



## Appeal Decision

Site visit made on 7 July 2022

**by A.Graham BA(hons) MAued IHBC**

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022.

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**Appeal Ref: APP/G4240/D/22/3298607**

**86 King Edward Road, Gee Cross, Hyde, Cheshire SK14 5JJ**

- 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 Robert Ashton against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 22/00242/FUL dated 8 March 2022, was refused by notice dated 5 May 2022.
  - The application is for demolition of existing detached garage and construction of single storey side/rear extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development used above has been taken from the Council's Decision Notice. Although it differs from both those descriptions used both on the Application form and within Part E of the Appeal form it most accurately reflects the proposals before me and this description has been deemed acceptable through the filling of Part E stating no changes to the description were made.

### Main Issues

3. The main issue is the impact of the proposal upon the living conditions of neighbours.

### Reasons

4. The appeal property is a red brick detached house within this early suburban area of semi detached, detached and terrace houses. The property has a bay window to the front under a lean too porch that extends the full width of the property. To the rear is a detached pebble dashed garage of single storey that leads to a very long rear garden that is generally bounded by a high screen fence to its boundaries.
5. To the north eastern boundary of the property is a small cul de sac of generally more modern houses whose rear gardens adjoin the appeal site. Most notable of these is number 1 Armitage Close which fronts onto Kind Edward Road but has a much smaller garden to that of the appeal site. This property appears to

- have been extended with a double garage and other potential extensions that post date the property's original construction.
6. The proposal before me seeks permission to extend from the rear of the appeal property with a single storey pitched roof extension along with a modest side extension so as to create more ground floor living space with bi-folding type doors extending towards the garden beyond. The proposed extension would extend around 6.3m and amalgamate the existing garage. The rear of the existing garage would be around the limit of the extension.
  7. The overall height of the extension would be around 3.6m to the highest point of the pitched roof and 2.6m to its eaves. Although the property would extend to its south western elevation also, the north eastern limit of the extension would respect the end of the existing house and as such would be set in by up to around one metre from the property boundary.
  8. The main issue with regards this appeal is the potential impact of the extension upon the rear garden area of number 1 Armitage Close. As mentioned above this property has a much smaller garden than that of the appeal property but it is comparable to other properties nearby. The Council's primary concern appears to be the impact upon the living conditions of residents in number 1 due to the size and extent of the proposed rear element of the proposal.
  9. I saw on my site visit that the boundary between the appeal site and that of number 1 Armitage Close is demarked by a high screen fence that I consider would be something like a typical 2m high fence. Further to this I also saw that the boundary contained shrubbery and that there was a noticeable change in level between the two houses, whereby the appeal property was seemingly constructed on slightly higher ground than that of its neighbour.
  10. In assessing this appeal, I consider that the set in from the side, common boundary, would somewhat relieve the potential for over dominance and further relieve any possibility of noticeable overshadowing of the neighbouring garden. However, due to the length of protrusion of the rear extension, which does extend for some distance from the rear of the existing property, and, due to the change in level and orientation between the two houses, I consider that there does exist the potential for the proposal before me to adversely affect the living conditions of residents at number 1 Armitage Close.
  11. This is not due simply to one factor, but the cumulation of the large protrusion of the rear elevation, the overall height of the property and the change in level all of which lead me to the conclusion that the proposed extension would cause an amount of overshadowing and potential overdominance which would adversely affect the use and enjoyment of the neighbours garden.
  12. Overall therefore I consider that the scheme would be contrary to Policy H10 of the Tameside Unitary Development Plan that seeks to protect the living conditions of neighbours and as such this application cannot be supported through this appeal.

## **Conclusion**

13. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

*A Graham*

INSPECTOR