
Appeal Decision

Site visit made on 14 June 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/U4230/D/22/3294072
267 Rivington Crescent, Swinton M27 8TQ

- 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 Steve Grech against the decision of Salford City Council.
 - The application Ref 21/78461/HH, dated 10 September 2021, was refused by notice dated 10 December 2021.
 - The development proposed is a proposed rear roof terrace.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the occupiers of 265 and 269 Rivington Crescent in respect of privacy and, if harm would be caused whether mitigation could be secured without harm being caused to the occupiers of the aforementioned properties in respect of outlook.

Reasons

3. It is proposed to use the flat roof of an approved rear extension¹ as a roof terrace. I acknowledge that the garden areas of the neighbouring properties are already, to some extent, overlooked from the existing rear windows of the appeal property. This is not an uncommon arrangement in a built up residential area. However, there is a difference between occasional glimpses from windows and from what would likely be more prolonged and closer overlooking of neighbouring gardens from those using the proposed roof terrace.
4. The roof terrace would likely be used for long periods of time, particular in the summer when the weather is better. This would be in direct contrast to the overlooking that takes place from rear windows which is likely to be short lived. In addition, the roof terrace would be of considerable size and so there is potential for large numbers of people to sit or congregate within this elevated and outside amenity space. In this context, the overlooking has the potential to be significant and with clear and close views of neighbouring garden areas.
5. In the absence of some form of roof terrace boundary screening, I find that the proposal would have a materially harmful effect on the privacy enjoyed by the occupiers of 265 and 269 Rivington Crescent. The appellant has provided plans to show that it would be possible to provide privacy screening in the form of a

¹ Planning permission 21/76946/HH

parapet wall and opaque glass to the sides and front return of the roof terrace. While this would address the aforementioned concerns about privacy, it would nonetheless lead to a different harmful impact. Indeed, given the height, position and extent of the proposed screens above the rear extension, the resultant development would appear dominant and enclosing when viewed from the garden areas and rear windows of 265 and 269 Rivington Crescent. Therefore, while the proposed screens would address privacy concerns, this would in turn cause significant harm to the occupiers of 265 and 269 Rivington Crescent from an outlook point of view.

6. For the above reasons, I therefore conclude that the proposal would cause unacceptable harm to the occupiers of the adjacent neighbouring properties in respect of overlooking and this harm would not be capable of being satisfactorily mitigated. Consequently, the development would not accord with the amenity requirements of saved policy DES 7 of the Salford Unitary Development Plan 2006 and policy HE2 of the Salford House Extensions SPD 2006.

Conclusion

7. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR