



Appeal Decision

Site visit made on 27 February 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2024

Appeal Ref: APP/G4240/D/23/3332202

21 Claremont Gardens, Ashton-under-Lyne, Tameside OL6 9RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mohammed Shafiq against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 23/00659/FUL.
 - The development proposed is two storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions from the main parties on the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of the neighbouring occupiers of 20 Claremont Gardens, with particular regard to outlook, daylight and sunlight;
 - whether the proposal would provide satisfactory living conditions for occupiers of the appeal dwelling with regard to outlook, daylight and sunlight; and
 - the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

Living conditions of neighbouring occupiers

4. The appeal property is located within a row of two storey detached properties on the northern side of Claremont Gardens. They are arranged along a staggered building line and there are narrow gaps between the properties such that they have a very close relationship to one another. The neighbouring properties on either side of the site, 20 and 22 Claremont Gardens, are set further back than the appeal property.

5. No 20 includes a rear conservatory close to the boundary with the appeal site, together with ground and first floor windows to the rear elevation. There is a high timber fence between the two properties.
6. The proposed extension would be positioned to the east of this neighbouring property. It would project five metres from the rear elevation and extend close to the boundary with No 20. It would rise substantially above the dividing boundary fence, appearing as an imposing feature when viewed from the rear of the neighbour's property, particularly from the conservatory and that part of the neighbour's rear garden closest to the site. Therefore, due to its proximity, height and significant length along the boundary, the extension would dominate the rear of the neighbour's property and result in a sense of enclosure and loss of outlook for the occupiers of this neighbouring property.
7. The submitted plans indicate that the proposed extension would not encroach on the 45 and 60 degree lines from the rear windows of the neighbouring property and would, therefore, accord with the guidance contained in Policy RED3 of the Council's Residential Design Supplementary Planning Document (SPD). Therefore, based on the evidence before me and my observations on site, I consider that the proposal would not result in significant loss of daylight to No 20. The rear elevations of the properties are north facing and they do not receive much direct sunlight. Taking into account the orientation of the properties, it is unlikely that the proposal would result in a significant loss of sunlight to the neighbour's rear windows, conservatory or rear garden.
8. The Council has raised no concerns in relation to the effect of the proposal on No 22. Given that this neighbouring property is set much further back than the appeal property, I see no reason to disagree with that assessment.
9. Nevertheless, I conclude that the proposed extension, due to its height, depth and proximity to the boundary, would significantly harm the living conditions of the neighbouring occupiers of No 20 with particular regard to outlook. It would therefore be contrary to Policy H10(d) of the Tameside Unitary Development Plan (2004) (UDP) which seeks to ensure that development has no unacceptable impact on the amenity of neighbouring properties.

Living conditions of occupiers of the appeal dwelling

10. Both rear bedrooms are currently served by first floor windows to the rear elevation. One of those bedrooms would be converted into a bathroom, while the other would be retained as a bedroom but the existing rear window would be blocked by the proposed extension. A new window serving this bedroom would be provided to the western gable end.
11. As the western gable is positioned so close to the side wall of No 20, the new bedroom window would have a limited outlook and reduced exposure to daylight and sunlight. However, the plans also indicate that the bedroom would be served by a roof light which would provide an outlook to the sky and receive some daylight and sunlight. Given this, I consider that the proposal would be acceptable in this regard, particularly given the high standard of accommodation to be provided overall.
12. Consequently, I conclude that the proposal would provide satisfactory living conditions for occupiers of the appeal dwelling with regard to outlook, daylight

and sunlight. It would comply with Policy H10(a) of the UDP, which requires the design of development to meet the needs of future occupiers.

Character and appearance

13. The appeal property is a relatively large two storey detached dwelling with a pitched roof and a prominent two storey gable feature to the front elevation. The narrow gaps between the side walls of the property and those on either side means that the sides and rear of the property are not prominent. The surrounding area is characterised by two storey detached and semi-detached dwellings of similar design and materials. They are set back from the road and are generally arranged along linear or slightly staggered building lines.
14. The proposed extension would be a substantial addition to the rear, extending across the full width of the property with a significant projection from the rear elevation and a ridge height matching that of the existing building. However, the depth of the extension would be disguised to some extent by the relationship with the adjacent properties which extend further back than the appeal property. The existing rear roof slope of the building would still be partially visible. The ridge of the extension would be slightly below the roof of the large gable feature to the front which would remain the predominant feature of the property. Therefore, its scale and siting at the rear would ensure that the proposal would be a subordinate addition overall. The proposal would only be partially visible from the front due to the narrow gaps on either side and it would have little effect on the street scene.
15. For the above reasons, I find that the proposal would not be harmful to the character and appearance of the host property or the surrounding area. Accordingly, it would comply with Policy C1 of the UDP and Policies RED1 and RED4 of the SPD. Amongst other things, these policies and guidance seek to ensure that development respects the character of the area.

Other Matters

16. Whilst I appreciate that the extension would provide additional accommodation for the appellant's family and increase the value of the property, that could be said of many domestic extensions and I attach limited weight to this factor. Therefore, this consideration does not outweigh the significant harm that I have identified or the conflict with the development plan.

Conclusion

17. Whilst the proposal would not have a harmful effect on the living conditions of occupiers of the appeal property or the character and appearance of the area, it would be harmful to the living conditions of the occupiers of 20 Claremont Gardens, with particular regard to outlook. Therefore, for the reasons given, I conclude that the development would be contrary to the development plan. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.

M Ollerenshaw

INSPECTOR