



Appeal Decision

Site visit made on 15 December 2021

by M Clowes BA (hons) MCD PGCERT (Arch con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st December 2021

Appeal Ref: APP/Q4245/D/21/3281412

Craven Cottage, 10 Glen Avenue, Sale, M33 6JQ

- 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 Mr D Craven against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 104000/HHA/21, dated 25 March 2021, was refused by notice dated 3 July 2021.
 - The development proposed is described as 'garage conversion and first floor side extension.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the living conditions of the occupiers of 13 Belmont Road and 2 Marley Drive, with particular regard to outlook and privacy.

Reasons

3. The appeal site consists of a detached 2-storey dwelling in a built-up residential area, surrounded by other properties. The dwelling benefits from an attached garage that sits next to the boundary with houses on Belmont Road, which are sited at 90 degrees to the appeal site.

13 Belmont Road

4. The development proposes the removal of the hipped roof above the garage and replacement with a first-floor extension. The overall height and length of the first-floor flank wall along the side boundary with 13 Belmont Road would be substantial. The separation distance between the two properties, particularly at first-floor level where there are no intervening features, would fall substantially below the guidelines set out in the Council's Supplementary Planning Document (SPD) 4: A Guide for Designing House Extensions and Alterations (2012). Though these are guidelines, I find that due to the bulk of the extension and its closeness to No.13, the impact would be dominant and oppressive. In particular, the outlook from the back garden and rear facing habitable rooms would be impaired and enclosed by the development.
5. The provision of a hipped roof that would share the same ridge height as the main roof of the dwelling, would not reduce the extent of the flank wall at first-floor level. Consequently, it would not mitigate the harm identified to the outlook of the neighbouring dwelling. Reference is also made by the appellant

to a window in the side elevation of the outrigger to No.13 which serves a rear bedroom. This window is very small in size and obscurely glazed, therefore it does not provide a secondary outlook for this room that would offset the harm caused to the rear facing window.

6. Due to the position and orientation of the appeal property to the north of No.13, the development would not reduce the amount of sunlight available to the habitable windows in the rear elevation of this neighbouring property or its rear garden. Likewise, the provision of an obscurely glazed first-floor bathroom window in the side elevation, would not result in a loss of privacy to No.13 as there would be no opportunity for overlooking. Nevertheless, this would not overcome the harm I have identified in respect of the loss of outlook.

2 Marley Drive

7. The proposed extension is well designed and would be constructed in complimentary materials to the host dwelling. It would sit flush with the existing rear elevation which contains 3 obscurely glazed windows at first-floor level, serving a bathroom and walk-in wardrobe. A bedroom window is proposed at first floor level that would face towards the rear of 2 Marley Drive. Although the development would meet the guidelines in SPD4 for the distance between the window and the intervening boundary, it would fall short of the guidance on window-to-window distance. Even though this is an existing urban area with properties sited close to each other as recognised by the Inspector in allowing the original house, the development now proposed would introduce direct overlooking of the garden and rear facing habitable windows of No.2, where overlooking from first-floor level does not currently occur. As there is no significant, permanent screening to mitigate the harm caused, the current level of privacy afforded to the occupants of the neighbouring property would be diminished by the development.
8. I conclude that the proposed extension would have a significantly harmful effect upon the outlook of No.13 and the privacy of No.2. Therefore, the development proposed conflicts with Policy L7 of the Trafford Local Plan: Core Strategy (2012) which in part, seeks to ensure that new development does not prejudice the living conditions of occupants of adjacent properties. It would also conflict with the guidance contained in SPD4, A Guide for Designing House Extensions and Alterations (2012).

Other Matters

9. The appellant has suggested that the first-floor internal layout of the dwelling could be reconfigured without planning permission, including the replacement of the opaque rear facing first-floor windows with clear glass. Such works have not taken place and in any case, it does not justify allowing a development that would cause harm to neighbours living conditions.
10. Reference has been made to other examples within the vicinity of the appeal site where properties are said to fall below the separation standards set out within SPD4. I have not been provided with evidence of the circumstances of these developments including whether they have had planning permission under the current Development Plan policies. In respect of 13 Glen Avenue, whilst the flank elevation of this property lies on the boundary with properties on Belmont Road, it largely sits in the gap between the outriggers of No.19 and 21 with an asymmetrical roof to the rear, thereby limiting the impact on

neighbouring dwellings. Therefore, I do not find that the circumstances are directly comparable and in any event, each case must be considered on its own merits.

11. The appellant has suggested that policy L4 of the Local Plan (2012) and SPD3; Parking Standards & Design are relevant to the appeal. Both the policy and SPD3 relate to car parking standards for new developments and as I am dismissing the appeal on living conditions, they are not relevant to my decision.

Conclusion

12. As a whole, there are no considerations that would warrant taking a decision otherwise than in accordance with the Development Plan. I conclude that the appeal should be dismissed.

M Clowes

INSPECTOR