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## Appeal Decision

Site visit made on 11 February 2019

**by Alison Partington BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 February 2019**

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**Appeal Ref: APP/G4240/D/18/3214654**

**4 Balmoral Avenue, Hyde SK14 5HY**

- 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 Monwar Ali against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 18/00421/FUL, dated 4 May 2018, was refused by notice dated 6 August 2018.
  - The development proposed is the construction of a two storey/single storey rear extension and a front porch extension.
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### Decision

1. The appeal is dismissed in so far as it relates to the two storey/ single storey rear extension. The appeal is allowed in so far as it relates to the front porch and planning permission is granted for the construction of a front porch extension at 4 Balmoral Avenue, Hyde SK14 5HY in accordance with the terms of the application, Ref 18/00421/FUL, dated 4 May 2018, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans in so far as relevant to that part of the development hereby permitted: Existing Layout Drawing No 1464 page 1; Proposed Layout Drawing No 1464 page 2; and Existing /Proposed Layout Drawing No 1464 page 3.

### Procedural Matters

2. The description of development given on the application form was given as a "rear two/single storey extension". The description used above is that given on both the decision notice and the appeal form, as it is clear from the plans and the other evidence submitted that the proposal also includes a front porch extension.
3. The porch and a single storey rear extension have already been built at the property. The Council have indicated that the porch, which was still under construction at the time they visited the site, was larger than shown on the plans. Whilst from what I observed this did not appear to be the case, for the avoidance of doubt I confirm that my determination of the appeal is based on the drawings as submitted.

## Main Issue

4. The main issue in the appeal is the effect of the proposed extension on the living conditions of nearby residents with particular regard to outlook.

## Reasons

5. The appeal property is a semi-detached house located in an area of similar properties. The position of the houses around the junction of Balmoral Avenue and Marlborough Road means the host property and its immediate neighbours are situated in close proximity to each other, and that their rear gardens are limited in size. In addition, the topography of the area is such that the properties to the west are at a slightly lower level.
6. Detailed guidance on extensions to dwellings is found in the *Tameside Residential Design Supplementary Planning Document (adopted March 2010)* (SPD). In particular, Policy RED2 of the SPD sets out the minimum separation distances that are required.
7. The proposed rear extension would be in close proximity to the rear elevations of Nos 2, 13 and 15, which contain a number of habitable room windows. Although these windows would not directly face windows in the proposed extension, those on No 2 face the side elevation of the extension. The Council has stated that the distances between the neighbouring houses and the proposed extension would fall short of those required in the SPD.
8. Whilst the two storey element of the extension would not project as far as the single storey element, the extension would have a significant scale and mass, and would be clearly visible over the fence around the site. Given this, the limited distances maintained to the extension, and the difference in levels, the appeal scheme would dominate the outlook from these neighbouring properties, and have an overbearing impact on them. Moreover, it would create an unneighbourly sense of enclosure to the rear gardens of the surrounding properties.
9. The appellant has highlighted that as Nos 2 and 13 are located on the corner they have a generous front garden area. Be that as it may, the rear garden provides the only private outdoor space for these houses, and the presence of seating areas in both these rear gardens, indicate that these are areas where the occupiers like to spend time. In addition, whilst the outlook for the rooms at the front of these houses may be unobstructed, this does not benefit the habitable rooms whose only windows face to the rear.
10. All in all, I consider that the proposed rear extension would unacceptably harm the living conditions of nearby residents with particular regard to outlook. It would therefore be contrary to Policies 1.3 and C1 of the *Tameside Unitary Development Plan (adopted November 2004)* which require development to have a high quality of design which has regard to the relationship between buildings. It would also conflict with the *National Planning Policy Framework* (paragraph 127) which seeks to ensure that developments, amongst other things, provide a high standard of amenity for existing and future users.
11. In support of the appeal my attention was drawn to other rear extensions in the area. I do not know the full circumstances that led to any of these cases being considered acceptable. However, I observed that the majority of those were only single storey and on those which did have a two storey element, it

was not as wide as proposed here. In addition, the host properties in these cases did not appear to have the same juxtaposition with neighbouring properties as is found with the appeal property. As such they do not represent a direct parallel with the appeal scheme.

*Other matters*

12. The Council have not raised any concerns with the front porch as shown on the plans. The porch would be a proportionate and sympathetic addition to the front elevation, and so I agree with the Council's conclusion. As this element is clearly severable from the proposed extension to the rear, I consider this element can be allowed on its own.
13. I note the personal circumstances of the appellant, and in particular the need for additional living accommodation for the household. However, personal circumstances will seldom outweigh more general planning considerations, and it is likely that the extension would remain long after the current personal circumstances cease to be material.

**Conclusion and Conditions**

14. For the reasons set out above, I conclude the appeal should be allowed in respect of the front porch extension, but dismissed in respect of the two storey/ single storey rear extension. As the porch has already been constructed, the only condition I consider is necessary is one specifying the relevant plans as this provides certainty.

*Alison Partington*

INSPECTOR