



## Appeal Decision

Site Visit made on 21 September 2021

**by M Russell BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 October 2021**

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**Appeal Ref: APP/G4240/D/21/3276323**  
**27 North End Road, Stalybridge SK15 3AZ**

- 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 Andrew Dearnaley against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 21/00221/FUL, dated 15 February 2021, was refused by notice dated 5 May 2021.
  - The development proposed is double storey front extension, double storey side extension and rear dormer with loft conversion.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council's decision refers to the neighbouring dwelling as being No 25 North End Terrace. For the purposes of my decision I have referred to this property as No 25 North End Road.

### Main Issue

3. The main issue is the effect of the proposals on the living conditions of occupiers of No 25 North End Road with particular regard to outlook and light.

### Reasons

4. No 27 North End Road is a two-storey semi-detached dwelling set back from its front boundary. The neighbouring end terrace dwelling at No 25 North End Road fronts the street and its rear elevation is situated at a slightly lower level to the appeal dwelling. The dwelling at No 27 projects beyond the rear elevation of No 25 and sits in close proximity to the side boundary and garden to the rear of this neighbouring dwelling.
5. Policy RED3 of the Tameside Residential Design Supplementary Planning Document (2010) (SPD) seeks to avoid harm to neighbouring living conditions by amongst other things limiting the size of rear extensions by applying a 45-degree line taken from the centre of the nearest ground or first floor habitable room.
6. The rear elevation of No 25 includes ground and first floor clear glazed windows close to the boundary with the appeal site. From my observations on site these are the primary windows serving their respective rooms. The dwelling at No 27 already impinges upon a 45-degree line taken from the centre of these neighbouring windows. However, the footprint of No 27 currently steps in

further towards the rear and this provides some relief from the bulk and mass of the host dwelling when experienced from the nearest windows and immediate rear garden area serving No 25.

7. The double storey side extension would increase the bulk and mass of built form to the rear of No 27 in close proximity to the shared boundary with No 25. This would exacerbate the dominating relationship of the host dwelling in the northern aspect of the closest windows and immediate garden area serving No 25. The proposed rear dormer would partly sit within the extended section of roof over the side extension. This would further increase the height and bulk of the dwelling close to the boundary with No 25, adding to the overbearing effect of the development on this neighbouring property.
8. Given the current juxtaposition of the dwellings at Nos 25 and 27 and their relative orientation, I am not convinced by the evidence before me that there would be a material loss of light experienced by occupiers of No 25 when compared with the existing situation. Even so, this does not overcome the harm to outlook identified above.
9. I conclude, the development would result in significant harm to the living conditions of occupiers of No 25 North End Road with particular regard to outlook. In seeking to ensure there are no unacceptable impacts on the amenity of neighbouring properties, Policy H10 (Detailed Design of Housing Developments) of The Tameside Unitary Development Plan (2004) does not explicitly refer to matters of outlook. Even though I am therefore unable to identify specific conflict with this policy, the development would in any case conflict with the aims to avoid harm to neighbouring living conditions in the Council's SPD. It would also conflict with Paragraph 130 of the National Planning Policy Framework which amongst other things requires that developments create places with a high standard of amenity for existing and future users.

### **Other Matters**

10. Whether or not the third-party objection to the proposal was from a previous neighbouring occupier, I must have regard to the living conditions of any new or future occupants. The appellant suggests that some elements of the proposal do not require planning permission. Whether or not this is the case, I must assess the proposal before me which includes development which would be harmful to neighbouring living conditions. Dismissing the appeal would not deprive the appellant from exploring the use of any permitted development rights in the event that they do exist. Whether or not the Council visited the appeal site before reaching its decision is immaterial in this instance given that I have visited the property myself and have also identified harm.

### **Conclusion**

11. The development would result in significant harm to neighbouring living conditions and is dismissed.

*M Russell*

INSPECTOR