



Appeal Decision

Site visit made on 18 September 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/G4240/D/19/3236682

17 Beech Avenue, Droylsden, M43 6FR

- 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 Miss Stephanie Reid against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00338/FUL, dated 17 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is a two-storey side extension with internal structural alterations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Notwithstanding the description of development set out above, which is taken from the planning application form, it is clear from the plans and accompanying details that the description offered by the Council of "*Demolish existing garage and replace with two storey side extension and front porch*" in the decision notice more accurately describes the development. I have therefore proceeded with the appeal on this basis.

Main Issues

4. The main issues under consideration in this appeal are the effects of the proposed works on:
 - the character and appearance of the host dwelling and the streetscene;
 - living conditions of the occupiers of:
 - No.19 Beech Avenue and No.3 Lyme Grove, with particular regard to openness and outlook;
 - No.3 and No.5 Lyme Grove, with particular regard to overlooking and loss of privacy.

Reasons for the Recommendation

Character and appearance of the host property and streetscene

5. The appeal site comprises a red brick, two-storey, end-terrace dwelling with a hipped tile roof. A small garden area and off-street parking are contained to the front, while a single-storey lean-to garage is located to the side with a passage to the back garden. The house is situated on Beech Avenue, which contains a mixture of semi-detached and terraced dwellings, all of red brick and tiled roof appearance set back from the road with varying amounts of space to the front.
6. The proposal involves the construction of a two-storey side extension and front porch, facilitated by the removal of the existing garage to the side. The extension and porch would be built of matching, red brick materials and a matching hipped roof. The extension would be built flush to both the front and rear elevations and project 2.6m from the side elevation. The porch is considered acceptable by the Council and I have no reason to disagree. As such it does not form part of my considerations for this appeal.
7. My attention is drawn to the Tameside Residential Design Supplementary Planning Document (the SPD), which advises through Policy RED5 side extensions should include a set-back of 1m at upper floors or 0.5m at ground and upper floors. Meanwhile RED1 of the SPD states the scale and mass of the dwelling must not be significantly altered by an extension.
8. The extension would not be set back from the front elevation of the house and would not therefore adhere to the guidance in the SPD. Moreover, it would add significant mass and bulk to the side of the dwelling. As a result, it would not be subordinate to the host property and would therefore harm its character and appearance. While I understand the extension has been designed to maximise space for the family, this private benefit does not outweigh the harm that I have identified.
9. It would also appear as an uncharacteristic and unsympathetic form of development in the streetscene, serving to unbalance the row of terraced housing which makes an important contribution to the area. Whilst I acknowledge that the extension would not adjoin a neighbouring property and would not therefore result in 'terracing' it would, nevertheless, be a bulky addition in the street scene. I did note the garage was in poor condition externally and acknowledge the extension could help to improve the appearance of the side of the house. However, there seems to be no reason why this could be achieved with a design that would be subordinate to the host property.
10. The appellant has stated they are open to amending the scheme if this was acceptable. However, I can only determine the appeal on the basis of the plans on which the Council made their decision.
11. For the above reasons, I would therefore conclude the proposal would have a harmful effect on the character and appearance of the host property and the streetscene, contrary to the design aims of the SPD and the National Planning Policy Framework (the Framework), which seeks to ensure development adds to the overall quality of the area and is sympathetic to local character. The proposal would also be contrary to Policy H10 of the Tameside Unitary

Development Plan (UDP), which seeks among other aims to ensure development complements or enhances the appearance of the surrounding area.

Living conditions of No.19 Beech Avenue and No.3 Lyme Grove- openness and outlook

12. Policy H10 of the UDP seeks to ensure there would be no adverse impact upon the amenity of neighbouring properties, in line with the Framework which advises that development should ensure a high standard of amenity for existing and future users.
13. The extension would project a further 8cm from the side elevation of the house than that of the existing garage at ground floor level, although it would add significant mass at first floor level.
14. The rear elevation of 19 Beech Avenue is orientated away from the side elevation of the appeal site, and while it would have views of the extension at first floor level these would be at an oblique angle. The views from the rear would therefore largely be maintained, and there would be no loss of outlook which would equate to an overbearing sense of enclosure. Similarly, No.3 Lyme Grove is orientated towards the rear elevation of the appeal site rather than the side. While there would be loss of openness at first floor level, this would not be overbearing upon either of the referenced dwellings, and consequently the proposal would not cause an unacceptable loss of outlook.
15. For these reasons the proposal would not have an adverse impact on the living conditions of 19 Beech Avenue and 3 Lyme Grove and consequently the development would be in accordance with Policy H10 of the UDP and the Framework.
16. Policy 1.3 of the UDP is referenced in the reason for refusal; however, while it seeks to maintain space between buildings, this appears to correspond to the appearance of the area to benefit local residents and attract investment rather than issues of living conditions. As such I have disregarded this policy in the assessment of the proposal.

Living conditions of No.3 and No.5 Lyme Grove- overlooking and privacy

17. The rear elevation of the proposed extension includes a window at first floor level which would serve the study. The SPD advises a separation distance of 14m be maintained between habitable rooms to ensure adequate privacy. No's 3 and 5 Lyme Grove have both been extended at ground floor level. While a new window would be created upon the rear elevation of the proposed extension, the dwelling already has one unobscured window at this level serving a bedroom.
18. Evidently the proposal would be circa 9m from the conservatory of No.5, which does not appear to be in dispute. However, any overlooking of that room would not be materially worse than it currently is from the existing bedroom window. Consequently, despite the fact that the distance retained would fall short of recommended 14m, the proposal would not lead to additional harm as a result of overlooking.
19. I am therefore satisfied that the proposal would not worsen living conditions of No's 3 and 5 Lyme Grove as a result of overlooking and loss of privacy. The

proposal would therefore be in accordance with the aims of the SPD regarding the safeguarding of living conditions, as well as Policy H10 of the UDP and the Framework which both seek to ensure development a high standard of amenity for existing and future users.

20. Policy C1 was referenced in the Council's reason for refusal; however, this policy seems to relate to the preservation of the area's built environment, including notable buildings and their settings. As such I have not assessed the appeal proposal with regards to living conditions against this policy.

Other matters

21. The appellant has drawn my attention to other extensions in the area to highlight similarities between these examples and the proposed. However, while photographs have been submitted, I have no details of these developments, or what led to their approval before me and cannot therefore be sure that they are directly comparable to the appeal proposal. As such, the other developments referred to are not determinative points in favour of the proposals.
22. The appellant also draws my attention to the fact that no objections were received from any of the occupiers of the properties assessed by the Council regarding living conditions. However, the Framework is clear in applying judgement to both present and future users of land and buildings, and the lack of objection is a neutral matter rather than carrying weight in favour of the scheme.

Recommendation

23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR