



Appeal Decision

Site visit made on 6 October 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/G4240/D/20/3247982 18 Maddison Road, Droylsden M43 6ES

- 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 Krzysztof Szady against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00913, dated 9 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is a retrospective single storey rear orangery and new proposed porch at front entrance.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear orangery and porch at the front entrance at 18 Maddison Road, Droylsden M43 6ES in accordance with the terms of planning application Ref 19/00913, dated 9 October 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: A101 Rev P1; A103 Rev P1 and A104 Rev P1.
 - 3) The development hereby permitted shall not be occupied until the side-facing windows of the rear extension which address the common boundary with 16 Maddison Road have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 4) 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.

Preliminary Matters

2. The description in the banner heading above is taken from the planning application form. However, a rear extension similar to that shown on the appeal plans was substantially complete at the time of my site visit. Some deviations were apparent between the development and the submitted plans

described as 'as-built'. For the avoidance of doubt, this appeal is determined on the basis of the plans submitted with the planning application. I have therefore removed the reference to it as a retrospective development.

Main Issues

3. The main issues are the effect of the rear extension on:

- the living conditions of nearby residents with particular regard to outlook and privacy; and,
- the character and appearance of the building.

Reasons

Living conditions

4. The site accommodates a two-storey end of terrace dwelling. The plot width is slightly wider than the dwelling on account of a pedestrian path to the side. Beyond this lies 16 Maddison Road a separate end of dwelling property set off the common boundary and further forward in its plot. The attached neighbour is 20 Maddison Road.
5. The single storey flat-roofed design of the rear extension would mean that, whilst it would be readily visible, it would not dominate, or appear overbearing in the views from the first floor rear windows of the neighbouring dwellings at nos16 and 20. At ground floor, no20 has a single storey outbuilding sited alongside the common boundary of the appeal site. This extends to almost halfway along the depth of the proposed extension and has no rear facing windows. The position and height of the outbuilding at no20, combined with the original element of the extension at no18, substantially encloses the views from the ground floor openings in the original rear wall of that building. Although a small part of the upper wall and eaves line of the proposal would be visible over the outbuilding this would have little effect on the outlook of the occupiers.
6. Within the garden area of no20 the additional part of the extension would be visible beyond the outbuilding. The effect would be similar to that of other single storey rear extensions and outbuildings in the locality. Combined with the modest eaves height shown, this would not have a significant impact on residents using the garden area. The extension would not, therefore, cause significant harm to the users of the rear garden at no20 with respect to outlook or as an oppressive form of development.
7. The Tameside Residential Design Supplementary Planning Document (March 2010) (SPD) states that a single storey development that would breach a 60° line taken from the centre of the nearest habitable room window of a neighbouring property can result in overshadowing, loss of privacy and/or reduced outlook for neighbours.
8. Due to the combined length of the extension and staggered positions of nos16 and 18, the extension would breach the theoretical line from the nearest rear ground floor window at no16 by a short distance. The majority of the length of the combined extensions would be visible over the boundary from the rear windows and garden area of no16. However, the effect of the proposal on those views would be tempered by the low roof profile, the offset distance from the

boundary and, to a small extent, the part screening of the development by the boundary fence. In combination these would ensure that the proposal would not appear overbearing, oppressive or dominate the main rearward views from the neighbour's window or patio doors.

9. Although the effect within the neighbouring garden would be increased, I find that, for the same reasons, this would not amount to significant harm to the living conditions of the occupiers of that property. It would therefore not warrant a refusal of planning permission with regard to outlook or as an oppressive form of development.
10. The proposal shows windows within the side elevation that would directly address the common boundary and the rear garden area of no16 at short distance. The internal arrangement of the extension would have potential to concentrate activity within the rear room and provide marginally elevated views over the third-party area. This would include the more sensitive area immediately to the rear of the house.
11. Although views across the neighbouring garden are available on account of the limited height of the boundary fencing, the effect would be to undermine any sense of privacy enjoyed by the neighbour. This arrangement would contrast sharply with the previous single door and rear facing window arrangement at the appeal site and result in significant harm to the living conditions of the occupiers at no16 through loss of privacy and overlooking.
12. However, the appellant has advised that this could be addressed through the installation of obscure glazing to the side facing windows. This approach would be consistent with that advocated at Paragraph 54 of the National Planning Policy Framework (the Framework) and I agree that it would overcome the harm I have identified.
13. For the above reasons, I find that the proposed development would avoid unacceptable impacts on the neighbouring properties. It would therefore meet the requirements of Policy H10 of the Tameside Unitary Development Plan Written Statement (Nov.2004) (UDP) and the SPD as they seek to protect the living conditions of neighbouring residents.

Character and Appearance

14. The site is located in a suburban area of primarily residential development. On Maddison Road two-storey dwellings are arranged in mixed length terraces and semi-detached dwellings set behind front gardens. Private amenity spaces are provided to the rear. The buildings generally have hipped tiled roofs and are finished in brick. Some of the terraces' frontages feature render, including no18.
15. The rear extension is proposed to be added to a previous flat roof extension and have matching height and similar width. The use of a flat roof with lightweight roof lantern would limit the sense of scale and massing. At the time of my site inspection I saw that flat roofed rear extensions were common in the locality and whilst they do not reflect the hipped roofs of the primary buildings they are typical of the area such that the extension does not appear out of character with it.
16. Although the combined extension would have a footprint similar to the original dwelling, the low height design would ensure that it appears as a subordinate

addition. Furthermore, the rows of terraces are closely sited such that views to the rear of the properties are significantly limited from public areas. The rear location ensures that the extension would have little effect on the Maddison Road street scene and no harm would arise to it.

17. There is no dispute between the main parties that the proposed porch would be of an appropriate scale and design in the context of the streetscape. Having visited the site I concur with that view.
18. For those reasons, I find that the proposed extensions would be consistent with the requirements of Policy H10 of the UDP and the SPD as it seeks to secure designs which complement or enhance the character and appearance of the surrounding area.

Conditions

19. I have considered the suggested conditions from the Council and had regard to Paragraph 55 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring the use of matching external surfaces is necessary and reasonable in the interest of the character and appearance of the area.

Conclusion

20. For the above reasons, the appeal should be allowed.

R Hitchcock

INSPECTOR