
Appeal Decision

Site visit made on 27 October 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2020

Appeal Ref: APP/Q4245/D/20/3251055

41 Ludford Grove, Sale M33 4DQ

- 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 Sidney Ashcroft against the decision of Trafford Borough Council.
 - The application Ref 99678/HHA/20, dated 1 January 2020, was refused by notice dated 9 March 2020.
 - The development proposed is a double storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 39 Ludford Grove in respect of outlook and light.

Reasons

Character and appearance

3. Ludlow Grove includes several brick built semi-detached dwellings. Whilst there are a limited number of exceptions, the distinctive characteristics of this residential area are the two storey front bays, simple hipped roofs over each of the properties and the rhythm of open spaces between the pair of semi-detached dwellings. Where side extensions do exist, in the main they are single storey and appear subordinate in scale to the semi-detached properties. Overall, there is a pleasing sense of open space between properties at first floor level.
4. The two storey side extension would replace an existing single storey flat roofed garage, the latter of which is positioned tight up to the boundary with No 39 Ludford Grove. Whilst the side extension would be slightly further away from the boundary than the existing garage, it would be two storeys and would include a pitched/hipped roof.
5. Owing to its prominent position and scale, the development would have the effect of materially departing from the regularity of gaps/open spaces between properties within this street. In this regard, material harm would be caused to the character and appearance of the area. There would be specific conflict with

paragraph 3.1 of the Council's Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations 2012 (SPD) which states that *"a minimum of 1 metre should be retained between the side elevation of an extended property and its side boundary, to retain the impression of space to the side of the dwelling"*.

6. The two storey side extension would measure about 2.2 metres in width and would be flush with the main front wall of the house. As it would not be set back from the main front wall of the house, and given its bulk and height, it would have the effect of unacceptably interrupting the design balance and symmetry of the pair of semi-detached dwellings. In this regard, I find that there would be conflict with the SPD which states that *"extensions should not usually be flush with the front elevation"*.
7. I do accept that there are some examples of two storey side extensions elsewhere in the street, as outlined by the appellant, but these are the exception rather than the norm. Furthermore, I have no reason to doubt the Council's explanation that one (No 55) preceded the adoption of the Council's SPD. In addition, I was able to see that the others (Nos 1, 6 and 20) were either not as wide or as prominent in the street-scene owing to the different designs. I note that the appellant has referred to side extensions in Walton Road, but I have considered this appeal in respect of its effect on the design context of the immediate area, i.e. the character and appearance of Ludford Grove.
8. I conclude that the proposal would have a significantly adverse effect on the character and appearance of the area and that it would not accord with the design requirements of the SPD; policy L7 of the adopted Trafford Core Strategy 2012 (CS) and Chapter 12 of the Framework.

Living conditions

9. The appeal property is set further forward than the neighbouring property of No 39 Ludford Grove. The two storey side extension would be visible from the side part of the front bay window of this neighbouring property owing to the staggered relationship of the dwellings. Owing to the scale and close position of the two storey development, I find that it would have some enclosing and overbearing impact on the occupiers of this property leading to a loss of outlook. In addition, there would be some shadowing to the bay window in the afternoons when the sun is to the south and particularly in the summer when it is high in the sky and gets over the appeal property. It may be possible to address this harm by setting the first floor part of the extension back from the front wall of the house, but such a proposal is not before me.
10. As part of the appeal, the occupiers of No 39 Ludford Grove have confirmed that they do not object to the proposal in respect of its effect on outlook or light. Nonetheless, in accordance with paragraph 127(f) of the National Planning Policy Framework (the framework) it is necessary that I consider the effect of the development on existing and future occupiers of this neighbouring property.
11. The Council asserts that the development would cause harm to the occupiers of No 39 Ludford Grove in respect of outlook from side windows. The very small ground floor window appears to be obscure glazed and there is a decorative first floor window at first floor level. Given that outlook is already diminished

from these windows, I do not consider that the proposal would be harmful when viewed from these windows. However, the two storey extension would be in close proximity to a side ground floor bay window to No 39 Ludford Grove. Given its height, bulk and very close proximity, the development would have a materially adverse effect on the occupiers of this neighbouring property when viewed from this window in terms of an enclosing impact and hence a loss of outlook. However, the evidence before me is not persuasive in terms of a significant loss of light to this window.

12. For the reasons outlined above, I conclude that the proposal would lead to a significant loss of light and outlook for the occupants of No 39 Ludford Grove in respect of the front bay window and a material loss of outlook in respect of the ground floor bay window. Therefore, it would not accord with the SPD; policy L7 of the CS and paragraph 127(f) of the Framework.

Other Matters

13. I acknowledge the reasons why the appellant wants the proposed extension. I have taken into account both the appellant's and his son's health and their Human Rights. On the evidence that is before me, I am not entirely certain whether it would be possible to reconfigure the existing house internally thereby offering more independent living for all existing occupiers of the property. In any event, in this case a refusal of planning permission is a necessary and proportionate approach to the legitimate planning aim of protecting the character and appearance of the area and the living conditions of the occupiers of the neighbouring property. In reaching this view, I have also taken into account my public sector equality duty under Section 149(1) of the Equality Act 2010.

Conclusion

14. I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR