



Appeal Decision

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

Decision by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st May 2022

Appeal Ref: APP/Q4245/D/21/3286668

16 Cornbrook Grove, Old Trafford, Manchester, M16 7PQ

- 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 Mr R Awan against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 104839/HHA/21, dated 2 June 2021, was refused by notice dated 18 August 2021.
 - The development proposed is erection of rear conservatory.
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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.

Application for costs

3. An application for costs was made by Mr R Awan against Trafford Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

4. Since the appeal was submitted a planning application¹ for a rear conservatory has been approved at the host dwelling. This was an amended scheme from the one before me, with increased insets of the conservatory to the boundaries with the adjoining neighbours. I have had regard to this decision in determining the appeal.

Main Issue

5. The main issue is the impact of the proposed development on the living conditions of the occupiers of No 14 and 18 Cornbrook Grove Road with particular regard to outlook.

¹

106844/HHA/21

Reasons for the Recommendation

6. The host dwelling is a semi-detached dwelling in a predominantly residential area. It has been previously extended to the side and rear with the rear elevation extending to the shared boundaries with the adjoining properties.
7. The proposed conservatory would extend to approximately 3 metres beyond the existing rear extension and have a limited set back from the shared boundaries with the neighbours.
8. The guidance in the Trafford Council Supplementary Planning Document -A Guide for Designing House Extensions and Alterations (SPD) indicates that rear extensions on semi detached dwellings should not project more than 3 metres from the rear elevation, unless they are set in from the boundary. Whilst the proposal before me is approximately 3 metres from the current rear elevation, the property has previously been extended and therefore the sum of the extensions would be substantially greater than the guidance in the SPD.
9. 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 rear habitable room of No 14 Cornbrook Grove. Furthermore, it would, due in part to the existing rearward extension of No 12 Cornbrook Grove have an overbearing tunnelling effect on the rear garden area close to the rear elevation of No 14, making this space and the habitable room less pleasant spaces to spend time in. As No 18 Cornbrook Grove is set away from the shared boundary the proposed conservatory would not appear as overbearing from the rear habitable rooms, although it would be prominent when using the rear garden area of the property.
10. Whilst the proposed conservatory would be set in from the shared boundaries, this is insufficient to overcome the harm to the living conditions of the neighbouring occupiers I have identified.
11. In the other examples of rear extensions, particularly no 12 Cornbrook Grove, the planning applications appear to be prior to both the Trafford Local Plan Core Strategy and the SPD and were not therefore determined under the same policy criteria. Whilst I have had sight of the extracts of the previous Development Plans used to determine the application, I have assessed this appeal on its own merits based on the site-specific circumstances of the case.
12. 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 Core Strategy (2012) which seeks, amongst other things, to ensure developments do not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing and visual intrusion. It would also be contrary to the objectives of the SPD which seeks to prevent unreasonable overlooking, and the aims of the National Planning Policy Framework (the Framework).

Other Matters

13. The personal circumstances of the appellant and their family are acknowledged, including that the proposal would be used a family member as a gymnasium and home office.

14. 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.
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 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 living conditions of neighbouring occupiers. Indeed, a planning application for a less harmful scheme has recently been granted permission.
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. Whilst there are no formal objections from the current neighbours and indeed letters of support for the proposal, the Framework requires that development creates places that provide a high standard of amenity for both existing and future users.
19. I note the appellant's concerns regarding the Council's handling of the planning application. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

Conclusion and Recommendation

20. 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

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

J Hunter

INSPECTOR