
Appeal Decision

Site visit made on 7 August 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/T4210/W/19/3227256

23 Shipston Close, Walshaw, Bury BL8 1QH

- 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 Helen Palfrey against the decision of Bury Metropolitan Borough Council.
 - The application Ref 63858, dated 25 February 2019 by the Council, was refused by notice dated 18 April 2019.
 - The development proposed is a two-storey/first-floor rear extension and single-storey front extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey/first-floor rear extension and single-storey front extension at 23 Shipston Close, Walshaw, Bury BL8 1QH in accordance with the terms of the application, Ref 63858, dated 25 February 2019 by the Council, 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: 1 and 2.

Procedural Matters

2. The appeal relates to a form of 'split decision' by the Council; part of the proposal has been refused and part has been approved. Notwithstanding that the appellant's statement refers to the appeal being against refusal of the rear extension only, under Section 79(1)(b) of the Town and Country Planning Act 1990, the whole proposal is before me and I am not restricted to dealing with only the element that was refused by the Council.

Main Issue

3. The main issue is the effect of the size and position of the proposed extension on the living conditions of the occupants of No 21 Shipston Close, with particular regard to outlook.

Reasons

4. The appeal site is a two-storey semi-detached dwelling. There is an existing single-storey extension attached to part of the rear of the dwelling. The appeal

proposal would extend the ground floor extension across the whole width of the dwelling, whilst remaining the same depth, with a two-storey extension again across the whole width, but just 2 metres in depth. A separate single storey porch would also be erected to the front. There is common ground between the parties that the ground floor element of the rear extension and the front porch extension are both acceptable, and I see no evidence that would persuade me otherwise.

5. The Council's adopted Alterations and Extensions to Residential Properties Supplementary Planning Document 6 (SPD) contains guidance for two-storey rear extensions, including advice that they should have a depth of no more than 1 metre, nor thereafter encroach beyond a 45-degree angle. No reasoning is provided for these specific dimensions, but the document is guidance rather than prescriptive policy. Whilst I acknowledge that the proposed development would be in conflict with this guidance, the document does note that flexibility will be applied in certain circumstances.
6. In terms of outlook from No 21, the Council refer simply to the breach of the 1m guidance. No specific harm is identified. With respect to size and positioning, my observations are that, whilst the depth of the first-floor element exceeds guidance, the sense of enclosure created would be modest as well as proportionate to the residential context. From the dining room at No 21, the first-floor extension would be visible from the windows, but such restricted visibility is unlikely to have any adverse effect on the general use of that room.
7. Similarly, the proposal would not have adverse effect on use of the patio, given outdoor activity is typically focused towards sunlight, in this case towards the evening sun to the west and looking away from the proposed extension. Consequently, I find that No 21 would not be unacceptably dominated by the proposed extension, and no harm would be caused to outlook.
8. I therefore conclude that the effect of the size and position of the proposed extension on the living conditions of the occupants of No 21 Shipston Close, with particular regard to outlook, would be acceptable. Consequently, the proposal would accord with saved Policy H2/3 of the Bury Unitary Development Plan, which requires development to have regard to the living conditions of neighbouring properties, amongst other matters.

Conditions and conclusion

9. For certainty I have imposed a condition detailing the approved plans. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Hanna

INSPECTOR