

Appeal Decision

Site visit made on 21 March 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: 14 June 2022

Appeal Ref: APP/U4230/D/21/3281753 53, Shaftesbury Road, Swinton, M27 5TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr S. M. Umair Rasheed against the decision of Salford City Council.
 - The application Ref 21/77650/PDE, dated 11 May 2021, was refused by notice dated 23 July 2021.
 - The development proposed is single storey extension at rear
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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.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, (Part 1, Class A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where any owner or occupier of any adjoining premises objects to the proposed development, Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
5. The Council has not alleged that the proposal fails to comply with any other condition, limitation or restriction potentially applicable to the proposal, and I shall consider the appeal accordingly.

Main Issue

6. The main issue is the impact of the proposed development on the living conditions of the occupiers of No 55 Shaftesbury Road with regard to outlook and light.

Reasons for the Recommendation

7. The host property is a semi-detached dwelling in a residential area. It is at the corner of Shaftesbury Road and Salisbury Road. The proposed extension would cover the full width of the host dwelling, to the shared boundary, extending approximately 4 metres from the current rear elevation and be approximately 3.8 metres high.
8. No 55 Shaftesbury Road is the adjoining semi-detached dwelling, which has patio doors serving a living room close to the party boundary. There is a high fence separating the properties.
9. Guidance in Policy HE5 of the Salford City Council House Extensions Supplementary Planning Document (2006) (SPD) states that extensions projecting further than 3 metres from the rear elevation and projecting beyond a 45-degree line would not normally be granted. In this case the extension would not meet this guidance.
10. Moreover, due to the proximity of the extension to the party boundary, its height above the boundary fence and its rearward projection, it would have a significant enclosing effect upon the outlook from the living room patio doors of No 55. It would also limit the light to the rear garden area close to these doors, making this space and the living room less pleasant spaces to spend time in.
11. I have been referred to examples of extensions permitted in another Council area. I do not have the full details of them or the policy context in which they were approved and therefore cannot be certain that they are directly comparable to the appeal before me. In any event, I have determined the appeal on the site specific circumstances of this case.
12. I note the concern regarding the classification of the proposal in the Council's delegated report. However, Para 11f refers to the length of the proposal being more than 3 metres for a semi-detached dwelling as well as referring to the height.
13. In conclusion, the proposed development would have an unacceptable, harmful effect on the living conditions of the occupiers of No 55 Shaftesbury Road, with particular regard to outlook and light. This would therefore fail to comply with Schedule 2, Part 1, Class A of the GPDO. It would also conflict with the guidance in the Salford City Council House Extension Supplementary Planning Document, in so far as it relates to living conditions.
14. I conclude therefore, that the prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the GPDO for the proposed development should not be granted.

Conclusion and Recommendation

1. For the reasons given above and having had regard to all other matters raised, I find that prior approval should not be granted because of the harm that would be caused to the occupiers of the adjoining property's living conditions. I therefore recommend that the appeal should be dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

15. 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