
Appeal Decision

Site visit made on 21 September 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2020

Appeal Ref: APP/U4230/D/20/3254276

4 Deanery Gardens, Salford M7 4WT

- 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 Jason Aryeh Silkin against the decision of Salford City Council.
 - The application Ref 20/74889/HH, dated 3 February 2020, was refused by notice dated 7 May 2020.
 - The development proposed is single storey side extension to dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 3 Deanery Gardens with particular regard to outlook and daylight.

Reasons

4. 4 Deanery Gardens is a previously extended semi-detached dwelling, set back from a private highway off Bury New Road. There is a shared drive between the appeal property and 3 Deanery Gardens.
5. The proposal is for a single storey side extension, set back from the front elevation with a monopitch roof and extending to the shared boundary.
6. The Salford City Council Supplementary Planning Document House Extension (2006) (SPD) requires that a distance of 9m should be maintained between a blank gable end wall and facing principle windows of habitable rooms. In this case it is acknowledged that the separation distance between the habitable window and the existing extension does not currently meet the guidance in the SPD due to the layout, orientation and close proximity of the dwellings. It is therefore clear that the appeal proposal would not meet the guidance.
7. The proposal would extend to the boundary and reduce the distance between the host property and the neighbouring property to approximately 2.25 metres.

From the evidence before me it appears that the ground floor side window of 3 Deanery Gardens is the sole window serving a habitable room, described as a morning room. Other ground floor windows on this elevation do not appear to serve habitable rooms. Whilst there is no evidence of the amount of light the neighbouring property currently receives, at the site visit I noted that the side elevation of the neighbouring property was in shadow. Accordingly, I am unconvinced the proposal would result in a significant loss of direct sunlight to the window although due to the proximity of the extension, the proposal is likely to reduce the amount of general daylight to it.

8. In addition, the extension would encroach over a significant proportion of the driveway and would be visually prominent from within No 3. The very close proximity of the extension would have a significant effect on the outlook from the morning room. At only 2.25m away, a distance significantly short of the minimum requirement of the SPD, the extension would have an overbearing, enclosing effect that would make the room a less pleasant place to be. Accordingly, the proposal would have an adverse impact on the occupier's living conditions.
9. At the site visit I noted that there is a slight change of levels between the appeal property and the neighbouring property. I do not consider that this small change in levels would reduce the impact of the development or harm to the neighbouring occupiers' living conditions.
10. The appellant has indicated that the property could be extended with a larger extension under permitted development rights. Be that as it may, a Certificate of Lawful Development has not been sought and moreover, there are no details of an alternative scheme before this appeal. I therefore give this matter limited weight.
11. I note that permission has been granted at another local property for a larger extension to a property with similar characteristics. However, whilst some details of this case are similar, I am not aware of the relationship of the extended property with the property closest to it or the details of the site. In any event, I have determined this appeal on the site specific circumstances of this case.
12. I conclude therefore that the proposed development would cause harm to the living conditions of the occupiers of 3 Deanery Gardens, with particular regard to outlook and daylight. The proposal therefore fails to comply with Policy DES7 of the City of Salford Unitary Development Plan Saved Policies which amongst other things, seeks to ensure that extensions would not have an unacceptable impact the living conditions of occupiers of neighbouring properties, and paragraph 127 of the National Planning Policy Framework (the Framework).

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR