



Appeal Decision

Site visit made on 1 October 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/C4235/D/19/3232961

70 Downham Road, Heaton Chapel, Stockport SK4 5EG

- 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 and Mrs C McColl against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/072581, dated 22 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is the erection of extension to side elevation at first floor over existing and the addition of porch to front.
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Decision

1. The appeal is dismissed.

Preliminary Matter and Main Issue

2. The appeal scheme includes a porch extension to the front of the dwelling. I agree with the Council that this aspect of the proposal is acceptable. Hence, the main issue is the effect of the proposed side extension on the living conditions of the occupants of 15 Halesden Road, with regards to outlook.

Reasons

3. The appeal property is a detached dwelling located near to the junction of Downham Road and Halesden Road within a residential area predominately characterised by semi-detached dwellings. The appeal property displays many of the characteristics found in neighbouring properties in terms of the use of red bricks with a hipped roof. A flat roof garage is to the side of the appeal property. Ground levels fall gradually from both roads to the south-west.
4. To the south-east is No 15 which is part of a semi-detached pairing sited roughly at 90 degrees and towards the rear elevation of the appeal property. The rear elevation of No 15 contains two windows on the ground floor which serve a kitchen and a dining room. A first-floor window handed next to the party boundary with 13 Halesden Road serves a bedroom. Each of these rooms are classed as habitable rooms according to The Extensions and Alterations to Dwellings Supplementary Planning Document (SPD). The windows serving these rooms are also the only source of outlook and light.
5. Table 2 in the SPD outlines separation distances for different dwelling heights. Principally these distances apply when considering the effect of a development on privacy, but the proposed first floor extension would be around 4.8 metres from the rear elevation of No 15 at its closest point. This degree of separation is well below the 12 metre distance detailed in Table 2, even though no windows are proposed in the flank elevation facing No 15. The proposed

separation is relevant in this case as an extension which is sited close to a habitable room window of a neighbouring dwelling can create a poor living environment for the occupants of that property.

6. The proposed first floor extension would extend along and next to the common boundary with No 15. Even though the occupants of No 15 currently have an outlook of the existing flank elevation of the appeal property, this is set back at first floor beyond the single storey garage next to the shared boundary. The proposed extension would introduce new built form at first floor above the garage. This would be closer to No 15 at first floor than the existing first floor flank elevation. As a result of this, together with the scale and massing of the proposed first floor extension, a significant effect on the outlook of No 15's rear facing habitable rooms would be caused. This effect would be overbearing and far greater than that caused by the existing relationship. In particular, the harm would be experienced from the ground floor windows in No 15.
7. I recognise that the existing built form and relationship may, as the appellants state, already place part of the side garden of No 15 in shade at certain times of the day and the year, but the concern with the proposal is its effect on the outlook from No 15 and the occupants of this dwelling's living conditions, notwithstanding the improved living conditions that the proposal would provide for the occupants of the appeal property.
8. There are various examples of extensions and alterations to neighbouring properties. The appellants have drawn my attention to 68 Downham Road. However, this and the other sites cited are not directly comparable to the appeal scheme and the site's specific circumstances.
9. While the proposal would not harm the living conditions of the occupants of Nos 13 and 68, I conclude that the proposed side extension would cause significant harm to the living conditions of the occupants of No 15, with regards to outlook. Thus, the appeal scheme would not accord with Policy SIE-1 of the Core Strategy DPD, saved Policy CDH1.8 of the Stockport Unitary Development Plan Review and the SPD; which jointly, among other things, grant permission for an extension to a residential property provided that the proposal maintains and does not cause damage to the amenity of neighbouring residents.

Other matters

10. I note the concerns of the appellants insofar as the Council's handling of the planning application, their approach to various amendments proposed and the lack of opportunity to potentially amend the proposal with a view to arriving at a solution to the address the Council's concerns. However, it is open to the appellants to produce the necessary information with a view to finding a solution. While No 13 may have withdrawn their objection to the scheme, I have considered the proposal determined by the Council on its planning merits.
11. As I explained earlier, there are no concerns with the porch proposed to the front of the dwelling. However, it is not physically severable from the proposed first floor side extension. I am therefore unable to issue a split decision.

Conclusion

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

Andrew McGlone

INSPECTOR