



Appeal Decision

Site visit made on 1 November 2021 by Darren Ellis MPlan

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/Q4245/D/21/3280994

26 Sedburgh Close, Sale, M33 5SR

- 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 Kate Clarkson against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 104501/HHA/21, dated 6 June 2021, was refused by notice dated 24 July 2021.
 - The development proposed is a first floor extension.
-

Decision

1. The appeal is dismissed.

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 9 Carnegie Close, with particular regards to light and outlook.

Reasons for the Recommendation

4. The Council's reason for refusal focuses on the effect of the proposed extension when viewed from the private rear garden of No 9. I have considered the appeal on that basis.
 5. The proposed first-floor rear extension above the existing single-storey extension would be in close proximity to the boundary with 9 Carnegie Close. Although the extension would be positioned adjacent to area of garden furthest from the dwelling at No 9, given the modest size of the garden together with the scale of the extension and the close proximity to the boundary, the proposed extension would dominate the outlook from much of the rear garden. Due to its height and width, it would have a materially harmful enclosing and overbearing effect on the garden of No 9. The sense of enclosure is exacerbated by the presence of the garage to No 9. While this could be removed, I have assessed the proposal having regard to the current situation as required.
 6. Furthermore, as a result of the scale of the proposed extension and the orientation of the properties, and as evidenced by the shadow analysis
-

submitted by the appellant, the proposal would result in greater overshadowing of the part of the garden at No 9 closest to the appeal dwelling. This together with the increased sense of enclosure and overbearing effect, would cause material harm to the users of the garden.

7. For these reasons, I conclude that the proposal would detract from the enjoyment and thereby cause harm to the living conditions of occupiers of No 9. Consequently, the proposal would conflict with policy L7 of the Trafford Local Plan: Core Strategy (January 2012), which requires development to not prejudice the living conditions of occupants of adjacent properties including by reason of overbearing, visual intrusion and overshadowing. The proposal would also fail to comply with the guidance in the SPD.

Conclusion

8. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed because of the conflict with the development plan and there being no material considerations which indicate that a decision should be made other than in accordance with the development plan.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

8. 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 dismiss the appeal.

Zoe Raygen

INSPECTOR