



Appeal Decision

Site visit made on 9 April 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2019

Appeal Ref: APP/G4240/D/19/3221245

26 Milton Close, Dukinfield SK16 5DZ

- 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 Simon Snape against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 18/00991/FUL, dated 4 November 2018, was refused by notice dated 22 January 2019.
 - The development proposed is a first-floor side extension, single rear and single front extensions and front canopy.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published the revised National Planning Policy Framework (the Framework) on 19 February 2019, which forms a material consideration in the determination of the appeal. The principle changes to the Framework relate to the Housing Delivery Test. Matters relating to housing delivery are not at issue in this appeal. I do not consider, therefore, that it is necessary to seek additional comments from the parties in respect of the revised Framework or that there would be injustice caused to any party by my taking the revised Framework into account in determining the appeal.

Main Issue

3. I consider that the main issue is the effect of the proposal on the living conditions of the occupiers of No 22 and No 24 Milton Close, with particular regard to outlook and privacy.

Reasons

4. The appeal property is a semi-detached house in a cul-de-sac development. There is a stagger in the building line between the host dwelling and 24 Milton Close, which results in it being set back further to the rear. Currently located off the side elevation of the host dwelling is a single storey garage that has an asymmetrical roof due to the changes in levels and extends along majority of its side elevation.
5. On the evidence before me it is not clear if the proposal would result in the demolition of the attached garage or if elements of it would be incorporated within the development. In any event, the result would be an erection of a 2-storey side extension with a marginal set back from the rear elevation and a slight set down in its ridge. There would be no set back on the front elevation

and there would be alterations to the front porch with a canopy located across the full width of the front elevation.

6. Policy 1.3 of the Tameside Unitary Development Plan 2004 (UDP) requires all development to achieve high quality design particularly in the relationship between buildings, amongst other criteria. UDP Policy H10 requires no unacceptable impact on the amenity of neighbouring properties through loss of privacy, overshadowing or traffic, amongst other criteria. RED 2 of the Tameside Residential Design Guide Supplementary Planning Document 2010 (SPD) stipulates minimum privacy and sunlight distances and RED 3 of the SPD relates to the size of rear extensions to avoid loss of privacy or outlook for neighbours. Whilst RED 3 of the SPD applies to rear extensions, I do find it relevant to the appeal scheme in this instance due to the issues raised with regards to outlook.
7. I have concerns with regards to the living conditions of occupiers of No 24 through the resultant effect from the proposal that would occur. The host dwelling being set forward significantly than No 24, coupled with the proposed 2-storey side extension being sited close to the common boundary with No 24 would result in the development being located close to a bedroom window on the front elevation. This would result in an overbearing effect on the occupiers of No 24 due to the height and projection of the 2-storey side extension which I consider that in this case would have an adverse effect on the living conditions of its occupants in terms of a loss of outlook and the creation of a sense of enclosure.
8. The Council has also expressed concerns with regards to loss of privacy due to the proposed 2 windows that would be located in the side elevation of the development. However, I note that these windows are high level in design. Additionally, I consider that the windows in this elevation could be obscure glazed and be controlled by means of a suitably worded planning condition. Therefore, in respect of loss of privacy, I do not consider that the proposal would have a harmful effect on the living conditions of the occupiers of No 22 and No 24 Milton Close and that the proposal complies with the overall amenity aims of UDP Policy H10 and RED 2 of the SPD.
9. For the reasons outlined above, I therefore conclude that the development would significantly harm the living conditions of the occupiers of No 24 through a loss of outlook and a sense of enclosure. This would conflict with the relevant provisions of UDP Policy 1.3. It also fails to accord with the guidance set out in the RED 3 of the SPD. Furthermore, the proposal is not consistent with paragraph 127 of the Framework that requires a high standard of amenity for existing and future users.
10. UDP Policy H10 has been cited by the Council in its first reason for refusal on the decision notice. However, this policy does not specifically list outlook and therefore I find it is not directly applicable to the first refusal reason in this instance.

Other Matters

11. The appellant has drawn my attention to the side extension present at No 24, which I noted during my visit. However, I have considered this appeal proposal on its own planning merits and concluded that the scheme is not acceptable for the reasons set out above.

Conclusion

12. For the reasons given above, the appeal should be dismissed.

W Johnson

INSPECTOR