



Appeal Decision

Site visit made on 4 June 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

Appeal Ref: APP/G4240/D/19/3243216

41 Westminster Avenue, Ashton Under Lyne OL6 8DD

- 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 Richard Hampson against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00594/FUL, dated 23 May 2019, was refused by notice dated 15 November 2019.
 - The development proposed is a double storey rear and front first floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the front extension on the character and appearance of the area, and the effect of the rear extension on the living conditions of neighbouring occupants, with regard to light, overshadowing, outlook and privacy.

Reasons

Character and appearance

3. The appeal dwelling is the last dwelling on the cul-de-sac of Westminster Avenue. It has existing single storey front and rear extensions, that at the front spanning some two thirds of the width of the dwelling with a dual pitched roof. The detached form of the appeal dwelling distinguishes it from the majority of neighbouring dwellings on the adjacent side of the street which are semi-detached pairs; however, there is a general pattern of shallow front porch/garage extensions along the street. The building line of dwellings is not uniform, with some dwellings set slightly forward of others.
4. An additional storey is proposed to the front extension, which would match the existing materials and roof form. The host dwelling being detached means such an extension would not upset the symmetry of a pair; however, it would create a substantial two storey element to the front of the building, considerably taller and deeper in size than those to neighbouring properties. Whereas the existing extension is relatively low in height and subordinate in scale, the massing of the proposed extension would dominate the front elevation and significantly alter its overall appearance. I recognise that the main building envelope of the appeal dwelling is recessed slightly from that next door at No 39, and the

forward building line of the proposed extension would remain aligned with the adjacent single storey projection. However, the significant increase in height and massing of the extension at high level would project forward of the first floor of No 39 and would form an uncharacteristic and imposing feature of the street scene which would be prominent in views along the cul-de-sac and would detract from the general pattern of modest, single storey front extensions.

5. In these respects, the proposal would not align with the guidance of Policies RED1 and RED9 of the Tameside Residential Design Supplementary Planning Document (March 2010) (the SPD), which state that the extension should be subordinate to the original building and not result in the significant external remodelling of a dwelling, or the extension dominating the building's façade.
6. I am aware of the two storey addition to No 29; however; this is a lone example which conflicts with the prevailing form of front extensions which I observed. Moreover, I saw this extension to be smaller in width and depth than that proposed, and thus I do not regard this as comparable to the proposal before me, which I have considered on its own merits.
7. For these reasons, I find that the proposed front extension would harm the character and appearance of the area, and so would conflict with Policies 1.3, C1 and H10 of the Tameside Unitary Development Plan (November 2004) (the UDP) which together seek high quality design in new development which is sensitive to the character and appearance of the surrounding area. The proposal would also conflict with the aforementioned guidance of the Residential Design SPD.

Living Conditions

8. The proposed rear extension would be a full width, two storey structure extending some 3.69 metres deep which would replace a flat roofed single storey extension. The Council's concern relates to the potential effect on sunlight and daylight received, and the outlook enjoyed, by occupants of No 39, and on the privacy enjoyed by occupants of 1 St Albans Avenue to the rear.
9. The extension would stand to the east of the dwelling at No 39, which has a large conservatory and a patio area to the rear. The significant height and massing of the extension would form an immediate and imposing feature close to the common boundary, creating a harmful overbearing effect and sense of enclose for users of the patio area and undermining the living conditions of occupants of No 39.
10. In terms of light, the nearest window is to the rear ground floor of No 39. Policy RED3 of the SPD sets out 45 and 60 degree tests for the size of rear extensions, measured from the centre of the nearest ground floor habitable room window. The Council suggests the extension would fail the 45 degree test; however, I do not have the benefit of accurate plans illustrating this, and cannot be certain of conflict with the guidance. However, having seen the close position of the neighbouring window to the proposed extension, I find that the height and position of the extension is likely to lead to a loss of direct sunlight and increased shadowing to the ground floor window, conservatory and patio area, which would undermine adjacent occupants' living conditions.
11. Turning to privacy, the extension would include rear facing windows at first floor level, which would face the dwelling at 1 St Albans Avenue. The Council

indicates that separation distance to the rear ground floor extension of No 1 would be some 11 metres, which is not disputed by the appellant. This would fall demonstrably short of the minimum separation distance of 14 metres between extensions set out under Policy RED2 of the SPD to ensure privacy. The shallow depths of the rear gardens means that there is intervisibility from the upper floors of properties. However, the proposal would bring the first floor windows over 3.5 metres closer to No 1, to a point where clear views would be possible over the rear hedge into the ground floor windows and rear garden. The closeness of the upper floor windows would also aggravate the perception of overlooking. Therefore, the proposal would increase the potential for direct overlooking and reduce privacy for neighbouring occupants.

12. For these reasons, the rear extension would unacceptably harm the living conditions of neighbouring occupants. This would conflict with Policy H10 of the UDP which requires that developments have no unacceptable impact on the amenity of neighbouring properties through loss of privacy and overshadowing. There would also be conflict with Paragraph 127 of the National Planning Policy Framework, which indicates developments should create places with a high standard of amenity for existing and future users.
13. In reaching a view on this main issue, I recognise that neighbours have not raised objections to the proposal. However, the planning system works for the overall public interest and while an individual may not have an objection to a particular proposal, this does not mean that it should be permitted given there has been planning harm identified which would be permanent and would affect future occupants.

Conclusion

14. For the reasons given, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR