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## Appeal Decision

Site visit made on 21 January 2019

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2019

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**Appeal Ref: APP/G4240/D/18/3214916**

**21 Mossley Road, Ashton-under-Lyne OL6 9RS**

- 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 Saied Nawaz against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 18/00753/FUL, dated 14 August 2018, was refused by notice dated 16 October 2018.
  - The development proposed is a rear/side ground floor extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a rear/side ground floor extension at 21 Mossley Road, Ashton-under-Lyne OL6 9RS in accordance with the terms of the application, Ref 18/00753/FUL, dated 14 August 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
    - Drawing number 3 of 5 - Proposed Ground Floor Plan (amended plan 'extension nearer the front')
    - Drawing number 4 of 5 - Proposed elevations (amended plan 'extension nearer the front')
    - Drawing number 5 of 5 - Section A-A
    - Red edged location plan
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) Full details of the bin storage area for the property shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development hereby permitted, and thereafter permanently retained.

### Preliminary Matters

2. Amended drawings were submitted as part of the planning application process. I have determined this appeal with reference to the submitted drawings that the Council made its decision on.

## **Main Issues**

3. The main issues are the effect of the proposed development on the on the living conditions of nearby occupiers, with particular regard to loss of outlook, and on the character and appearance of the area.

## **Reasons**

### *Living conditions*

4. The proposed development would be a single storey, side and rear 'wraparound' extension on the east and south elevations of a 2-storey semi-detached house. The proposed extension would have a pitched roof and would project some 2.99 metres from the main rear elevation and 2.23 metres from the side elevation of the existing dwelling, almost to the eastern property boundary. A concrete garage to the side and rear of the dwelling, close to the side boundary, would be demolished to enable the proposed extension to be constructed.
5. To the east and side of the appeal building are the rear elevations of terraced houses, Nos 18-22 Park Square. These are 2-storey dwellings with small rear yards, which back onto a footway that runs the full length of the terrace and forms the boundary to the appeal property. The footway is some 1.5 metres wide and is gated to Mossley Road. It serves as a bin storage area for the dwellings on Park Square.
6. The Council states that the proposed development would reduce the separation distance to ground floor habitable rooms at Nos 18-22 from 7 metres to 5 metres. The Council accepts that this would not significantly reduce direct sunlight to Nos 18-22, nor would it reduce the privacy of the occupiers of those dwellings.
7. The Council's reason for refusal states that the proposed extension would be 'located directly adjacent to Nos. 18-22 Park Square', when the submitted drawings show that it would be separated from the rear yards of those properties by the gated footway referred to above. Notwithstanding this point, the Council's concern is that the proposed extension would be a dominant feature, which would reduce the outlook from the rear of Nos 18-22, including the rear yards.
8. The current outlook from Nos 18-22 is limited by the existing appeal building, and in the case of No 18, by the existing garage to the side and rear of the appeal building. The position of the proposed single-storey extension would not create a significantly different outlook.
9. Furthermore, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO), sets out what alterations and extensions can be undertaken to a dwelling as 'permitted development', without requiring a planning application to be made. The appeal development, as a result of the 'wraparound' corner part linking the side and the rear parts of the extension together, would not be permitted development. However, I have had regard to what would be allowed as permitted development for separate side and rear extensions at the appeal property. In terms of impact upon the living conditions of the occupiers of Nos 18-22, the difference between the proposed development and what would be allowed as permitted development would not be significant. The 'wraparound' corner

feature would be located in part where the existing garage is currently located and would therefore have a similar impact in terms of outlook.

10. For the reasons given above, the proposed development would not adversely affect the living conditions of neighbouring occupiers, with particular regard to loss of outlook, and would therefore accord with Policies 1.3 (creating a cleaner and greener environment), C1 (enhancement of the built environment), and H10 (detailed design of housing developments) of the Tameside Unitary Development Plan 2004 (TUDP) and with the National Planning Policy Framework 2018 (the Framework) in this regard.

#### *Character and appearance*

11. The Council's second reason for refusal is that the proposed development would block the movement of bins from the rear to Mossley Road, and would therefore require bins to be stored at the front of the property prior to collection. No details of a bin store were submitted and an informal arrangement was considered harmful by the Council.
12. The appellant has stated that they would prefer bins to be stored to the rear, and then transported to the road via the footway to the side of the property. This would address the Council's concern. However, the footway is outside the site edged red and no evidence has been provided as to whether such a right of access exists, and whether such an approach would therefore be possible.
13. The area to the front of the house comprises a vehicular driveway and a gravel landscaped area, with hedge and wall to the front boundary. There would be sufficient space for a screened bin store should one be needed. In these circumstances, a condition requiring full details of the bin storage area for the property to be approved by the Council prior to the first occupation of the appeal development would be sufficient to ensure the character and appearance of the area is protected.
14. For these reasons the proposed development would not adversely affect the character and appearance of the area and would therefore accord with policies H10 a) of the TUDP and with Policy RED10 of the Council's Residential Design Supplementary Planning Document 2010, and with the Framework, in this regard.

#### **Other Matters**

15. Third party representations have been made in relation to the boundary between the appeal property and the footway to its side. In particular, that vegetation from the appeal property is encroaching into the footway, and restricting access. This matter is beyond the scope of this appeal and I have not, therefore considered it in reaching my decision, as set out above.

#### **Conditions and Conclusion**

16. The Council has suggested three conditions in the event that the appeal is allowed, which I have considered in relation to Government guidance. In addition to the standard commencement condition, a condition requiring the development to be undertaken in accordance with specified plans would be necessary for reasons of certainty. A condition requiring the materials to be used in the external surfaces of the proposed extension would be necessary to protect the character and appearance of the area.

17. A condition requiring details of the bin storage area to be provided would also be necessary to protect the character and appearance of the area.
18. For the reasons set out above, I conclude that the appeal should be allowed.

*Andrew Parkin*

INSPECTOR