

Appeal Decision

Site visit made on 20 June 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/G4240/D/17/3171889

65 Thompson Road, Denton, Tameside M34 2PR

- 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 Mrs Christine Kenny against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 16/00981/HHPD, dated 5 October 2016, was refused by notice dated 19 January 2017.
 - The development proposed is we are looking to put a 4 metre x 4 metre Edwardian conservatory on the back of Mrs Kenny's property at the above address. At the moment, when the customer moved into the property, there was a 2.5 metre kitchen extension. On to this 2.5 metre kitchen extension, we are looking to put the aforementioned 4 metre x 4 metre extension. This will take the overall measurement to 6.5 metres x 6.5 metres. We have been informed that we do not require planning permission therefore we request that you notify all relevant neighbours. We do understand that this can take up to 42 days and we will await on your instruction regards Homewell Improvements Ltd.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The plans submitted by the appellant with their appeal show a different sized conservatory compared to the plans provided by the Council. As the Council made their decision on the smaller of the two, my findings relate to these plans, despite the measurements in the description of development above.
4. I note there is some discrepancy with the date of the application, compared to the appeal form which indicates the date of the application was 9 December 2016. I have considered the appeal based on the date from the appeal form.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of the occupants at 67 Thompson Road, with regards to outlook, daylight and sunlight.
-

Reasons

6. The appeal site forms part of a semi-detached pair of bungalows. The property subject of this appeal benefits from a rear single storey flat roof extension across the full width of the dwelling. The adjoining property, No 67 has a large lounge window set back and between No 65's rear extension and the kitchen of No 67. The rear elevations of Nos 65 and 67 face north. A low timber fence with a trellis on top is between the two dwellings.
7. The conservatory would add 3.65 metres onto the depth of the existing rear extension, taking the potential total depth of rear extensions to roughly 6 metres. The conservatory would be positioned close to the shared boundary. Consequently the proposal would, in tandem with the existing extension form an elongated built form. This would extend up to eaves height and span the full height of the lounge window, even if the elevation nearest to No 67 would be obscure glazed. As a result, I consider that the elongated built form would, even if overlooking would not be an issue, cause an unacceptable impact on the outlook from this window.
8. Due to the position of the proposal and the siting of Nos 65 and 67 there would not be any harm to the living conditions of the occupants of No 67, in terms of daylight and sunlight during the morning or early afternoon period. Still, the proposal would add to the height and depth of the built form. As it would be higher than the boundary fence, and due to the position of the lounge window, some overshadowing may occur in this room. However any effect would only be felt late in the afternoon and in the early evening during the summer rather than across the full year. This would not therefore be an unacceptable impact.
9. On the other hand, due to the proposal's length, height and proximity to the boundary, this would cause the lounge of No 67 to feel gloomier as a result of a reduced level of daylight being received. The extended built form would lead to a tunnel effect. I consider that this would cause an unacceptable impact on the living conditions of the occupants.
10. The proposal would also be likely to cause some loss of sunlight to parts of the rear garden of No 67 even with the use of glazing. Even so, I do not consider that this would be an unacceptable impact on the occupants living conditions as sunlight could reach the garden for long periods during the day.
11. For these reasons, I conclude that the proposal would have an unacceptable impact on the living conditions of the occupants at 67 Thompson Road, with regards to outlook and daylight. The proposal would not accord with saved Policy H10 of The Tameside Unitary Development Plan Written Statement and the Tameside Residential Design Supplementary Planning Document; which jointly seek to ensure development does not have an unacceptable impact on the amenity of neighbouring properties through overshadowing or outlook.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR