



Appeal Decision

Site visit made on 17 January 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2020

Appeal Ref: APP/Q4245/W/19/3239098

15 Bow Lane, Bowdon WA14 3BU

- 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 & Mrs Hardwick against the decision of Trafford Borough Council.
 - The application Ref 97189/FUL/19, dated 15 March 2019, was refused by notice dated 23 August 2019.
 - The development proposed is the demolition of an existing dwelling and its replacement with a new dwelling within the existing curtilage to include associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the living conditions of the occupiers at 17 Bow Lane, with regard to outlook and overshadowing.

Reasons

3. The appeal site is located within a residential area, along the southern side of Bow Lane. Properties along the southern side of the street consist of 2-storey detached dwellings, with gardens front and rear of the buildings. The dwellings are orientated in a linear pattern, with a well-defined building line to the front and rear, and the properties are evenly spaced, providing for a wide open aspect looking over the fields to the rear.
4. The proposed replacement dwelling has a larger footprint, projecting further back into the rear garden than the existing house, and would have accommodation on 4 floors including the basement and the roof space.
5. 17 Bow Lane is positioned to the west of the appeal site, the property is similar in scale and form to the existing dwelling at the appeal site, the main rear elevations follow a similar building line. No 17 has a single storey kitchen outrigger, with a flat roofed side extension. I understand from the Council officer's report that the flat roofed extension accommodates a utility room. The kitchen outrigger has a window facing out over the garden, and the utility room has a doorway on the rear positioned nearest to the boundary shared with No 15.

6. Whilst there is an existing fence in between the two properties, above this the outlook from the kitchen window at No 17 is likely to benefit from a wide open aspect, as the occupiers outlook to the side is currently uninterrupted by any buildings or structures at the first floor level, with little overshadowing likely to be caused by the existing fence. From the evidence provided in the Council officer's report, the rear elevation of the proposed two storey dwelling would project 3.3 metres past the rear elevation of the kitchen outrigger and utility extension, and the overall projection from the main rear elevation of No 17 would be 5m.
7. The overall projection, height and proximity of the proposed 2-storey dwelling to No 17, would encroach into the outlook of its occupiers, whose sightlines would be interrupted by the prominent two storey side elevation of the replacement dwelling, that would appear obtrusive and overbearing from the kitchen window, and from their private garden area to the rear.
8. Furthermore, No 15 is positioned to the east of No 17, and the proposed replacement dwelling is likely to cause overshadowing to the kitchen window and the garden area directly to the rear elevation of the dwelling. Due to the orientation of the dwellings, this is likely to be particularly noticeable in the mornings.
9. The appellant submits that there would be sufficient separation from the side elevation of the proposed dwelling to the nearest habitable room at No 17, and that the dwelling does not extend within the 45 degree line taken from any of the habitable room windows of No 17. However, the proposed dwelling is two storeys in height, and even taking these factors into account the overall projection and height would appear overbearing and cause overshadowing, as identified above.
10. I understand that the appellant considers that the rear elevation would be in line with that of No 13, and that the proposal has a similar footprint. However, whilst this may be the case, it does not alter my findings with regards to the harm that would be caused to the occupiers at No 17.
11. I have considered appendix 1 of the appellants' statement which overlays the appeal scheme over that of an alternative with the rear elevation of the upper floors set back by 65cm, as well as the letter of support from the occupier of No 17 in appendix 2. However, in my view the difference in the rear projection is sufficient enough for the additional harm to be identified, and consideration has to be given to the future, as well as existing occupiers. Therefore, this does not alter my findings with regards to the effect on the living conditions of occupiers at No 17.
12. I have been provided a copy of the Council's adopted guidance on house extensions, supplementary planning document 4 (SPD4) and understand that if the proposal were a two storey rear extension the guidance would allow for a 2.8m projection past No 17s rear kitchen window. Whilst the document is relevant insofar as it relates to the protection of the living conditions of neighbouring occupiers, the development proposed is a replacement dwelling, not an extension, and is therefore given limited weight in this instance. In any case, this does not alter my findings with regards to the harm I have identified to the living conditions of occupiers at No 17.

13. For these reasons I conclude that the proposed development would appear overbearing and cause overshadowing to the occupiers of 17 Bow Lane, and the proposed dwelling does not accord with the criteria set out in Policy L7 of the Trafford Local Plan: Core Strategy (2012) which seeks to ensure that new dwellings do not appear overbearing or cause overshadowing so as to affect the quality of life of neighbouring occupiers.

Other Matters

14. The appellants submitted a separate planning application (98918/FUL/19) to the Council for an alternative scheme which has subsequently been approved. I understand that it differs from the appeal scheme in that it provides a setback at the upper floors to the rear elevation, so as to address the Council's concerns. Whilst this may be the case, I have to assess the scheme before me on its own merits, and the approval of the alternative scheme does not alter my findings with regards to the harm I have identified above.
15. I have considered the personal circumstances with regards to additional costs of setting back the rear upper elevation, however this does not outweigh the harm I have found with regards to living conditions of No 17.
16. The appellant states that residents of No 17 may wish to extend in the future, and that they could use permitted development rights to do so. Based on the evidence before me, no such proposals have been advanced by the occupants of No 17, and there is insufficient information to support this as a reasonable prospect of coming forward. Therefore, it does not alter my findings above.
17. I note the correspondence in appendix 3 of the appellants' statement in relation to the timeliness and processing of the application by the Council. However, these are not matters relevant to assessing the planning merits of the appeal proposal or are matters between the parties concerned and would not affect the outcome of this appeal.

Conclusion

18. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR