



Appeal Decision

Site visit made on 13 July 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 July 2020

Appeal Ref: APP/G4240/D/20/3249221

22 Sandringham Avenue, Audenshaw M34 5NE

- 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 Gareth Buckley against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/01071/FUL, dated 11 December 2019, was refused by notice dated 5 February 2020.
 - The development proposed is first floor extension over existing rear ground floor extension to enlarge 2 number first floor bedrooms.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing rear ground floor extension to enlarge 2 number first floor bedrooms at 22 Sandringham Avenue, Audenshaw M34 5NE in accordance with the terms of the application, Ref 19/01071/FUL, dated 11 December 2019, 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: Existing and Proposed Drawings 001 rev B
 - 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.

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.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 24 Sandringham Avenue with particular regard to outlook and light.

Reasons

4. 22 Sandringham Avenue is situated within a relatively modern residential area with a mix of housing types and styles, although there are predominantly

detached dwellings in the vicinity of the appeal site. The dwellings are set in staggered arrangement such that the host property is set forward of the neighbouring property, 24 Sandringham Ave. The appeal property is a previously extended brick built detached dwelling.

5. The proposal is to introduce a first floor rear extension above the existing single storey extension. The Council consider that in design terms the proposal is acceptable and meets the guidance in the Tameside Residential Design Supplementary Planning Document (SPD). From all I have seen and read I have no reason to disagree.
6. 24 Sandringham Avenue is a detached split-level property orientated so that windows predominantly face the front and rear. The Council is concerned about the impact of the proposal on a side facing ground floor window fitted with patterned glass which faces the appeal site.
7. Policy RED 2 of the SPD sets out distances between windows and buildings which new development is expected to meet in order to maintain an acceptable standard of privacy and sunlight. The policy requires that from a habitable room window to blank wall, the separation distance should be 10 metres where the wall is single storey in height and 14 metres where it is two storeys. In this case it is acknowledged that the separation distance between the habitable window and the existing extension does not currently meet the guidance in the SPD due to the layout, orientation and close proximity of the dwellings. It is also clear that the appeal proposal would not meet the guidance. However, the SPD goes on to state that a reduction in the separation distances would be permitted where it can be demonstrated that there would be no detrimental impact on the neighbouring property.
8. There is disagreement between the parties as to whether the obscure glazed window is the sole window in the room it serves. There is no conclusive evidence before the appeal to confirm the use of the room or the ground floor layout of the property. Even so, I noted the presence of a high close boarded fence on the boundary between the properties which the window faces at close distance. Due to the proximity of the fence and the existing ground floor extension of the appeal property it is apparent that there is little outlook from the window. Therefore, the addition of a second storey on the existing single storey extension would not reduce the outlook from the window to a significant degree. In addition, due to its orientation and the proximity of the appeal property, the window is likely to receive little direct sunlight and limited daylight. The addition of a first-floor extension would lead to some reduction in daylight although again, given the existing context, this is likely to be limited.
9. On my site visit I noted the presence of what appeared to be a second window on the side elevation of No 24. No objection has been raised by the Council to the impact of the development on this window, which appeared to be fitted with clear glass. Given the proximity of the window to the rear elevation of the dwelling and its relationship with the appeal property, any impact on the window in terms of outlook and light is also likely to be limited.
10. Consequently, whilst I acknowledge that the proposal would have a limited effect on the living conditions of the neighbouring occupiers, given the context of the site and the existing relationship between the properties the impact of the proposal would not be unacceptable.

11. The proposal would therefore be consistent with Policies 1.3 and H10 of the Tameside Unitary Development Plan (2004) which seek to ensure that development does not have an unacceptable impact on the living conditions of neighbouring occupiers, as well as with para 127 of the National Planning Policy Framework which seeks to ensure that development provides a high standard of amenity for existing and future users.

Conditions

12. In addition to the standard timescale condition, it is necessary to impose a condition specifying the relevant drawings as this provides certainty. A condition relating to materials is also necessary in the interests of safeguarding the character and appearance of the area.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Susan Ashworth

INSPECTOR