

Appeal Decision

Site visit made on 31 January 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/Q4245/D/21/3285642

13 Debenham Road, Stretford M32 9DQ

- 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 Ms Pamela Sheedy against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 105228/HHA/21, dated 11 July 2021, was refused by notice dated 1 October 2021.
 - The development proposed is erection of two storey side extension with roof dormer across rear of building.
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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 dwelling and surrounding area, and
 - the effect of the proposal on the living conditions of the neighbouring occupiers with particular regard to outlook and privacy.

Reasons for the Recommendation

Character and appearance

4. The host property lies in a residential area characterised by predominantly detached dwellings with hipped roofs and this roof design is reflected in the appeal dwelling. Whilst some properties have been extended, the uniformity of house types and roof forms remains a key characteristic of the area with a regular arrangement of alternate house types along Debenham Road.
5. Whilst the two storey side extension would retain a gap between it and the neighbouring property, the proposed hip to gable roof extension would introduce additional massing to the roof which would significantly alter its form including the removal of the characteristic half hip. It would result in an overly

dominant building with a form and design that would not reflect the character and appearance of the area.

6. Guidance within the Supplementary Planning Document - A Guide for Designing House Extensions and Alterations (2012) (SPD) states that dormers should be proportionate to the scale of the property and that pitched roofs are generally more appropriate. It goes on to say that windows should, where possible be vertically aligned to those below and be of a small scale.
7. The proposed rear dormer would have a flat roof design and would span much of the full width of the extended roof. It would be set in only marginally from the eaves and ridge. In addition, the windows would not match the style or be vertically aligned to the existing windows at first floor level. It would result in a box-like structure which would not reflect the form of the roof but rather would read as a top-heavy and overly dominant addition to the dwelling due to its scale, bulk, and positioning.
8. I conclude that the proposed development would harm the character and appearance of the host dwelling and surrounding area. It would therefore conflict with policy L7 of the Trafford Local Plan which seeks, amongst other things, to ensure developments are appropriate in their context and enhance the street scene or character of the area by appropriately addressing scale, density, height, massing and elevation treatment. It would also be contrary to the requirements of the SPD and the National Planning Policy Framework (the Framework).

Living Conditions

9. In built up areas there is often a degree of mutual overlooking which I observed to be the case on the site visit. It is however reasonable to conclude that this is limited in this instance due to the orientation of the buildings and the landscaping between the host dwelling and the property to the rear.
10. Whilst the windows in the proposed dormer would not overlook habitable rooms of the neighbouring dwellings, due to the height of the dormer windows and the proximity to the rear and side shared boundaries, particularly with No 11, there would be a greater level of overlooking to, and loss of privacy for, the neighbouring private gardens, resulting in an unacceptable reduction in the quality of the available amenity for neighbouring occupiers.
11. Consequently, I conclude that the proposed development would harm the living conditions of the neighbouring occupiers in conflict with Policy L7 of the Trafford Local Plan which seeks, amongst other things, to ensure developments do not prejudice the amenity of occupants of adjacent properties by reason of overlooking and visual intrusion. It would also be contrary to the objectives of the SPD which seeks to prevent unreasonable overlooking, and the Framework.

Other Matters

12. The personal circumstances of the appellant and their family are acknowledged, including that the proposal would allow a family member to live in an accessible home without having to negotiate the stairs.
13. In considering this matter, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of

opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability.

14. It is evident that the appellant has sought to find an appropriate solution with the Council during the course of the planning application, in order to meet their specific needs. However, although the details of the alternative options considered have not been provided, it is clear that an acceptable alternative form of development could not be agreed upon.
15. In this regard, the above exercise must be weighed against my conclusion on the main issues that the proposal would have a significant adverse impact upon the character and appearance of the area and harm the living conditions of neighbouring occupiers.
16. I am sympathetic to the needs of the appellant and the circumstances in which they find themselves. However, I am not persuaded, from the information before me, that the appeal proposal represents the only option the necessary additional living accommodation could be achieved by the appellant without there being a lesser adverse impact on the character and appearance of the area and the living conditions of neighbouring occupiers.
17. In this case, and for the reasons set out, a refusal of planning permission would be a proportionate and necessary approach to the legitimate aim of ensuring that significant harm is not caused to these matters. Indeed, the protection of the public interest cannot be achieved by means that are less interfering of the human rights of the family member. Therefore, while I acknowledge the personal circumstances of the appellant, I conclude that these are not matters which outweigh the harm that is caused by the development.
18. My attention has been drawn to a number of other extensions at properties in the locality, which I also saw on the site visit. However, the specific details of these cases are not before me and it is unclear if these developments have benefitted from planning permission or prior approval, or in some of the instances that they did so under the same planning policy context. In any event, these developments do not define the prevailing characteristics of the area which I referred to in my reasoning, and I have therefore limited my determination of this appeal to the planning merits and the site-specific circumstances of this case.
19. The appellant has indicated that the property could be extended though the addition of rear dormers to the existing roof, without the need for planning permission. Although such a development may be possible, a Certificate of Lawful Development has not been sought and moreover there are no details of an alternative scheme before me, and therefore the likelihood of such a scheme being pursued has not been established. I therefore give this matter limited weight in favour of the proposal.
20. I note the proposal would be on the original footprint of the dwelling allowing it to be more energy efficient. I do not have any information to substantiate this matter and can only give it limited weight in favour of the proposal.
21. There is no evidence before me on the supply of housing land. Even if there is a shortfall in homes, this proposal would only make a limited contribution to that shortfall through the consolidation of two households into one. The benefit

of this is not outweighed by the harm identified to the character and appearance of the area and to living conditions.

Conclusion and Recommendation

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

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR