



Appeal Decision

Site visit made on 3 December 2018

by Christopher Thomas BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2018

Appeal Ref: APP/G4240/D/18/3213381 17 Calico Crescent, Stalybridge, SK15 3FL

- 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 Matt Lomas against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 18/00412/FUL, dated 1 May 2018, was refused by notice dated 10 August 2018.
 - The development proposed is single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 17 Calico Crescent, Stalybridge, SK15 3FL in accordance with the terms of the application, Ref 18/00412/FUL, dated 1 May 2018, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved drawings nos. 01, 02, 04.

Main Issue

2. The appeal site lies within the Carrbrook conservation area but since the surroundings are a relatively new housing estate the Council considers that there would be no harm to the character and appearance of the heritage asset. Accordingly the main issue is limited to whether the living conditions of the occupiers of the adjacent flats at 3-15 Calico Crescent would be harmed by reason of the effect of the proposal on outlook.

Reasons

3. The proposed side extension, intended for use as a garage, would reduce to approximately 6.5m the separation distance between the north east elevation of the adjacent block of flats at 3-15 Calico Crescent and the building on the appeal site according to the Council's calculations. This is less than the recommended minimum sunlight distance of 10m set out in section C of Policy RED2 of the Council's Residential Design SPD between a habitable room and a

single storey wall. The policy allows for a reduction in this distance if the affected window is not the main source of natural light to the room. However, the Council has not objected to the proposal for the reason that there would be a harmful effect on the living conditions of the occupiers of the flats because of a loss of sunlight and/or daylight to habitable rooms. The objection has been framed on the basis of the effect on outlook in terms of an overbearing and oppressive appearance and I have dealt with the appeal on that basis.

4. Because of the difference in levels between the appeal site and the adjacent flats the two ground floor windows facing the appeal site presently afford an outlook which is partially on to a stepped retaining wall. Above that the outlook is on to the upper portion of the gable wall of the appeal property. Although the side of the proposed garage would be approximately 6.5m away and elevated above the windows, nevertheless only a marginal element of the garage wall together with the mono pitched roof would be visible. The remaining part of the house gable, which is part of the present outlook, would still form part of the outlook from these windows. Taking these factors into account I consider the outlook from the ground floor windows towards the proposed garage would not be unduly overbearing or oppressive.
5. The elevated position of the first and second floor windows of the flats ensures that the occupiers would largely be looking at or down on the garage roof and at the side elevation of the house which would remain visible. In my judgement such an outlook would be neither overbearing nor oppressive.
6. I have therefore concluded that the proposal would not harm the living conditions of the occupiers of the adjacent flats at 3-15 Calico Crescent by reason of the effect on outlook. Accordingly, the proposal would not conflict with policy C1 (Townscape and Urban Form) or policy H10 (Detailed Design of Housing Developments) of the adopted Tameside UDP (November 2004).
7. In reaching my decision on the appeal I consider there is no conflict with the National Planning Policy Framework (2108) which expects that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
8. I consider that conditions should be imposed relating to the time scale for implementation, that in the interests of appearance the external materials should match those used in the original building and that for clarity the proposal should be carried out in accordance with the submitted and approved drawing.
9. I have taken into account all other matters raised but for the reasons set out above this appeal is allowed subject to conditions as specified.

C Thomas

INSPECTOR