



Appeal Decision

Site visit made on 24 January 2019

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2019

Appeal Ref: APP/G4240/D/18/3218932

35 The Links, Hyde SK14 4GR

- 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 Darran Smith against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 18/00813/FUL, dated 6 September 2018, was refused by notice dated 7 November 2018.
 - The development proposed is side/rear first floor extension with hipped roof above, alterations to roof of bay window and other external alterations, including new roof lights to east and west facing elevations, Juliet balcony to west facing elevation and timber cladding to north and west facing elevations.
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Decision

1. The appeal is allowed and planning permission is granted for side/rear first floor extension with hipped roof above, alterations to roof of bay window and other external alterations, including new roof lights to east and west facing elevations at 35 The Links, Hyde SK14 4GR in accordance with the terms of the application, Ref 18/00813/FUL, dated 6 September 2018, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description in the header above is taken from Part E of the appeal form. This reflects a change in the original description of development agreed with the Council. However, amended plans were submitted to the Council during the consideration of the application. It is these plans on which the Council made their decision and which are before me. These do not include either the timber cladding to the north and west facing elevations or the Juliet balcony. For this reason, I have amended the description in my formal decision to better reflect what is now proposed.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of occupants at 37 The Links, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal relates to a relatively large modern detached dwelling located in a small cul-de-sac with three other dwellings of different designs. The host dwelling is L-shaped, with a single storey projection running at 90 degrees to the main house. The overall form mirrors that of No 33, but the single storey element of that building is a double garage, whereas it forms habitable space in the appeal dwelling.
5. The development would not lead to an increase in the footprint of the building. It would however see an increase in the height of the single storey element. The extension would clearly add to the overall scale and mass of the building. However, the effect of this would be mitigated to a significant extent by the fact No 35 sits at a lower level than No 33. As such, the extension would be only marginally taller than the single storey element of that building. Moreover, it would still be substantially below the ridge height of the main part of the dwelling. It would therefore retain a degree of subordination and would thus not be an overly dominant feature in the cul-de-sac.
6. The lack of symmetry between the new master bedroom window and those below does not in my view rise to the standard of poor design or incongruity, but is rather an architectural choice which has a neutral overall impact. The very moderate projection of this window and its gable roof profile would also serve to add articulation to the first-floor elevation which would help to break up its mass. As the extension extends perpendicular to the main dwelling, the differences in roof pitch would also be less pronounced and would not appear awkward as a result.
7. There is already a high degree of variety of designs in both The Links itself and the wider estate. The area is also of a generally high density of development. In this context, I see nothing in the design of the extension, or the resulting form of the dwelling, that would appear out of keeping with either this cul-de-sac or the wider area. The development would merely serve to add an additional element of variety to the street scene.
8. The development would also be mainly visible from the private views of residents of neighbours. From elsewhere, it would be seen in glimpsed or obscured views through the entrance to the cul-de-sac or from the public right of way that runs behind the dwelling. Consequently, any visual impact would also be relatively localised in nature and not unduly harmful.
9. I therefore find that the development would not cause unacceptable harm to the character and appearance of either the host dwelling or the area. Accordingly, there would be no conflict with Tameside Unitary Development Plan (UDP)(2004) policies C1 and H10 which seek, amongst other things, to ensure development respects and complements the character and appearance of the surrounding area.
10. I have noted the Council's reference to the Tameside Residential Design Supplementary Planning Document (RDSPD)(2010). While this identifies 'policies', they do not form part of the development plan and act as guidance only. In terms of RED1, it is inevitable that the development will add to the scale and mass of the building. However, I am satisfied that the development

would remain subordinate to the original building and thus there is no conflict with the guidance in this respect. There would also be no conflict with RED9 which seeks to ensure development does not disrupt the existing building line, aligns with its surroundings, would not dominate the building's façade and would not detract from the street scene.

Living conditions

11. The development would run perpendicular to the front elevation of No 37. The nearest windows to No 35 are bay windows and thus one of the narrow side panes is angled toward the development. The outlook from this pane at both ground and first floor level would clearly be altered by the development. However, this view will make up only a small part of the outlook from these rooms and thus I do not consider the development would have a particularly overbearing effect. There is some dispute between parties as to whether the extension would fall within the 45-degree line advocated by the RDSPD. However, from the main front facing windows any breach of this line would be very limited in extent and would be mitigated by the distance between properties.
12. I am therefore satisfied that the additional storey would not have an unduly oppressive or intrusive effect on occupants of these rooms. Even when viewed through the side panel of the bay window nearest to the development, this is unlikely to result in a sense of confinement or enclosure sufficient to harm the living conditions of occupants. On a cul-de-sac such as this, it would clearly not be unusual to be able to see the upper floors of other dwellings from living rooms or bedrooms.
13. Although not referred to in the decision notice, the officer report highlights a concern about potential overlooking into No 37. The RDSPD makes provision for reduced distances between buildings where development is at an oblique angle. This would be the case here in terms of the main part of the bay windows of No 37 and thus I have no concerns over this relationship in terms of privacy.
14. Notwithstanding this, I acknowledge there might be some concerns relating to the relationship between the new first floor window and the panes which angle toward the site. However, the relative size of these windows and the distance between them and the appeal site suggests there would be little direct material loss of privacy. In coming to this conclusion, I have again been mindful of the relatively high density nature of the estate and the existing relationship between dwellings. The resulting relationship between buildings would not therefore be particularly unusual.
15. The Council raised no objections to the relationship between the development and No 33 and I have seen nothing that would lead me to a different conclusion. As a result of the relative heights of the buildings and the distances between them, I am satisfied the development would not have an overbearing impact on the outlook of that property. The only additional window facing No 33 would serve a landing and would provide the same outlook as existing windows. The site is also too far from the rear gardens or windows of properties either side of the access to the cul-de-sac to realistically cause any harm to their outlook.

16. Taking all relevant matters into account, I am satisfied that the development would not result in unacceptable harm to the living conditions of existing residents. As such, there would be no conflict with UDP policies 1.3, C1 or H10 or the RDSPD which seek, amongst other things, to ensure there would be no unacceptable impact on the amenity of neighbours.

Other matters

17. The cul-de-sac is relatively small, with little room for off-street parking or storage. However, this does not mean that development could not take place without undue harm to the living conditions of neighbours. I am satisfied that reasonable solutions can be found and that any temporary effects arising during the construction of the development could be adequately mitigated through the imposition of a suitable condition requiring the agreement of a Construction Method Statement prior to works commencing. In addition, any issues relating to previous works on the building, or disputes between neighbours, are outside the scope of this appeal and have had no bearing on my decision.
18. The issue of the impact on property values has been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property. Similarly, as I have concluded there would be no undue harm to the outlook of existing residents, any effect on private views is not a matter that has attracted weight in my decision.

Conditions

19. I have considered the suggested conditions from the Council in accordance with the guidance contained in the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition requiring matching materials in the interests of the character and appearance of the area.
20. There is limited space within the cul-de-sac for off-street parking and the storing of materials. For this reason, and to ensure the living conditions of other occupants are not unduly affected, I have imposed a condition requiring the agreement of a Construction Method Statement. This is by necessity a pre-commencement condition to ensure construction takes place in accordance with the approved details. The appellant has confirmed that he accepts this condition.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Other than as required by condition 3, the development hereby permitted shall be carried out in accordance with the following approved plans:
18-0035-00-001 P1; 18-0035-00-002 P1; 18-0035-00-101 P1;
18-0035-20-002 P2; 18-0035-20-101 P2.
- 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) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.