



Appeal Decision

Site visit made on 24 November 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2020

Appeal Ref: APP/C4235/W/20/3257286

12 Aysgarth Avenue, Romiley, Stockport, SK6 4PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Francis Davies against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/077258, dated 1 July 2020, was refused by notice dated 4 August 2020.
 - The development proposed is described as a single-storey rear extension (i) The proposed extension would project beyond the rear elevation of the original dwellinghouse by 5m (ii) the maximum height of the proposed extensions is 4m (iii) The height of the eaves of the proposed extension would be no more than 3m.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. In this instance, the Council has not disputed that the proposed extension would accord with the limitations as to its size as set out in the GPDO and I also therefore see no reason to disagree with these conclusions.
3. The provisions of the GPDO as set out at paragraph A.4(7) to Part 1 require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
4. I have also had regard to the objection received during the course of the prior approval application as having been subsequently withdrawn after the issuing of the Notice of Decision. However, I am satisfied that the appeal is correctly and reasonably premised upon the circumstances which had arisen at the time of the determination of the prior approval application, and on the basis upon which the Council determined the proposal. Whilst I am mindful of the contributory significance of the objection letter in the procedural determination of the application, it would have been open to the appellant to have formally presented this change of circumstances to the Council outside of the remit of

an appeal. I do not therefore find that the withdrawal of the objection has any bearing on either my approach or the need to determine the appeal.

Main Issue

5. I consider that the main issue in this appeal is the impact of the proposed development on the amenity of adjoining occupiers of Nos. 10 & 14 Aysgarth Avenue, having regard to outlook, light and privacy.

Reasons

6. The appeal site is occupied by a two-storey semi-detached dwelling positioned at the end of a comparatively short cul-de-sac in a predominantly residential area. The land falls gradually away from the front of the site with the effect that a short flight of steps is required to reach the garden level from the back door of the dwelling. The shared boundaries with the neighbouring properties are defined by timber fencing.
7. The neighbouring detached property at No. 10 Aysgarth Avenue (No. 10) sits at an angle to the appeal site with the rear orientation of the dwelling angled away from the curtilage of the appeal property. There is a comparably generous distance between the flank elevation of the appeal property and that of No. 10, which given that the proposed single-storey extension would not exceed the width of the existing property, would only increase in distance towards the end of the proposal. For these reasons and having regard to the detailed design and form of the proposed extension, I am satisfied that there would not be an adverse impact on the living conditions of the neighbouring occupiers of No. 10.
8. Turning to the relationship with No. 14 Aysgarth Avenue (No. 14), I observed the neighbouring property to have been previously subject to a significant two-storey rear extension, which is indicated on the proposed site layout plan to be of greater length than the proposal. I also noted this extension to have been positioned away from the shared boundary with the appeal site, but that a ground floor window is set in the flank elevation of the neighbouring extension facing towards the appeal site. A further ground floor window was retained in the original rear elevation of the neighbouring dwelling in close proximity to the boundary with the appeal site.
9. In effectively matching the width of the existing dwelling, the proposed single storey extension would abut the boundary with No. 14. However, despite its single-storey scale, the proposal would have an adverse impact on the living conditions of neighbouring occupiers premised upon the impact on the windows to habitable rooms. The outlook from the side window of the extension would be affected by the introduction of a blank flank elevation, albeit that it would appear that this window is secondary in nature and serves the same room as the extensive full-height glazed doors in the rear elevation of the existing extension. This would as a consequence lessen the effect of any impact on the living conditions of neighbouring occupiers in this habitable room.
10. Turning to the effect on the window in the rear elevation of the original dwelling, the positioning and scale of the proposed extension would create a 'canyon' into which the window would face, with a subsequent unacceptable impact on the outlook from the window. Whilst I accept that this situation is caused at least in part by the existing neighbouring two-storey rear extension,

there would be an undoubted adverse impact on outlook from this window, which would be particularly noticeable given the limited impact of the existing boundary fence. The orientation of the proposed extension from the affected window would also be likely to result in some loss of daylight and additionally sunlight, particularly in the latter instance towards the end of the day.

11. I have noted the reference within the Council's assessment of the prior approval application to the proposed extension resulting in a loss of privacy. However, on the basis of the details of the proposal including the position of windows, I find no reason to conclude that the proposal would result in a loss of privacy.
12. The appellant has indicated that the neighbouring occupiers of No. 10 are seeking to undertake similar works in the future, with the objection having been received from No. 14. However, it is clear from the submitted evidence and my own observations that the appellant has misidentified the 2 properties with the objection being received from the detached dwelling at No. 10. Nevertheless, there are no details provided of future plans to extend by the neighbouring occupiers of No. 14 or indeed any corroboration of such plans. The proposals must be considered on their own merits and I attach no significant weight to this contention.
13. In light of my conclusions, the proposed extension would result in an adverse effect on the living conditions of the neighbouring occupier of No. 14 Aysgarth Avenue, having regard to outlook and light.
14. Whilst not determinative, the Council has referred to Policies SD-2 and SIE-1 of the Stockport Core Strategy DPD (2011) and saved Policy CDH1.8 of the Stockport Unitary Development Plan Review (2006), as well as the Council's Extensions and Alterations to Dwellings SPD. I note these policies and guidance seek to ensure the creation of quality places with development designed to the highest standard, with extensions to a residential property expected to not cause damage to the amenity of neighbouring properties by reason of overshadowing or visual intrusion.

Conclusion

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

M Seaton

INSPECTOR