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# Appeal Decision

Site visit made on 24 January 2022 by Hilary Senior BA (Hons) MCD MRTPI

## Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

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### Appeal Ref: APP/U4230/D/21/3285437

### 75 – 77 Wellington Street East, Salford, M7 4DN

- 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 Schwartz against the decision of Salford City Council.
  - The application Ref 21/77264/HH, dated 18 March 2021, was refused by notice dated 30 July 2021.
  - The development proposed is ground and first-floor front extension.
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### 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 Issues

3. The main issues are the effect of the proposal on:
  - the character and appearance of the host dwellings and surrounding area, and
  - the living conditions of the occupiers of Nos 86 and 88 Wellington Street East, with particular regard to privacy.

### Reasons for the Recommendation

#### *Character and appearance*

4. The host dwellings are part of a terrace in a predominantly residential area with No 77 having a two storey bay window at the end of the terrace, similar in design to that at the opposite end of the terrace. No 75 has previously been extended which includes two dormer windows in the front elevation. The dwellings are set back from the road behind low walls and landscaping and are in a prominent position close to the junction with Leicester Road. Apart from occasional dormers, the terrace is characterised by a simple roofline with a regular eaves height and building line, giving a strong consistent rhythm to the street scene.
5. From the evidence before me I understand that permission has been granted for a ground floor front extension to the appeal properties although I do not have any details of the approval before me, including any plans. I am not

therefore able to make a comparison between the appeal proposal and the approved scheme. I have assessed the appeal proposal on its merits.

6. The proposed extension would result in a prominent, incongruous addition to these two dwellings by virtue of the siting, forward of the established building line, and the roof design, which would be significantly at odds with the design of the host properties and the terrace of which they form part.
7. Even with the presence of the trees and other landscaping in the street scene the proposal would appear as a dominant feature on the terrace and would be visible from the majority of the street. The presence of existing landscaping within the street would not therefore mitigate the harm identified.
8. I conclude that the proposal would harm the character and appearance of the host dwellings and surrounding area and would conflict with Policies DES1 and DES8 of the Salford Unitary Development Plan which amongst other things seek to ensure that extensions respect the rhythm and proportions of the area and complement the general character.

#### *Living conditions*

9. The guidance in the House Extensions Supplementary Planning Document (2006) (SPD) states that the minimum distance between habitable windows should be 21m. Both parties agree that the distance between the habitable windows of the appeal properties and No 86 and 88 Wellington Street East would be 19.7m as a result of the appeal proposal.
10. Although the separation distance between the proposed extension and the properties opposite would be below the standard set out within the SPD, the shortfall would not be significant. It would be unlikely that a person stood in the new bay windows at first floor level would have views into the front windows of Nos 86 or 88 to the degree that would result in a loss of privacy to the occupiers of these properties. Moreover, the presence of landscaping and the probability that the occupiers opposite would not use their front garden as outdoor amenity space leads me to find that no loss of privacy would be caused by the proposal to these areas.
11. I conclude that the proposal would not harm the living conditions of the occupiers of Nos 86 and 88 Wellington Street East with particular regard to privacy and would therefore not conflict with Policy DES7 of the Salford Unitary Development Plan which amongst other things seeks to ensure development provides a satisfactory level of privacy, and the aims of the SPD in terms of protecting privacy.

#### **Other Matters**

12. In reaching my decision I have had full regard to the personal circumstances that have given rise to the need for the proposal. Whilst I am sympathetic to this need, I do not consider that it outweighs the harm I have identified. In addition, there is no evidence before me to indicate that the properties have insufficient internal accommodation to successfully function as family dwellings.
13. My attention has been drawn to examples of front extensions to other local buildings. From the information before me I am unconvinced that these developments are directly comparable to the proposal before me given the different character of the properties and their immediate context, and the

different style of development involved in each case, in particular in relation to the resulting rooflines. In any event, I have assessed this appeal on its own merits based on the site-specific circumstances of the case.

### **Conclusion and Recommendation**

14. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

*Hilary Senior*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be dismissed.

*RC Kirby*

INSPECTOR