

Appeal Decision

Site visit made on 29 November 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 5 December 2016

Appeal Ref: APP/Q4245/D/16/3158154

8 Linley Road, Sale, M33 7EJ

- 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 and Mrs Burton against the decision of Trafford Borough Council.
 - The application Ref 88715/HHA/16, dated 16 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed is a two-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension upon the living conditions of the occupiers of 7 Manor Road in respect of privacy.

Reasons

3. The appeal site and 7 Manor Road are both terraced properties, the rears of which are separated by small back yards enclosed by brick walls with a back alley in-between. The proposed extension, which would have a window in the rear elevation of the first floor, would be some 8m to the rear boundary of 7 Manor Road and about 15m to No 7's facing first floor rear habitable room window.
 4. The Council's *Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations, 2012* (SPD) indicates that extensions with habitable room windows should be no less than 10.5m from the boundary with the neighbour. It also advises that a distance of 21m between habitable room windows of properties that are directly facing each other is normally acceptable. Clearly, the proposed extension would result in distances substantially short of these guidelines and due to the lack of separation, the extension would, therefore, unacceptably overlook the rear windows and private amenity space of No 7.
 5. I appreciate that the existing dwellings do not currently meet the guidelines and that the extension would reduce the distance between the properties by only about 1.7m. However, I see no reason why the properties should have the situation worsened any further.
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6. I appreciate that a neighbouring property has a dormer window but this does not justify further harm. I also note that the occupiers of No 7 did not object but I have to consider both existing and future occupiers and the lack of objection is therefore not a determinative factor.
7. The appellants have submitted an additional plan in support of the appeal which marks the 1st floor extended room as a "dressing room" instead of a "bedroom". However, given the proposed size of the room, it could easily be used as a bedroom and this would not be acceptable with an obscure glazed window as there would be no outlook from the room.
8. I therefore conclude that the proposed extension would harm the living conditions of the occupiers of 7 Manor Road. Consequently, the proposal would conflict with Policy L7 of the Trafford Local Plan: Core Strategy 2012 which seeks to protect the amenity of adjacent occupiers, including the prevention of overlooking.
9. I therefore dismiss the appeal.

Siobhan Watson

INSPECTOR