



Appeal Decision

Site visit made on 16 September 2019

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/W4223/D/19/3232909

1 Warwick Road, Failsworth, Manchester M35 0QQ

- 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 Carl Clarke against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/342795/19, dated 14 January 2019, was refused by notice dated 18 June 2019.
 - The development proposed is a 2-storey rear extension and porch.
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Decision

1. The appeal is dismissed insofar as it relates to the 2-storey rear extension. The appeal is allowed and planning permission is granted for a porch at 1 Warwick Road, Failsworth, Manchester M35 0QQ in accordance with the terms of the application, Ref HH/342795/19, dated 14 January 2019 and 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: LP10035; 01250; AB01276 Sheet 3; Sheet 5; and, Sheet 6.

Background and Main Issue

2. The proposal has two distinct parts, a porch to the front elevation and a 2-storey rear extension. There is no dispute between the parties that the porch would be acceptable in terms of the character and appearance of the area and the living conditions of nearby occupiers, and I agree.
3. Therefore, the main issue is the effect of the proposed rear extension on the living conditions of nearby occupiers, with particular regard to outlook.

Reasons

4. The appeal dwelling is a traditional 2-storey brick building facing onto Warwick Road. The side elevation is joined to the rear of a similarly designed dwelling to the northwest, that faces onto Alder Road.

5. The rear elevation of the appeal dwelling and the side elevation of its joined neighbour, 42 Alder Road, are in a similar plane, with a brick chimney on the boundary. At first floor level, the windows of No 42 are obscured-glazed and do not, therefore, have an outlook.
6. However, at ground floor level, next to the boundary with No 1, there is a transparent window and part-glazed door to a habitable room, overlooking a side garden area. This side garden also contains a brick-based conservatory with an obscured-glazed roof, which is positioned next to the window and door, away from the shared boundary with the appeal dwelling. The boundary is currently marked by a solid timber panel fence, some 2.0 metres high.
7. The conservatory and boundary fence, together with a separate brick outbuilding to the northeast, largely enclose this side garden area at No 42. Whilst the conservatory has a separate outlook towards Alder Road, the aforementioned habitable room of the dwelling and the side garden area it overlooks have only a limited outlook as a result of this enclosure.
8. The proposed 2-storey extension would project some 3.0 metres from the rear elevation of 1 Warwick Road close to the boundary with No 42. Consequently, the scale, massing and position of the proposed development would be overbearing and would further restrict the limited outlook from the habitable room and the side garden area, to the detriment of the living conditions of the occupiers of No 42.
9. The proposed extension would be to the southeast of No 42 and therefore likely to restrict sunlight to the side elevation, side garden and conservatory to some extent. However, reduced natural light is not a matter of dispute between the parties and I also note the appellant's comments regarding the dual-aspect of the habitable room, which provides it with natural light.
10. The appellant refers to what they consider to be a similar existing arrangement on the Warwick Road elevation of No 42, shown on their Photograph 2. The proposed rear extension would project further than the corresponding feature on Warwick Road. The window on the Warwick Road elevation also enjoys a much better outlook towards the street across a garden area. It is not, therefore, a comparable arrangement and does not cause me to reach a different conclusion with regard to the harm to the living conditions of nearby occupiers I have identified.
11. The current occupiers of No 42 have not objected to the proposal. However, this does not affect the planning merits of the case and does not cause me to reach a different conclusion with regard to this appeal, as set out above.
12. For these reasons the proposed extension would cause unacceptable harm to the living conditions of nearby occupiers with particular regard to outlook. It would therefore conflict with Policy 9 (local environment) of the Joint Core Strategy and Development Management Policies development plan document 2011.

Conditions and Conclusion

13. For the reasons given above, the proposed rear extension would not be acceptable. However, the proposed porch to the front of the main dwelling would be acceptable and it is clearly severable from the proposed rear extension. I therefore intend to issue a split decision in this case.

14. In addition to the standard time limit condition, the Council has suggested further conditions which I have considered in the light of government guidance, and in relation to the part of the proposed development hereby permitted.
15. A condition requiring the external materials to be used in the development hereby permitted to match the existing building would be necessary, in order to protect the character and appearance of the area. In order to provide certainty, a condition requiring that the development hereby permitted is carried out in accordance with the approved plans would be necessary.
16. I conclude, therefore, that the appeal should be dismissed insofar as it relates to the rear extension but allowed insofar as it relates to the porch.

Andrew Parkin

INSPECTOR