



Appeal Decision

Site visit made on 31 March 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/G4240/D/20/3265970

6 Holme Street, Hyde, SK14 1JF

- 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 Mrs Shafia Begum against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/00906/FUL, dated 18 September 2020, was refused by notice dated 13 November 2020.
 - The development proposed is a Rear single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear single storey extension at 6 Holme Street, Hyde, SK14 1JF in accordance with the terms of the application ref: 20/00906/FUL, dated 18 September 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Layout drawing no. 1680 Page 2/3, and Existing and Proposed Layout drawing no. 1680 Page 3/3.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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 development on the living conditions of the occupiers of the neighbouring properties, with particular regard to light and visual impact.

Reasons for the Recommendation

4. The appeal site comprises an end-of-terrace, two-storey dwelling with a number of outbuildings in the rear garden. The proposed development would replace two of the outbuildings, which are attached to the rear elevation of the
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house, with a single-storey extension. The Council does not refer directly to the existing extension/ outbuildings in the delegated report but the structures would appear to have been in situ for some time and there is no suggestion from the Council that they are unauthorised or in breach of planning control. As such, it is reasonable to treat them as an established feature of the area.

5. The proposed rear extension would project 6m along the shared boundary with No 8, although No 8 has a rear extension so the projection beyond the rear elevation of No 8 would be less. Nevertheless, the extension would clearly breach the 60-degree line, as set out in Policy RED3 of the Tameside Residential Design Supplementary Planning Document (March 2010) (SPD), from the nearest window at the adjoining neighbour at No 8. However, the existing outbuildings adjacent to this boundary already breach this line. The proposed extension would have a higher roof level than the existing outbuildings, although the ridge line of the roof of the extension would shallow and would taper gradually away from these boundaries and the eaves would be of a limited height above the boundary fencing. As a result, while the proposed extension would be seen from No 8 and would breach the 60-degree rule, the proposal would not cause a significantly greater impact by way of an overbearing or enclosing impact on the occupiers of No 8 than the existing outbuildings.
6. The appellant states that a similar extension could be erected under Schedule 2, Part 1, Class A.1g of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to prior approval. However, I cannot pre-empt the outcome of any prior approval process and no plans of any proposed alternative are before me. As such, I attach little weight to any suggested fall-back position in that regard. In any event, I am satisfied that the impact of the proposal would be acceptable, having regard to the existing arrangement of buildings and the relationship with the neighbouring property, as described above.
7. Therefore, for the reasons given above, the proposed rear extension would not cause undue harm to the living conditions of the occupiers of the neighbouring property at 8 Holme Street. Consequently, the proposal would accord with Policy H10 of the Tameside Unitary Development Plan (November 2004) (UDP) and Policy RED3 of the SPD which both seek, amongst other things, to protect the living conditions of the occupiers of neighbouring properties.
8. In the Decision Notice, the Council has referred to Policy C1 of the UDP and Policy RED1 of the SPD. These policies both relate to character and appearance and have no regard to the living conditions of neighbours.

Conditions

9. In order to provide certainty and in the interests of proper planning it is necessary to impose the standard time limit and specify the approved plans. In the interests of the character and appearance of the area a condition specifying that matching materials is used is also necessary.

Conclusion

10. For the reasons given above and having had regard to all other matters raised, I therefore recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions above.

Chris Preston

INSPECTOR