



Appeal Decision

Site Visit made on 10 August 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2021

Appeal Ref: APP/Q4245/W/21/3273637

385 Northenden Road, Sale M33 2PG

- 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 Amanda Jones against Trafford Metropolitan Borough Council.
 - The application Ref 102407/HHA/20, is dated 29 October 2020.
 - The development proposed is described as 'Erection of a timber single storey granny annexe for ancillary use to the main dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber single storey granny annexe for ancillary use to the main dwelling at 385 Northenden Road, Sale, M33 2PG in accordance with the terms of the application, Ref 102407/HHA/20, dated 29 October 2020, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Amanda Jones against Trafford Metropolitan Borough Council. That is the subject of a separate Decision.

Preliminary Matters

3. I note the reasons for refusal set out within the Council's statement. While this is not the application decision as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, and;
 - The effect of the proposed development on the living conditions of the occupants of No 9 The Crofters with particular regard to the effect on outlook and privacy.

Reasons

Character and appearance

5. The appeal property is a semi-detached dwelling in a residential area. The property has a long rear garden which extends beyond those of its immediate

neighbours on Northenden Road. It is accessed via tall metal gates to the side of the dwelling. The rearmost part of the garden includes an area of decking and a paved area that are located adjacent to the boundaries with the detached dwellings on The Crofters. An existing outbuilding is located immediately adjacent to the paved area, close to the boundary with No 11 The Crofters. Outbuildings are a feature of the area and a number of the surrounding properties, including No 11, have large sheds or other such structures within their rear gardens.

6. It is proposed to construct a timber clad annexe building in the rearmost part of the garden of the appeal property. This would have a flat roof and be partly sited over the paved area and the footprint of the existing building, which would be removed.
7. Any public views of the proposed annexe are likely to be limited to partial views that may be glimpsed for a short section of Northenden Road immediately adjacent to the access to the appeal property. However, it would not be prominent in these views, due to the siting of the outbuilding at the end of a long garden, as well as the screening provided by the existing gates and the dwelling itself. Furthermore, owing to its single storey flat roofed design and use of materials, the annexe would appear as a simple domestic outbuilding in these views. Consequently, it would not appear out of place within the garden of the appeal property, in an area where such buildings are characteristic. It is therefore unlikely to be mistaken for a separate dwelling and would not create the impression of backland development.
8. The garden of the dwelling is large and a substantial portion of garden would remain following the construction of the annexe. The dwelling itself also has a sizeable footprint, extending a considerable distance back into the site at two storey and single storey level. As such, the proposed annexe, although large, would not dominate the appeal property and, taking into account my reasoning above, would appear subservient to it.
9. Whilst it could be seen from the neighbouring dwellings, particularly the three closest dwellings at The Crofters, it would be obscured by the existing garden building to the rear of No 11 in views from this property. Furthermore, it would be predominantly the narrowest end of the building that would be visible over the boundary fences in views from No 9 and No 11. Taking into account its single storey nature, the presence of the existing outbuilding and the screening provided by fences, I am satisfied that the proposal would not result in significant harm to the residential character of the area.
10. The Council has questioned whether the building would genuinely be used for purposes ancillary to the main dwellinghouse, given that it would contain the facilities to be able to function separately from the main house. However, the appellant has confirmed that the annexe would be occupied by the appellant's parents, allowing the appellant to care for them whilst retaining a degree of independence. I am satisfied that the occupation of the building can be adequately controlled through a condition limiting the occupation to purposes ancillary to the residential use of the appeal property.
11. For the above reasons, I conclude that the proposed development would preserve the character and appearance of the area. It would therefore comply with Policy L7 of the Trafford Core Strategy (2012) (the TCS) and the provisions of the National Planning Policy Framework (the Framework) which

seek, amongst other things, to ensure development is appropriate in its context. The proposal would also comply with the Trafford Supplementary Planning Document SPD4: A Guide for Designing House Extensions and Alterations (2012) which seeks to ensure detached garden structures preserve their setting and the residential character of the area.

Living Conditions

12. The proposed annexe would be sited close to the boundary of No 11 The Crofters and would be set back slightly from the boundary with No 9. Based on the measurements shown on the proposed plans, the upper section of the side elevation, including part of a proposed window, would extend above the existing fence that defines the boundary with No 9. Nevertheless, given its single storey and flat roofed nature, the proposed building would be relatively low in height (3.10 metres rising to 3.35 metres), and broadly comparable to the height of other larger domestic outbuildings. As a consequence, whilst the occupants of No 9 would see a portion of the building extending above their fence, given the setback proposed, I am not convinced that this would appear significantly overbearing, despite its overall proximity and length.
13. The appellant has referred to a fallback position which would allow the construction of a similar outbuilding of a reduced height under permitted development. The Council has not disputed this. Whilst I have not been provided with all of the evidence in this regard, it is likely that an outbuilding of a similar footprint could be constructed in a similar location under permitted development. The overall heights of domestic outbuildings constructed under permitted development are limited to either 2.5 metres, 3 metres or 4 metres, dependent upon certain criteria. In my view, the effect on the outlook of the occupants of No 9 of an additional 0.6 metres rising to 0.8 metres, in the case of the appeal proposal, would be little different to that arising from the height of what could be constructed under permitted development in that regard.
14. The Council argues that despite being obscure glazed, the proposed window facing towards No 9 would create an impression of being overlooked. However, this window would be slightly set back from the boundary in line with the rest of this elevation and would be partially screened by the existing fence. Furthermore, as highlighted by the Council, a planning condition could ensure that the window would not be capable of being opened. As such, I am of the view that any impression of being overlooked would be minimal and would not significantly affect the privacy of the occupants of No 9.
15. For the above reasons I conclude that the proposal would not result in unacceptable effects to the living conditions of the occupants of No 9 The Crofters. The proposal would therefore comply with policy L7 of the TCS and the provisions of the National Planning Policy Framework which seek to ensure the living conditions of the occupants of neighbouring properties are suitably protected. The proposal would also comply with the general guidance contained within the Trafford Supplementary Planning Guidance PG1 New Residential Development (2004), which seeks to preserve living conditions as part of new residential development.

Conditions

16. I have considered the conditions suggested by the Council in the light of the tests and advice within the Framework and the Planning Practice Guidance. I

agree that conditions are necessary in respect of commencement time and relating the development to the submitted plans. Precise details of materials in the form of samples would help to ensure the building would assimilate into its setting. Restricting occupancy of the building for purposes ancillary to the appeal property would prevent other occupation.

17. To avoid adverse overlooking to the occupants of No 9 and No 11, I have also imposed a condition requiring that the windows facing the boundaries with these properties are obscure glazed and are incapable of being opened.

Conclusion

18. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Paul Martinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not 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: AJ-010 01, AJ-010 02 (Revision: 12/01/21), AJ-010 03 (Revision: 04/02/21).
- 3) Other than in respect of site preparation and groundworks, no development hereby permitted shall commence until samples or details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples or details, which shall thereafter be retained.
- 4) The building hereby permitted shall not be occupied until the windows facing the boundaries with No 9 and No 11 The Crofters serving the kitchen have been fitted with obscured glazing, and no part of those windows shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before any window is installed and once installed the obscured glazing shall be retained thereafter.
- 5) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 385 Northenden Road, Sale, M33 2PG.