
Appeal Decision

Site visit made on 7 January 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/U4230/D/19/3240667

19 Roberts Street, Eccles, M30 0FX

- 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 Terrence Wall against the decision of Salford City Council.
 - The application Ref 19/73759/HH, dated 21 June 2019, was refused by notice dated 16 August 2019.
 - The development proposed is single-storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the existing occupiers of the adjoining property No 17 Roberts Street, with particular regard to outlook and light.

Reasons

3. The appeal property is a two-storey, end of terrace dwelling with garden to the rear. The area is characterised by a mix of mainly short rows of terraced and semi-detached dwellings at two-storeys high and blocks of flats at three-storeys high.
4. The proposed extension would project off the rear elevation of the property a depth of around 8 m. It would be positioned adjacent to an existing fence, which is around 1.8 m high, along the boundary with No 17. It would have a dual-pitched roof. The eaves of the proposed extension would be higher than the fence and its ridge height would fall just below the underside of a first-floor bedroom window.
5. No 17 has a window on the ground-floor of its rear elevation that is close to the boundary with the appeal site. The position of the front porches on the properties that make up the terrace suggest that the ground-floor layout of No 17 is broadly the opposite of the appeal property. As such I consider that the window on the ground-floor rear elevation of No 17 serves a habitable room. At 8 m deep, which projects over half the depth of the rear garden, the proposed extension would certainly intercept a 45-degree line taken from the centre of the window at No 17. With the eaves and roof rising above the boundary fence, the proposal would result in there being a mass of building, mainly a long block of roof tiles, facing the rear garden of No 17. This mass

would be highly visible, and unsightly, when viewed from the window of No 17 as well as from the rear garden.

6. Hence, due to the siting and size of the proposal I consider that it would substantially dominate, and block, the outlook from the habitable room window at No 17 and it would be overbearing in relation to the rear garden. Furthermore, due to the orientation of the properties, with the rear elevations facing broadly east/north-easterly, the proposed extension would also reduce the amount of day and sun-light to the room and rear garden to an unacceptable degree. I therefore conclude that the proposal would harm the living conditions of the existing occupants of No 17 in respect of outlook and light.
7. Consequently, the proposal would not accord with Policy DES 7 of the City of Salford Unitary Development Plan (2006), which states that development will not be permitted where it would have an unacceptable impact on the amenity of the occupiers of other developments. Nor would it comply with guidance (specifically policy HE5) in the Salford City Council Supplementary Planning Document: House Extensions (2006), which advises that permission will not normally be granted for single-storey rear extensions on terraced dwellings that intercept a 45-degree line drawn from either: the mid-point of any principle window of a ground-floor habitable room in the adjoining property; OR a point 3 m along the common boundary from the rear elevation of the adjacent dwelling. The proposal would also not accord with advice in paragraph 127 of the National Planning Policy Framework, which requires development to provide a high standard of amenity for existing occupiers.

Other Considerations

8. The appellant has drawn my attention to single-storey rear extensions at a neighbouring property, No 19C, which they suggest are around 8 m deep. Due to the existence of these extensions the appellant considers the proposal should be allowed.
9. I observed the extensions at No 19C during my site visit. I note that this property, and the neighbouring properties 19A and 19B, differ to the appeal property in several ways. Thus, 19C is a detached dwelling and 19A and 19B are a pair of semi-detached dwellings. These properties are older than the terrace within which the appeal property is located, and their design is very different. The properties have different set-backs, are different sizes, have been extended in different ways and their relationship with each other, and their respective windows, differs to the appeal site and its neighbour No 17. As such, the 2 sites are not directly comparable. I also note that I do not have the details of the extensions at No 19C, eg when they were constructed, whether planning permission was required, and if so whether it was provided. Notwithstanding this, I must determine the appeal on its own merits, and, for the reasons given, the extensions at 19C do not justify allowing the proposed extension.
10. The appellant has also pointed out that his son, who resides at the property, struggles to walk up the stairs due to serious knee injuries. Therefore, the proposed extension would create a bedroom and facilities within which he could reside.

11. Although I appreciate the personal circumstances of the appellant, the planning system exists in the public interest. I therefore conclude that the other considerations outlined do not outweigh the harm that would be caused to the living conditions of the occupiers of No 17.

Conclusion

12. For the reasons outlined above, the appeal is dismissed.

J Williamson

INSPECTOR