
Appeal Decision

Site visit made on 3 May 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2022

Appeal Ref: APP/U4230/D/21/3287951

10 Lawn Drive, Swinton, M27 5SA

- 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 Hodkin against the decision of Salford City Council.
 - The application Ref 21/78368/HH, dated 24 August 2021, was refused by notice dated 24 November 2021.
 - The development proposed is single storey rear 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 Issue

3. The main issue is the impact of the proposed development on the living conditions of the occupiers of No. 12 Lawn Drive with regard to outlook.

Reasons for the Recommendation

4. The host property is a semi-detached dwelling with an existing single storey rear extension used as a kitchen. The extension extends to approximately half the width of the dwelling leaving a paved area, covered with a pergola, between it and the shared boundary with the adjoining dwelling.
5. No. 12 Lawn Drive is the adjoining semi-detached dwelling, which also benefits from a single storey rear extension away from the shared boundary. It has patio doors serving a living room on the rear elevation of the main part of the house, close to the party boundary. There is a high fence separating the properties.
6. The guidance in policy HE5 of the House Extensions Supplementary Planning Document (2006) (SPD) states that permission would not normally be granted for rear extensions that project beyond a 45-degree line drawn from 3m along the common boundary from the rear elevation of the adjoining dwelling. In this case the proposed extension would clearly project beyond this line so does not meet the guidance in the SPD.
7. Moreover, the proximity of the extension to the party boundary, its height above the boundary fence and its rearward projection would have a significant

enclosing effect upon the outlook from the living room patio doors of No. 12. Furthermore, it would, along with the rearward extension of No. 12 have an overbearing tunnelling effect on the rear garden area close to these doors, making this space and the living room less pleasant spaces to spend time in.

8. I note that the appellant states that the proposal would fall within the limits for permitted development, except for the side projection of the existing rear extension. However, the proposal before me relates to an application for planning permission and I have assessed it accordingly.
9. In conclusion, the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of No. 12 Lawn Drive, with particular regard to their outlook. It would therefore fail to comply with Policy DES7 of the Salford Unitary Development Plan (2006) which amongst other things seeks to ensure that development does not have an unacceptable impact on the amenity of the occupiers of other developments. It would also conflict with the guidance in the SPD, as set out above.

Other Matters

10. Whilst there are no formal objections from the current neighbours, the National Planning Policy Framework requires that development creates places that provide a high standard of amenity for both existing and future users.

Conclusion and Recommendation

11. 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

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

Andrew Owen

INSPECTOR