
Appeal Decision

Site visit made on 17 January 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 03 February 2017

Appeal Ref: APP/W4223/D/16/3162971

2 Wye Avenue, Failsworth, Manchester, Lancashire M35 0FG

- 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 Mrs Caroline Gleave against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339033/16, dated 18 August 2016, was refused by a notice dated 17 October 2016.
 - The development proposed is a 2 storey extension to the side.
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Decision

1. The appeal is allowed and planning permission is granted for a 2 storey extension to the side at 2 Wye Avenue, Failsworth, Manchester, Lancashire M35 0FG in accordance with the terms of the application, Ref HH/339033/16, dated 18 August 2016, 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: Site Location Plan, Scale 1:1250; Site Plan at 1:200; Drawing No AB01198 Sheet 1 (Ground Floor Plan Existing); Sheet 2 (1st Floor Plan Existing); Sheet 3 (Ground Floor Plan Proposed); Sheet 4 (1st Floor Plan Proposed); Sheet 5 (Elevations- Existing & Proposed); Sheet 6 (Section A-A); Sheet 7 (Section B-B & Plan of 1st Floor Joists); Sheet 8 (Section C-C & Roof Detail); and Sheet 9 (Construction Notes).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed on the North West facing (rear) elevation.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupants of 138 Ashton Road West, with particular regard to outlook.
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Reasons

3. No 2 Wye Avenue is traditional brick semi-detached property with a hipped roof and is positioned on a corner within a small residential cul-de-sac. No 138 Ashton Road West, also a semi-detached property, is located on the corner of Wye Avenue and shares a common rear boundary with the appeal site.
4. No 138 has been previously extended to the rear and side. Due to the splayed positioning of the appeal property, No 138's rear extension is off-set slightly from its facing rear elevation. However, there is a clear line of sight between the upstairs windows of these properties and between their respective rear elevations.
5. The proposed two-storey side extension would be recessed behind the existing rear elevation of the appeal property and consequently the proposal would be no closer to the facing bedroom window of No 138 than its existing rear elevation. Whilst it is clear that the position of the proposed two-storey side extension would sit more directly in front of the facing bedroom window of No 138, I am also mindful that the corner position of both of these properties, means that No 138 has an open aspect to its side. Consequently, its rear bedroom window would retain views of Wye Avenue to the south east of it, and the proposed extension would not have a materially harmful enclosing effect. Furthermore, the proposed extension would have a shallow hipped roof which would reduce its overall mass.
6. I recognise that the distance between the bedroom window and the proposed extension is relatively short. However, in view of the existing relationship between these properties and for the reasons set out above, I do not consider that the proposed extension would be significantly overbearing or have an oppressive effect on the outlook for existing residents of No 138.
7. I conclude that the proposed development would not have a materially harmful effect on the living conditions of the occupants of 138 Ashton Road West, with particular regard to outlook. The appeal proposal would therefore comply with the development plan, and in particular I find no conflict with Policy 9 of Oldham's Local Development Framework, Joint Core Strategy and Development Management Policies, 2001, which seeks to ensure, amongst other things, that development does not cause significant harm to the amenity of existing or future neighbouring occupants through impacts on privacy, safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances.

Conditions

8. The Council has suggested a number of conditions which I have considered against the National Planning Policy Framework and Planning Practice Guidance.
9. I have imposed a condition to specify the approved plans as this provides certainty, and a condition specifying materials is necessary to safeguard the character and appearance of the area.
10. A condition is necessary to prevent the future construction of windows/dormers windows in the North West facing elevation of the

extension to safeguard the privacy of the occupants of 138 Ashton Road West.

Conclusion

11. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR