



Appeal Decision

Site visit made on 28 December 2018

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 April 2019

Appeal Ref: APP/G4240/D/18/3215393

3 Norlin Court, Trinity Close, Dukinfield SK16 5JE

- 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 Neil Harrison against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 18/00763/FUL, dated 12 August 2018, was refused by notice dated 10 October 2018.
 - The proposal is described as proposed side 1st floor extension- bedroom/bathroom.
-

This decision is issued in accordance with section 56(2) of the Planning and Compensation Act 2004 (as amended) and supersedes the decision issued on 26 March 2019.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council altered the description of the development of application ref. 18/00763/FUL to read " side first floor extension with gabled roof above, other external alterations including rear roof light". As this is more precise, I have adopted this description.

Main Issue

3. The main issue for the appeal is the effect of the proposed extension on the living conditions of the occupants of No 18 Ellesmere Close.

Reasons

4. The appeal property is a detached two storey dwelling with a single storey side element, the side elevation of which faces onto the adjoining No 18 Ellesmere Close. The outlook from the rear of No 18 comprises the side elevation of the appeal property, which due to the difference in levels between the two properties, is towards the upper half of the side gable. Both the two storey element and the roof slopes of the existing side storey element have the effect of breaking up the mass of the dwelling.

5. The appeal proposal relates to a first floor extension over the existing single storey. This would bring the upper floor of the building closer to No 18 and result in a largely unbroken mass of development on this side elevation.
6. I take into account that No 18 and the appeal property are slightly off set from each other and that the dwellings are separated by the driveway of the appeal property and the small rear garden of No 18. I also note that the extension would not extend the footprint or increase the height of the existing property and that No 18 sits on higher ground than the appeal property. However, the outlook from No 18 is already dominated by the side elevation of the appeal property, due to the close proximity of the dwellings and the modest proportions of the rear garden. The bulk and massing of the two storey extension, rising above the boundary fence and extending across a significant proportion of the width of the garden of No 18 would, in my view, result in an overbearing effect, giving rise to an increased sense of enclosure in the rear garden and to the habitable rooms in the rear of No 18.
7. The Council has not raised any concerns in regard of privacy and light to any neighbouring property and having regard to the juxtaposition of dwellings, I see no reason to disagree with this view. Furthermore, no concerns have been raised in relation to trees, highway access, and cladding, amongst other matters. However, the absence of harm in these respects does not weigh in favour of the proposal.
8. I therefore find that the proposal would harm the living conditions of the occupiers of No 18 Ellesmere Close. Of the policies put to me by the Council I consider UDP Policies 1.3 and H10 of the Tameside Unitary Development Plan 2004 to be most relevant, and find that the proposal would fail to provide high quality development which does not impact upon the amenity of residents. It would also conflict with guidance in the Tameside Residential Design Supplementary Planning Document which seeks to protect the amenity of the occupiers of neighbouring properties and requires extensions to align with their surroundings in terms of mass and scale. In addition, it conflicts with the National Planning Policy Framework which looks to create a high standard of amenity for existing and future users.

Conclusion

9. Accordingly, I dismiss the appeal.

K Winnard

INSPECTOR