
Appeal Decision

Site visit made on 17 January 2017

by B.Hellier BA(Hons) MRTPI

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

Decision date: 30th January 2017

Appeal Ref: APP/W4223/D/16/3165724

6 Enfield Avenue, Oldham, OL8 3DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Rofique Ali against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PREX/339128/16, dated 30 June 2016, was refused by notice dated 26 October 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main issue

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the proposed development to be assessed solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received.
3. In this case the main issue is the effect on the living conditions of the occupiers of the adjoining property, 8 Enfield Avenue, in relation to outlook.

Reasons

4. The appeal property is a modest semi-detached house with a depth of about 6.0m. It is proposed to extend across the full width of the property projecting to the rear for a further 6.0m and thus doubling its depth. The extension would be single storey and would be built right up to the boundary with No.8 which is the adjoining property in the semi-detached pair. Along the boundary the eaves would be 2.4m above ground level with a shallow pitched roof running back to a central ridge. The ground floor level of No.8 is slightly lower than that of the appeal property so the effective height of the building would be slightly greater than 2.4m although it would be less than 3.0m.
5. The living room of No.8 is a through room with windows facing a small front garden and, at the back, french windows looking out towards the north onto a patio with steps up to the main back garden at a higher level. There is a high fence and evergreen shrubs along the boundary. The back garden of the

appeal property also has an upper level and a shed situated here is prominent on the boundary. There is already therefore a restricted outlook to the rear.

6. The lower floor level of No.8 and the bulk of the proposed extension, particularly its depth, would add considerably to the sense of enclosure for someone in the living room close to the french windows or in the patio area. Although there would continue to be reasonable levels of daylight in the living room as a whole the loss of a segment of sky in the view to the rear would create oppressive conditions in this part of the room.
7. My attention was drawn to two examples of two storey development to the rear of other properties in the street. I do not know when or indeed, if, these were approved by the Council. I accept that a single storey development would normally have less of an impact on outlook than one that is two storeys. In this case the examples do not have a depth as great as 6.0m but, nonetheless, they appear to impact considerably and detrimentally on their neighbours. I do not consider this is a good reason to accept further harm to residential amenity elsewhere in the vicinity.
8. I conclude that there would be a significant adverse effect on the living conditions of the occupiers of the adjoining property, 8 Enfield Avenue, in relation to outlook. This would be contrary to Policy 9 of the Local Plan¹ which seeks to protect and improve local environmental quality and amenity including the amenity of neighbouring occupiers.
9. For the reasons given above I conclude that the appeal should be dismissed.

Bern Hellier

INSPECTOR

¹ Local Development Framework: *Joint Core Strategy and Development Management Policies*. Adopted November 2011