



Appeal Decision

Site visit made on 19 November 2018

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th November 2018

Appeal Ref: **APP/G4240/D/18/3213310**

1 Holden Clough Drive, Aston-under-Lyne OL7 9TH

- 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 Mrs Azara Azam against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 18/00515/FUL, dated 18 May 2018, was refused by notice dated 9 August 2018.
 - The development proposed is a 'part two storey part single storey rear extension. Bay windows at front'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the occupiers of No. 3 Holden Clough Drive with particular regard to outlook.

Reasons

3. The appeal relates to a modern detached dwelling. Its side elevation sits close to the boundary which is shared with the rear gardens of Nos. 2, 3 and 4 Holden Clough Drive. As a result, its side elevation faces the rear elevations of these properties.
 4. The proposal seeks to add a part two storey and part single storey extension to the rear of the appeal dwelling with appropriate external finishing materials, detailing and roof pitches. The single storey element would span the full width of the appeal property and would project almost 8 metres from the main rear elevation, excluding the modest single storey lean-to section which spans part of the existing rear elevation. At the side closest to No. 3 Holden Clough Drive, the two storey element would project almost 3 metres from the main rear elevation of the host dwelling before being set in by just over 3 metres and then projecting just under 3 metres further or thereabouts.
 5. The single storey element of the extension would span the full width of the rear garden of No. 3 Holden Clough Drive whilst the extended two storey element of the appeal dwelling would span well over half of it. As a result, the occupiers of this property would be faced with a large expanse of brickwork very close to the
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bottom of their garden. The distance between the nearest two storey section of the extension and the main rear elevation of No. 3 Holden Clough Drive would accord with the 14 metre minimum standard outlined by policy RED2 of the Council's adopted Supplementary Planning Document titled '*Residential Design*' and the additional windows at first floor level could be fitted with obscured glazing to prevent overlooking. However, this standard explicitly relates to '*privacy and sunlight distances*' rather than outlook.

6. To my mind, the nearest two storey section of the proposed extension would add considerable bulk to the existing side elevation of the appeal dwelling at first floor level. Given its very close proximity to the boundary shared with the rear garden of No. 3 Holden Clough Drive, I consider that the resulting dwelling would appear unduly overbearing and oppressive when viewed from the rooms at the back of No. 3 and also from its rear garden. I am not satisfied that the presence of a few mature trees along the shared boundary would adequately mitigate the overbearing impact of this part of the extension. Whilst I note the appellant has suggested that the planting of trees along the boundary could have an equally oppressive effect, these would take time to grow to the height of a two storey extension, there is no suggestion that this is a realistic prospect and furthermore, such a scenario is beyond my control.
7. For the above reasons, I find that that the proposed rear extension would unacceptably harm the outlook currently enjoyed by the occupiers of No. 3 Holden Clough Drive. In such terms, it conflicts with the National Planning Policy Framework and policies 1.3 and H10 of the adopted Tameside Unitary Development Plan which seek to ensure that development safeguards appropriate levels of residential amenity.

Other matters

8. The appellant refers generally to other large extensions within the locality. However, I do not know the precise circumstances behind them and in any event, I have considered the proposal before me against the particular setting to which it would relate.
9. Finally, the appellant has expressed frustration with the manner in which the application was dealt with by the Council and asserts that positive pre-application advice was given. This is not a matter for me to consider and I have assessed the proposal on its planning merits as I see it.

Overall Conclusion

10. I conclude that the proposed rear extension would harm the living conditions of the occupiers of No. 3 Holden Clough Drive. The Council raises no issue with the alterations to the front elevation of the dwelling along with the conversion of the garage to habitable accommodation. However, as these are linked to the altered ground floor layout, a split decision cannot be issued. The arguments advanced by the appellant in favour of the scheme do not outweigh the identified harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR