



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: 03 January 2023.

Appeal Ref: APP/G4240/D/22/3298117

32 Uxbridge Street, Ashton-Under-Lyne, Tameside OL6 7DA

- 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 Boshier Ullah against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00153/FUL, dated 15 February 2022, was refused by notice dated 14 April 2022.
 - The application is for proposed first floor side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The name of the Appellant being Mr Boshier Ullah has been used according to the name used on the Council's Decision Notice in accordance with the name given within an email dated 4 May 2022. This name differs from that given on the original application form and is explained within the email from 4 May 2022.

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 modern semi detached townhouse within what appears to be a relatively recent development. The architectural design of the area appears to include a modern interpretation of what I consider would be the traditional terrace aesthetic of this area except with the use of higher corner elements to buildings and modern well proportioned windows.
5. I saw on my site visit that within this recent development some of the garden areas appear relatively modest and the appeal site is no exception to this. Although the property has previously been extended to the side, the remaining garden is modest and is located to the side of the dwelling. I also notice that the neighbours garden to number 18 Layard Street, is also of a relatively modest size with its rear boundary skirting part of the rear elevation of the appeal property itself.

6. The layout of gardens therefore results in the situation of the appeal property only having one area of external amenity area to its side elevation with no windows to the rear.
7. The proposal before me seeks to expand the internal habitable space above the previous side extension so as to create a first floor containing two bedrooms. The bedrooms would have a window each, one facing to the front and the other facing to the rear.
8. In assessing this appeal I give great weight to the Appellant's personal; situation that requires extra space for their family. However, I am required by Local Plan Policy H10 of the Thameside Unitary Development Plan to weigh these personal benefits against the impact of any proposal upon the living conditions of neighbours.
9. In this case I consider that, primarily due to the layout of the plot boundaries and the orientation of the appeal property being to the south of its neighbour at number 18 Layard Street, that there would be some harmful impact upon the living conditions of neighbours.
10. The main impact would be through overshadowing of the rear garden of number 18 Layard Street through the infilling of what I consider is currently something of a valuable gap within the streetscene that allows both sunlight to reach the rear gardens here and allows a sense of openness. Through the infilling of this space with a first floor extension, the proposal would likely block much sunlight from the rear of number 18 therefore to the detriment of those living here.
11. Furthermore, the proposed rear, first floor window, would directly overlook this space and be located a very short distance from the common boundary at the rear. Although I saw on my site visit that the rear garden is open to some extent and divided by a fence, I consider that the proposal would introduce a harmful level of overlooking that would constitute something of an invasion of the neighbour's privacy while using their back garden.
12. In light of this the requirements of Policy H10 of the Thameside Local Development Plan which seeks to protect the living conditions of neighbours from such harmful interventions that could result in overlooking and overshadowing have not been met and subsequently the appeal must fail in this regard.

Conclusion

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

A Graham

INSPECTOR