

Appeal Decision

Site visit made on 20 April 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2022

Appeal Ref: APP/Q4245/D/22/3294527

4 Chiltern Drive, Hale WA15 9PL

- 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 Anneliese Pantin against the decision of Trafford Borough Council.
 - The application Ref 105520/HHA/21, dated 8 August 2021, was refused by notice dated 10 February 2022.
 - The development proposed is a two storey side extension, internal works to existing property, including new windows to main facade.
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Application for Costs

1. An application for costs was made by Anneliese Pantin against Trafford Borough Council and is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect on the living conditions of the residents of 2 Chiltern Drive with regard to loss of outlook and light.

Reasons

4. The Council is concerned that the proposed extension would be overbearing and result in a loss of direct sunlight to the neighbouring property. The appellant provided a Daylight and Sunlight Report with the application. Given the time and date of my visit, the extent of shading created by the existing dwelling was particularly informative and provided me with confidence that the study findings are robust.
 5. There would be an increase in shading to the driveway to the side of the neighbouring house. I understand that the side door and window serve a utility room and although the proposal would enclose this area and reduce outlook when leaving this door and from within, I must have regard to the nature of the room and this side driveway area. Given the aspect of the large rear facing kitchen doors, direct sunlight would not materially change within that room. The proposal would similarly not constrain the aspect from those glazed doors or from the rear facing first-floor window above. The works would not therefore
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be harmful with regard to outlook or light for residents when within the neighbouring dwelling. The significantly greater dominance would be extremely noticeable when using the drive and the side door but I am not persuaded that this, or loss of direct sunlight at specific times, would be unacceptably harmful to living conditions.

6. The proposal would have an impact on the rear outdoor space associated with the neighbouring dwelling. There is a paved area associated with the part of the garden closest to the rear of the house with access to it from two sets of wide glazed doors. I consider this patio to be the most sensitive area of the garden in terms of potential changes to direct sunlight and outlook for residents. The house has clearly been designed to take advantage of it. The Daylight and Sunlight Report indicates that part of this area would be shaded for a period in the middle of the day in early spring. The shade study relates to shade on the ground which in some ways overstates the level of shading experienced when the area is in use. Although there would be a loss of direct sunlight to this sensitive area of the garden, this change would be limited to certain times and dates within the year. Sunlight would be reduced but I am not satisfied that this would be unacceptably harmful given the limited time period, limited extent and given that for the most part, there would remain other areas of the patio where direct sunlight could be experienced at those times, should it be so desired.
7. Whilst using the nearest part of the neighbouring patio, the outlook to the south benefits from the separation distance to the appeal dwelling which includes both the driveway within 2 Chiltern Drive and the extent of garden beyond the boundary. The hipped roof also ensures that the highest part of the neighbouring house is viewed from a greater distance. The proposal would extend beyond the rear building line of 2 Chiltern Drive and bring two storey development much closer. Although the elevation would be staggered, to the rear corner, the eaves would not reflect this alignment change. In any event, the new works would be significantly more dominant than the existing dwelling when experienced from the nearest part of the neighbouring patio area. It would represent a high wall and corresponding high eaves in relatively close proximity to the established amenity area.
8. The element of the proposed development that would extend beyond the rear building line of 2 Chiltern Drive, to match the depth of the existing house, would reduce outlook and result in harm to the living conditions of those residents when enjoying the nearest part of their patio area outside the kitchen. The scale of the impact would reduce when using the part of the patio further to the north and I acknowledge that the garden overall has a relatively open aspect to the rear. The proposal would however, significantly enclose this important part of the neighbours' garden and unlike the impact of shading, this would be permanent. I find that this would be unacceptably harmful to the living conditions of the residents of 2 Chiltern Drive.
9. The proposal would be contrary to Policy L7.3 of the Trafford Local Plan: Core Strategy 2012 given that it would prejudice the amenity of adjacent properties by reason of being overbearing and visually intrusive. I find the amenity requirements of Policy L7.3 to be consistent with the aspirations of the *National Planning Policy Framework* and afford it full weight. Although shading would not be unacceptably harmful, it would be increased and although the changes

would be restricted to specific periods, it would add to the harm perceived by the neighbouring residents, as would the increased enclosure of the side driveway area.

10. Reference has been made to Supplementary Planning Document SPD 4: A Guide for Designing House Extensions and Alterations 2012. It advises that the Council will seek to protect the amenities of neighbouring occupiers and ensure that any domestic alterations do not have an adverse overlooking, loss of light or overbearing impact on neighbouring properties.
11. Specifically with regard to light, it advises that an extension that would overshadow your neighbour to an unreasonable extent would not be considered acceptable. Care should be taken that the extension is not positioned in such a way as to cause unreasonable overshadowing to a neighbouring house or a well-used part of a garden, e.g. siting a tall wall in close proximity to a boundary. Although the proposal would result in a tall wall in close proximity to the boundary, I have found that the relationship, due to the specific characteristics of this site, would not be unacceptably harmful with regard to light.
12. In relation to being overbearing, the SPD advises that positioning an extension too close to a neighbouring boundary can result in an uncomfortable sense of enclosure. A large expanse of brickwork can be overbearing to the amenities of a neighbouring property. The SPD sets out factors to be taken into account with regard to light and dominance such as the size and position of the extension, the orientation, size of garden and the relative positions of neighbouring houses and existing relationships. It also seeks the protection of neighbouring garden areas from adverse overlooking, overshadowing and overbearing impacts and refers to this as being important in relation to well-used garden areas, such as sitting out areas. I find conflict with the guidance with regard to the scale of the building and its proximity to the neighbours' rear patio area.
13. I acknowledge that the design has sought to carefully consider the form and scale of the extension with regard to its appearance within the street scene. Because of the corner nature of this property, the design guidance examples within the SPD are not entirely comparable with the proposed works. The addition would not represent a subservient side extension but I agree that the works would improve the proposed front elevation resulting in the property having a more distinctive double frontage, more satisfactorily addressing both bounding roads. Similarly, although concerns have been raised with regard to the spaciousness of the surrounds of dwellings, when viewed from the road, the relationship would on balance, be improved given the enhanced appearance, despite the reduced gap.
14. As the design of the Chiltern Drive elevation would be improved, I afford weight to this benefit of the scheme. However, I have reservations with regard to the quality of the design overall as the publicly prominent improvements could be achieved without the element that extends beyond the rear building line of 2 Chiltern Drive, which results in the harm to amenity. Because of this, the proposal does not represent an overall high quality of design and the visual improvements are not sufficient to outweigh the amenity concerns. I find some support from a number of the design objectives of the SPD, but conflict with its

amenity requirements. With regard to the SPD overall, the amenity concerns are greater than the design benefits.

15. I acknowledge that with regard to 2 Chiltern Drive the proposal would not conflict with the Building Research Establishment Report No. 209 Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice. This document does not form part of the development plan and I am not aware that it is referenced within it. It does however provide valuable guidance and can be taken into account as a material consideration. In this case however, it does not have regard to the specific uses within the garden, particularly the patio area, the importance of which is acknowledged within the development plan documents. Compliance with the BRE does not outweigh my concerns with regard to the conflict with the SPD.
16. There are a number of concerns raised by the residents of 43 Rivington Road. As these have not been identified as a concern by the Council in its decision notice or report, the appellant has not been directed to address these specifically as part of this appeal. I do not have a floorplan of the neighbouring property to assess the impact on the ground floor side facing window. I am also unclear why the proposed study, which is of a significant size and would clearly have numerous potential uses, would not be considered as a habitable room and therefore require an outlook from a window. Given my findings with regard to the amenities of the residents of 2 Chiltern Drive, these are not matter on which my decision would turn. As a result, I have not sought additional information in this regard nor reached specific conclusions in relation to living conditions. These matters have not therefore been included in my conclusions with regard to the final planning balance.
17. I conclude that although the proposal would result in some improvements to the appearance of the dwelling and the street scene, it would result in unacceptable harm to the living conditions of the residents of 2 Chiltern Drive with regard to outlook. The matters in support of the proposal do not outweigh this concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR