
Appeal Decision

Site visit made on 19 June 2019

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2019

Appeal Ref: APP/G4240/D/19/3228420

21 Mansfield Road, Hyde, SK14 5PF

- 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 Akik Miah against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 18/01002/FUL, dated 14 November 2018 was refused by notice dated 19 February 2019.
 - The development proposed is a single storey rear extension with double storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension with double storey side extension at 21 Mansfield Road, Hyde, SK14 5PF in accordance with the terms of the application, Ref 18/01002/FUL, dated 14 November 2018, 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: Drawing No: AM19418.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers at No. 19 Mansfield Road with reference to daylight, sunlight and outlook.

Reasons

3. The appeal property is a two storey semi-detached dwelling which is situated on the northern side of Mansfield Road. The property is located amongst a group of similar semi-detached dwellings whose front elevations face the highway. To the west of the appeal site are a number of bungalows, that are set behind a landscaped area, and are situated at varied angles to the road.
4. The proposal seeks a two storey extension to part of the side elevation of the dwelling, with a single storey proposal to the rear of the existing building. The Council do not consider that the two storey proposal would interfere with the

outlook from the rear facing windows of the bungalow at No. 19, but have raised concerns that the development would visually dominate the rear of this neighbouring property, including its rear garden area. The Appellant has identified that the nearest habitable room window to the rear of No. 19 is sited away from the appeal dwelling, and towards No. 17. I was able to see at the time of my visit that a shed was located to the rear of No. 19, close to the boundary with the appeal dwelling, with the main area of this neighbouring property's garden located away from the two storey proposal. As such, and whilst noting the orientation of the appeal building relative to the neighbouring property at No. 19, given the separation with the two storey element of the development, I do not consider that it would create an uncomfortable sense of enclosure. The existing single storey garage would be replaced with a larger two storey development, but given the presence of the existing two storey dwelling to the south east of No. 19, I consider the effect of additional overshadowing would not be unduly harmful relative to the current position, which the Council have identified as a compromised situation.

5. I therefore conclude there would not be any unacceptable adverse effect on the neighbouring occupiers at No. 19 Mansfield Road with regards to daylight, sunlight or outlook and there would therefore be no conflict with Policies 1.3, C1 or H10 of The Tameside Unitary Development Plan, which require, amongst other matters, development to ensure that there is no unacceptable impact on the amenity of neighbouring properties. It would also not conflict with the Tameside Residential Design Supplementary Planning Document, or the National Planning Policy Framework (Paragraph 127), which seeks a high standard of amenity for existing and future users.

Conclusion

6. For the reasons given above and having taken into account all other matters raised, including the Council considering the single storey aspect of the scheme to be acceptable, I conclude the appeal should be allowed.

Conditions

7. The Council have suggested a number of conditions. I consider the standard implementation condition and a condition for the development to be carried out in accordance with the approved plans to be necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring matching materials is also necessary in the interests of the character and appearance of the host dwelling and the area.

F Rafiq

INSPECTOR