
Appeal Decision

Site visit made on 14 February 2022

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/Q4245/D/22/3290522

6 Stamford Park Road, Altrincham WA15 9EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Maxine Potter against the decision of Trafford Borough Council.
 - The application Ref 105720/PAH/21, dated 9 September 2021, was refused by notice dated 21 October 2021.
 - The development proposed is described as a *"rear single storey side return extension which fills the area between a side elevation and the rear wall. It will have a pitched roof with skylights and patio doors opening to the garden at the rear"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of any adjoining premises, considering any representations received.

Main Issue

5. The main issue is the impact of the proposed development on the amenity of adjoining premises, with particular regard to the living conditions of the occupiers of 4 Stamford Park Road.

Reasons

6. The property is a 2 storey end terraced dwelling. The neighbouring dwelling, No 4 is detached from the appeal dwelling and contains a passageway between. The properties are located close to each other and the rear elevation of the appeal dwelling projects further back than that of No 4. In terms of land levels, the rear yard ground levels of No 4 are higher than the appeal property.
7. The proposal is for a single storey rear extension projecting around 4.6m from the rear wall, with an eaves height of about 2.4m and a maximum height of approximately 2.95m. It would infill between the rear wall and the 2 storey outrigger. From the plans before me, it is unclear which direction the roof would be pitched as only a floor plan is provided. It also makes it impossible to understand the floor levels of the proposal.
8. Thus, I must assume a worst case scenario as this is what theoretically could be built if I were to allow the appeal. This would be a wall height of 2.95m along the side boundary of No 4 if the roof were to slope down towards the appeal dwelling. This tall height on the boundary, coupled with the 4.6m projection, would have a severe and detrimental effect upon the living conditions of the occupiers of No 4, even accounting for the higher ground level of No 4, and the potential increase in the height of the boundary treatment to 2m. The proposal would lead to an unacceptable overbearing impact and an uncomfortable sense of enclosure for the occupiers of No 4 in the rear yard and from the ground floor windows.
9. Yet, the effect of the proposal would still allow for adequate daylight and sunlight to penetrate the neighbouring dwelling and the proposal would not result in unacceptable overshadowing. This is because the existing 2 storey outrigger already exists to the east of the proposal, and because of the single storey height of the proposal.
10. The appellant indicates in their written statement of case that the eaves height would be much less, at around 2.1m along the side boundary (indicating the roof pitching downward from east to west) and that they intend to dig down to enable this reduction in the height. This is not on the plans or application form, which is the evidence upon which I must make my assessment in this appeal.
11. But, if the proposal were to have an eaves height of 2.1m along the side boundary with No 4, even with the projection at 4.6m, the effect upon the living conditions of the occupiers of No 4 would be much reduced, to the extent that the effect could be considered acceptable.
12. Nonetheless, when considering the plans and details on the application form, the proposal would have an unacceptable effect upon the amenity of the occupiers of No 4. This would be contrary to Policy L7 of the Trafford Local Plan: Core Strategy (January 2012) which seeks to ensure development must not prejudice the amenity of the occupants of adjacent properties.
13. It would also conflict with the guidance contained in the Supplementary Planning Document SPD4: A Guide for Designing House Extensions and Alterations, which seeks to ensure that extensions and alterations do not adversely affect the amenities of neighbouring occupiers. Lastly, there would be conflict with the National Planning Policy Framework, which seeks to create places with a high standard of amenity for existing users.

Other Matters

14. I have had regard to the appellant's statement regarding their family circumstances and how the proposal would benefit them. However, this would not outweigh the harm I have found when considering the details and plans before me.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR