
Appeal Decision

Site visit made on 8 February 2022

by R Jones BA(Hons)DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 MARCH 2022

Appeal Ref: APP/W4223/D/21/3286361

89 Broadway Street, Oldham OL8 1LR

- 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 Mrs Afreen Tabassum against the decision of Oldham Council.
 - The application Ref HOU/346804/21, dated 24 April 2021, was refused by notice dated 16 August 2021.
 - The development proposed is retrospective two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner heading above has been taken from the Council's decision notice as this provides a more succinct description than part 4 of the planning application form. The appellant has adopted this description in their appeal form confirming it is the development they are seeking planning permission for.
3. I saw from my site visit that the works described above have been started and the planning application was made retrospectively. Accordingly, I have considered the appeal on that basis.

Main Issue

4. The main issue is the effect of the development on the living conditions of neighbours to the west and north, with regard to privacy, outlook and sunlight.

Reasons

5. No.89 Broadway Street (No.89) is a two-storey mid-terrace dwelling. To the rear, it has a two-storey outrigger that has been extended in depth to provide a larger fourth bedroom. The Council granted planning permission for a first-floor extension to No.89 in November 2019 (ref. HH/344204/19) and the outrigger has since been extended around 2.1m beyond the rear wall of this approved scheme.
6. The two-storey outrigger projects along the common boundary with the neighbour at No.87 Broadway Street (No.87) to the west. No.87 also has an existing two-storey outrigger with a first-floor window on the north elevation and a window on the original rear elevation of the dwelling. The outrigger to No.89 extends beyond the rear building line of No.87 and would be clearly

visible from the first-floor outrigger window. The outlook from that window would however remain principally over the rear yard and to the dwellings to the north, with the extension viewed at an oblique angle. Because of the depth and orientation of the two-storey extension, to the north west of No.87, there would be some loss of light to part of the rear yard. I am not, however, persuaded, nor do I have any evidence before me, that there would be a noticeable reduction in light to the first-floor window of the outrigger.

7. The first-floor window on the original rear elevation of No.87 already has a compromised outlook with the two-storey outriggers on either side resulting in a tunnelling effect. The additional depth of the two-storey outrigger over the approved first-floor extension to No.89, would not substantively change that outlook or the light that it receives. I am therefore satisfied that the development would not result in a loss of outlook or light to the dwelling to the west, such that it would cause harm to the living conditions of the neighbours.
8. Those dwellings to the north fronting Pool Street are sited at a lower level than dwellings on Broadway Street, separated by a relatively wide ginnel providing access to the rear yards. Because of this change of level and the height of the outrigger extension, which has high eaves and a shallow gabled roof, it does appear prominent from the ginnel. However, the outlook from dwellings on Pool Street is principally over the ginnel and towards the high boundary walls and existing two-storey outriggers. The increase in the depth of the outrigger would not substantially change this, such that it would cause a material harm to outlook or appear overly dominant.
9. The two-storey outrigger includes a window to the rear elevation which would serve the fourth bedroom and faces towards the rear of dwellings fronting Pool Street, notably Nos.22 and 24 Pool Street. I acknowledge that the approved first-floor extension would result in a level of overlooking between dwellings and that, in an urban location, there is often a degree of mutual overlooking. However, I observed on site that there would be overlooking to a non-obscured first-floor window (that appeared to be a bedroom) of No.22 Pool Street and down over the private outdoor spaces of both No.22 and No.24 Pool Street. Because the first-floor of No.89 has been extended 2.1m closer to these dwellings to the rear, the level of overlooking, and therein loss of privacy, is significant.
10. The appellant has suggested that the bedroom window could be fitted with obscure glazing, or low level obscure glazing, which could be conditioned. From the information before me, and from my site visit, I do not consider this would be a practical solution. Although internally the extension was unfinished, I saw that the depth of the bedroom and absence of any other windows means the bedroom lacks natural light. Restricting light further through the use of obscured (or part obscured) glazing would therefore result in low quality accommodation for the bedroom of No.89. Further, there would still be a perception of overlooking for the neighbours of No.22 and No.24 Pool Street.
11. I am sympathetic that the extension would provide additional accommodation for the appellant's young family, benefitting their well-being. However, in this case, this does not outweigh the significant harm through loss of privacy that I have found to the living conditions of the neighbours to the north.
12. Consequently, the proposals fail to comply with Policy 9 of the Oldham Development Plan Document – Joint Core Strategy and Development

Management Policies (2011) because it causes significant harm to the amenity of existing and future neighbouring occupants through impact on privacy.

Conclusion

13. For the reasons given above, the appeal is dismissed.

R. Jones

INSPECTOR