude that the proposed extension would unacceptably harm the outlook from No. 36 Westway. In such terms, it conflicts with the Framework, policy 1.3 of the Tameside Unitary Development Plan and the overall aims of the SPD, which amongst other considerations, seek to safeguard appropriate levels of residential amenity.

Other matters

9. The appellant argues that a 2 metre high wall or fence could be erected along the boundary with No. 36 Westway without planning permission and this would have a more overbearing effect. This scenario is outside of my control, but I do not agree that such a wall or fence would be as overbearing as the two storey extension before me, even accounting for the fact that it would sit 4 metres or so further away. I therefore attach very limited weight to this argument.
10. A number of additional concerns have been raised by third parties. I am satisfied that the distances between the extension and the properties to the rear are sufficient to ensure that any additional overlooking was within acceptable parameters, and that the development would not lead to any substantial loss of light. Given the limited depth of the single storey rear section of the extension and the fact that the two storey element would be set off the shared boundary with No. 15 Southway, I am also satisfied that the scheme would not be unduly overbearing and would not harmfully reduce the levels of natural light available to the occupiers of this dwelling.
11. The proposed extension would not affect existing car parking arrangements and in the absence of any technical evidence to the contrary, I consider that any drainage matters could be adequately addressed. Whilst concern has been raised about disruption during building works, this would be a temporary effect and it could be controlled by other legislation if was to become a nuisance.
12. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

David Fitzsimon INSPECTOR