



Appeal Decision

Site visit made on 2 February 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/U4230/W/20/3262401

14 Hazelhurst Fold, Worsley M28 2JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Chris Wood against Salford City Council.
 - The application Ref 19/74367/HH, is dated 31 October 2019.
 - The development proposed is 'the erection of a three storey side extension with single storey rear extension and basement extension, in addition to raising the roof ridge to create a second floor level, second floor front extension and two storey front extension'.
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Decision

1. The appeal is dismissed and planning permission for the erection of a three storey side extension with single storey rear extension and basement extension, in addition to raising the roof ridge to create a second floor level, second floor front extension and two storey front extension, is refused.

Procedural Matter

2. The development was originally described on the planning application form as 'front, side and rear extensions'. The proposal was amended in March 2020, and in May 2020 (at the Council's request) a different description was agreed between the main parties. This was subsequently used in the Council's officer report and on the appeal form. I have also used the amended description in the heading and my formal decision above, as it reflects the basis on which the Council dealt with the proposal.

Background and Main Issue

3. The appeal stems from the Council's failure to determine the planning application within the prescribed period. Although it had not issued a decision before the appeal was lodged, an officer report had been prepared. This indicated that the Council would have refused the application on the basis that the width, height and proximity of the proposed extensions to the rear boundary would make the development oppressive and overbearing for neighbouring residents on Partington Street.
4. The appeal site straddles the Green Belt boundary, so that part of the garden at the north west corner of the site is within the Green Belt. The appellant's submissions were slightly inconsistent on this matter, with his appeal statement initially suggesting that '*a small corner of the proposed extension protrudes into the Green Belt*', but then going on to state that the issue had been addressed by the amendments made to the plans in March 2020.

5. However, I have also been provided with a lengthy exchange of correspondence between Council officers and the scheme architect. This indicates that, among other things, the Council was satisfied that the amendments to the proposal would mean that the proposed extension would not enter the Green Belt. The Council's officer report states that '*the proposed development would not be within the designated Green Belt area*', and the Council therefore did not need to assess whether or not the proposal would represent inappropriate development in the Green Belt in the terms set out in section 13 of the National Planning Policy Framework ('the Framework'). On the basis of the evidence before me I have determined the appeal on the same terms as the Council, that the extensions would not be within the Green Belt.
6. The main issue is therefore the effect of the proposed side extension on living conditions for occupiers of Nos 15 and 17 Partington Street, with particular regard to outlook and privacy.

Reasons

7. 14 Hazelhurst Fold is a two-storey detached dwelling situated at the end of a small cul-de-sac. It has a narrow rear garden adjoining the eastern boundary, and a larger side garden set at a lower level to the north of the dwelling. To the north, east and south of the site are other houses, while open space within the Green Belt lies to the west. Permission was granted for a proposed extension to the main roof at front and rear to create a second floor in 2018¹, and for a new porch and a single storey rear extension in 2019², but these permissions have not yet been implemented. The current proposal includes all of these previous elements, plus a three-storey side extension at the north end of the building. The additional extension proposed would also include a 'garden room' at lower ground floor level.
8. The proposed single storey rear extension would project between around 2.3m and 3.7m beyond the existing rear elevation. It would extend to approximately 1.1m from the boundary of No 15 Partington Street and approximately 2.9m from the boundary with No 17 Partington Street. The main roof ridge would be raised by around 3.3m and moved towards the rear of the building to accommodate a new second floor. There would also be extensions to the front of the dwelling. These elements could be constructed under the 2018 and 2019 permissions, and I shall return to them as a fallback position for the appellant.
9. The proposed side extension would project around 4.9m beyond the existing side elevation of the dwelling. It would be three stories high, and would incorporate a ground floor continuation of the rear extension permitted in 2019. It would have a pitched roof and a gable end, and would continue the form, massing and roofline of the dwelling as it could already be extended under the existing permissions. There would be additional windows on the rear elevation on all three floors. The garden room at the northern end of the building would open onto the lower level of the garden, and would not be internally connected to the rest of the house.
10. There is around 21m or 22m between the rear elevation of No 14 and those of Nos 15 and 17 Partington Street, and while the proposed development would reduce the gap at ground floor it would remain the same at first and proposed

¹ LPA reference: 17/70798/HH

² LPA references: 19/73010/PDE, 19/73011/HH and 19/73790/PDE

second floor levels. I have not been referred to any specific requirements for minimum distances between principal elevations which the Council seeks to impose, although in my experience 21m is in line with accepted minimum standards for two-storey dwellings. The appeal property is sited very close on its plot to the boundary with the rear gardens of Nos 15 and 17, and I saw on my site visit that from those neighbouring gardens the appeal property already appears somewhat overbearing. This addition of a second floor across the entire width of the appeal property and a three-storey extension at its northern end would increase the sense of enclosure in views from Nos 15 and 17 and, in particular, from their rear gardens. This would result in a significant loss of outlook for the occupiers of those properties.

11. Given the close proximity between the appeal property and the gardens of Nos 15 and 17 Partington Street, the Council suggested that overlooking could be prevented by the imposition of a condition requiring the use of obscure glazing on the rear elevation at second floor level, and I note also that the appellant was amenable to such a condition. However, the proposed development would result in there being a large number of windows facing the neighbouring gardens at close range. In my view because of this proximity, even if obscure glazing were to be used there would still be likely to be a perceived loss of privacy for neighbouring occupiers. The combined effect of the proposed extensions would therefore be to diminish the outlook from, and sense of privacy within, rear rooms and gardens at Nos 15 and 17 below levels which their occupiers would reasonably expect to enjoy.
12. The appeal site is at a slightly lower level than the properties on Partington Street, and the northern part of the garden is at a significantly lower level. However, based on what I saw on my site visit the difference is not so great that it has a significant effect at the moment on the relationship between the appeal property and its neighbours. I do not therefore agree with the appellant's suggestion that the appeal site is dominated by the properties to the rear. In any case, even if it were this would not justify the separate harm which the proposal would cause to neighbouring occupiers' living conditions.
13. In a similar vein, the appellant has drawn my attention to extensions including rear dormers and side wings which have recently been permitted and constructed as a single development at Nos 9 and 11 Partington Street. From what I could see of that scheme at my site visit, the extensions and dormer are large and perhaps even somewhat overbearing when viewed from the rear. However, while I do not know the precise circumstances in which those extensions came to be permitted, I saw that the rear elevations of Nos 9 and 11 are further from adjoining gardens to the rear and therefore a little less intrusive than the proposal before me would be. That neighbouring scheme is not therefore directly comparable to this case, and so does not lend weight in support of the proposal.
14. The 2018 and 2019 permissions, taken together, represent a fallback position for the appellant. He has pointed out that the side extension now proposed would be further away from the neighbouring properties at the rear than the development already permitted. Given the alignment of the appeal property on its site, this is undoubtedly true. However, it does not follow from this that a further extension should therefore necessarily be acceptable. As I have already described, in my view the appeal property already constrains outlook and privacy at the rear of Nos 15 and 17 Partington Street to some degree,

although not to an extent which is unusual or significantly harmful to neighbours' living conditions. I do not know the full circumstances in which the extensions proposed in 2018 and 2019 were approved, but they nevertheless represent a scheme which the appellant could implement. However, the additional built width, height and bulk which the further side extension now being proposed would introduce would result in the extended appeal property as a whole causing having an unacceptable effect on outlook and privacy for neighbours. This additional harm would not be alleviated simply because the side extension would be slightly further away from neighbouring gardens than the other extensions which have already been permitted. The 2018 and 2019 permissions therefore carry very limited weight in favour of the current proposal.

15. On the basis of correspondence with the Council, the appellant has suggested that '*essentially the removal of one floor on the side extension [...] would secure a permission*'. However, no revised scheme has been submitted, and in any case the Procedural Guide – Planning Appeals (England)³ advises that:

'If an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application.' (M.1.1)

and

'If an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.' (M.2.1)

The issue of whether this revision may address the Council's concerns does not therefore fall within the scope of my determination of this appeal.

16. I conclude that, because of its detrimental effect on outlook and privacy, the proposed side extension would be harmful to living conditions for the occupiers of Nos 15 and 17 Partington Street. The proposal therefore conflicts with Policy DES7 of the 2006 Salford Unitary Development Plan, which seeks to ensure that development does not have an unacceptable impact on living conditions for neighbouring occupiers, including in respect of privacy and outlook. The proposal also conflicts with national planning policy requirements set out in the Framework, in particular paragraph 127 which seeks to create places which have a high standard of amenity for existing and future users.

Conclusion

17. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above the appeal is therefore dismissed.

M Cryan

Inspector

³ Available online at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>