

Appeal Decision

Site visit made on 14 July 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 03 August 2017

Appeal Ref: APP/W4223/D/17/3175208
38 Villa Road, Oldham OL8 1PL

- 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 Raj Begum against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339239/16 was refused by notice dated 15 February 2017.
 - The development proposed is the erection of a rear single storey extension.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The name of the appellant is given as Mrs Raj Begum on the planning appeal form, whereas the name appearing on the application form is Mr Raj Begum. As the right of appeal rests solely with the original applicant, I have proceeded on the basis that Mr Raj Begum is the appellant in this case.
3. A single storey extension to the rear of the appeal property is in place. It appears to broadly reflect the details shown on the drawing although the existing extension has a gable end. The proposal before me has a hipped roof. For the avoidance of doubt, I have assessed the proposal as it is shown on the drawing since it was on that basis that the Council refused planning permission.
4. At the site visit, I viewed the site from 40 Villa Road with the consent of the occupiers of this adjacent residential property and did so unaccompanied.

Main issues

5. The main issues are firstly, whether the proposed development would result in satisfactory living conditions for the occupiers of 38 Villa Road with regard to outdoor amenity space, outlook and daylight; and secondly, the effect of the proposal on the living conditions of the occupiers of 36 and 40 Villa Road with reference to outlook, visual impact and light.

Reasons

6. The appeal property is a mid-terrace dwelling within in a predominantly residential area wherein 'back to back' residential terraces with rear yards connecting to communal alleyways predominate. The proposal is to erect a
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single storey extension at the back of the main house with a dual pitched hipped roof. The new addition would project outwards from the main rear elevation to the boundary with the alleyway that runs along the back of the Villa Road terrace.

7. At the site visit, I saw that several properties in the area immediately around the site have been altered and extended at the rear, some of which in a manner similar to that proposed. Nevertheless, it is a central principle of the planning system that every case should be assessed on its own merits, which I have done in this instance.

Occupiers of No 38

8. That the rear outdoor space of No 38 would be small and of limited value as private amenity space (PAS) to its occupiers as a result of the proposal is in little doubt. Specifically, there would be a narrow corridor leading from the rear external door of the main house along the side of the new addition to the back gate. Given the circulation space required around both doors and the opening proposed in the new extension for a garage, this space would have little use even as an area for sitting out, drying clothes or for children's play. With tall brick walls on either side of this narrow corridor, the outdoor space would also feel confined and uninviting. As a result, the quality and usefulness of the rear yard as PAS would be unacceptably low. The provision of limited PAS is an indication that the introduction of new built form, as proposed, into a compact site would be an overly intense form of development.
9. Due to its position, length and height, the proposal would also appear overbearing when viewed from rear-facing window of No 38 that would face the narrow corridor between the new extension and the site's boundary wall. The new built form would also noticeably reduce the amount of daylight reaching this window, which serves a dining room, and the rear yard, the effect of which would accentuate the harmful visual impact of the appeal scheme. From what I saw, the proposal would also have a tunneling effect because the view from the dining room window would be restricted on each side by tall brick walls.

Occupiers of Nos 36 and 40

10. The new sidewall of the extension would be close to the external area at the back of 40 Villa Road and the new addition would be evident when seen from the rear courtyard of this attached property. It would also be visible through the rear-facing window of the main house, which serves a living room, and the kitchen window of its single storey rear projection. Due to its considerable depth, height and close proximity, the proposal would unduly dominate outlook and overbear when viewed from both the kitchen and living room windows and would result in a significant reduction in the amount of natural light serving those windows and the rear yard of No 40. Consequently, the living conditions of the occupiers of No 40 would be significantly reduced.
11. The proposed extension would also be close to the rear yard of the attached property on the opposite side of the site, which is 36 Villa Road. It would reduce the natural light reaching this outdoor space. However, the main direction of outlook and source of lighting to its rear-facing windows would be largely unaffected and there would be no side windows facing the new extension. On balance, I find that the effect of the proposal on the use of the

outdoor space as PAS and on the rooms served by its rear windows would not harm the living conditions of the occupiers of No 36 to the extent that planning permission should be withheld for this reason.

Other extensions

12. Several nearby properties include sizeable rear extensions and my attention has been drawn to a number of examples that the appellant considers to be similar if not larger than the proposal. Photographs of these cases have been provided, which I have taken into account. However, few background details of these schemes have been provided and so I cannot be certain that their particular circumstances are the same as the proposal or even that planning permission has been granted in each case. To reiterate, I have assessed the proposal on its individual merits and find that it is the specific relationship between the proposal and the rear windows of Nos 38 and 40 and its effect on the outdoor space at the back of the appeal property that is objectionable. I observed that some rear extensions of other properties are also close to the windows of adjacent properties with limited private outdoor space left within a number of rear yards. However, it seems to me that additional harm cannot be justified on the basis that some harm already exists.

Conclusion on the main issue

13. On the main issue, I therefore conclude that the proposed development would fail to provide satisfactory living conditions for its occupiers. It would also materially harm the living conditions of the occupiers of No 40. Accordingly, it conflicts with Policy 9 of the Council's Development Plan Document - Joint Core Strategy and Development Management Policies insofar as it aims to safeguard residential amenity. The proposal also fails to adhere to a core principle of the National Planning Policy Framework, which is to always seek to secure a good standard of amenity for all occupants of land and buildings.

Other matters

14. The occupiers of Nos 36 and 40 raise no objection. Nevertheless, the absence of objections does not indicate that development is therefore acceptable. Furthermore, my assessment takes into account future as well as current occupiers of these and other properties.
15. The appellant states that before construction took place that he was informed by the Council that the proposal would qualify as permitted development and thus did not require planning permission. Nevertheless, planning permission is sought for the proposal and I have assessed the scheme on that basis.
16. Once complete, the additional accommodation within the new extension would enhance the living conditions of the occupiers of No 38. However, this consideration does not outweigh the harm that I have identified.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR