The Planning Inspectorate

Appeal Decision

Site visit made on 23 October 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2020

Appeal Ref: APP/Q4245/D/20/3256263
38 Ellesmere Road, Altrincham WA14 1JQ

- 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 Miss Gemma Watson against the decision of Trafford Borough Council.
- The application Ref 99388/HHA/19, dated 20 November 2019, was refused by notice dated 28 April 2020.
- The development proposed is a 2 storey side 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 occupants of 36 Ellesmere Road, with regards to visual intrusion and overbearingness.

Reasons

3. The two-storey semi-detached appeal property has a driveway that extends alongside the property's flank elevation to a detached garage sited at the rear. Between No 38's driveway and the flank elevation of No 36 is a driveway serving 36a Ellesmere Road which is set back behind Nos 36 and 38.

4. The flank elevations of Nos 36 and 38 contain openings serving the respective kitchens. Windows serving kitchens in neighbouring properties are given a greater degree of protection as they serve a habitable room. The kitchen window in No 36 is the only window directly serving this room. A conservatory leads off from No 36's kitchen, but this is handed away from the kitchen sink and work surfaces to the right-hand side of the property. The conservatory may contribute light to the kitchen, and the size of the opening linking the respective rooms is wider than a typical doorway, but the conservatory is not the main source of light and outlook for the kitchen due to its position.

5. The existing relationship between the kitchen windows in Nos 36 and 38 mean that the occupants do, even with slight ground level changes, have a clear line of sight into each other's kitchen at close quarters. The appeal scheme would remove this inter-visibility. While this may be of benefit to the current occupants of each property, planning is concerned with land use in the public interest, and not just the private interests of existing occupants.

6. The intervening distance between Nos 36 and 38 already falls short of that set

out in Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations (SPD4). The proposal would further reduce the distance from No 36's kitchen window to the two-storey flank elevation of No 38 even with its modest width. In this regard, the proposal would not align with the guidance in SPD4. There are, however, exceptions to the minimum separation distance explained in SPD4.

7. Despite the hipped roof form and setbacks at the front and rear, the proposal would extend in front of, close to and either side of No 36's kitchen window. While the extension may be acceptable in character and appearance terms and not affect the spaciousness of the area, its scale, height, massing and design would lead to an uncomfortably close and oppressive relationship that would be visually intrusive and cause an overbearing effect on the living conditions of the occupants of No 36. The harm caused would prejudice the occupants of No 36 whoever they may be as the built form would be brought closer to them than currently. The orientation of Nos 36 and 38 would not change the harmful impact that would be caused.

8. Numerous properties in the local area have been extended. I do not have the details of each case or the circumstances relating to them before me. However, some of the schemes relate to a different form of extension. The scheme at 40 Ellesmere Road relates to a rear extension and not a side extension such as the scheme before me. Thus, they do not justify the appeal scheme. I do, however, recognise the benefits that would arise to the living conditions of the occupants of the host dwelling, the ability for the family to grow in their current home and to improve the spaciousness, safety and efficiency of the home by modernising it. Changes may also take place to the garden area, but these are not before me and in any event, none of these matters alter or outweigh the harm I have identified to the living conditions of the occupants of No 36.

9. I therefore conclude that the proposed development would result in significant harm to the living conditions of the occupiers of No 36, with regards to visual intrusion and overbearingness. The proposal would conflict with Policy L7 of the Trafford Local Plan: Core Strategy and SPD4 which together, among other things, seek development to not prejudice the amenity of occupants of adjacent properties by reason of overbearing and visual intrusion.

Other matters

10. I agree with the main parties about the proposal's effect on the character and appearance of the area, and that suitable materials could be used for the extension. The potential use of contractors with good environmental credentials is positive and while neighbours may be supportive, these matters do not alter my view about the proposal in terms of the main issue and the conflict that the scheme would cause with the development plan.

Conclusion

11. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR