



Appeal Decision

Site visit made on 31 May 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH June 2022

Appeal Ref: APP/C4235/D/22/3296965

246 Kingsway, Gatley, Cheadle, SK8 4PA

- 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 Sabah Mushatat against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/083390, dated 13 November 2021, was refused by notice dated 25 February 2022.
 - The development proposed is a summer family hall and shading area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit the proposed extension and the decking were in situ although the development had not been completed. The commencement of the development without planning permission has had no bearing upon my decision.

Main Issues

3. The main issues are the effect of the development on i) the living conditions of occupiers of 244 Kingsway and ii) the character and appearance of the host property.

Reasons

4. 246 Kingsway is a two-storey detached house that has previously been extended to the front, side and rear. The scale, design and materials of these previous extensions are in keeping with the original dwelling and neighbouring properties.

Living conditions

5. The development currently under construction extends significantly beyond the original rear elevation of the dwelling and the rear elevation of adjacent No. 244 Kingsway. It also extends beyond original side walls of the host dwelling.
6. Although the extension would have a very shallow mono-pitch roof, not exceeding 2.5 metres high, due to its depth, taken with previous extensions, and its proximity to the southern boundary of No. 244 Kingsway, it would inevitably result in some overshadowing and would also be visually obtrusive, when viewed from the rear windows, patio and garden of No. 244.

7. I acknowledge that there is some landscaping on both sides of the approximately 1.5-1.6 metre high fencing, between Nos. 244 and 246. This landscaping is of varying height and depth and would soften the appearance of the extension and add privacy. However, the long term future and height of this landscaping, which is not all within the appellant's ownership and control, cannot be guaranteed. Notwithstanding this view, I am satisfied that imposing a condition, requiring the northern elevation of the extension to be fitted with non-opening or high level opening, obscure glazing, would have satisfactorily addressed any privacy concerns had I been minded to allow the appeal. I am also satisfied that the proposal would have no adverse impacts on any other neighbouring properties.
8. I therefore conclude that although any potential overlooking could be mitigated by an appropriate planning condition, the depth of the extension beyond the original rear wall of the house and its proximity to the southern boundary of No.244 Kingsway would be contrary to saved policy CDH1.8(ii) of the Stockport Unitary Development Plan Review (Stockport UPDR), which requires that residential extensions do not damage the amenity of neighbouring properties by reason of overshadowing or visual intrusion. The proposal would also conflict with the council's Extensions and Alterations to Dwellings Supplementary Planning Document (SPD), which advises that larger extensions should be set further in from the boundary.

Character and appearance

9. The extension is to the rear of the host dwelling and would not be visible in the street scene. However, this does not negate the need for good design. Although well-designed modern extensions and materials, including those with flat roofs can often be integrated successfully with traditional dwellings, in this particular case the very shallow pitched roof extending across the full width of the dwelling, adjoining and wrapping partially around the hipped roof conservatory and other previous extensions, results in an awkward adjunct that does not integrate well with the existing dwelling as a whole.
10. Despite being single storey, the extension, when taken with the existing extensions to the side and rear of the dwelling, results in an overall footprint increase and appearance that is neither subordinate nor sympathetic.
11. With regards to materials, the application forms state that the roof would be tiled with windows but no details have been provided of the type of tiles that would be used on the proposed roof, which is almost flat, and the plans do not identify any roof windows. The timber frame and glazing are typical materials for a rear extension and provide an appropriate transition between the house and garden. The proposed UPVC door would detract from the timber frame but could be conditioned to match the rest of the extension.
12. The host dwelling sits within a generous plot and notwithstanding my concerns regarding the scale of the extension in relation to the house and its effect on neighbours, I am satisfied that it would not result in an unacceptable loss of garden space.
13. Accordingly the development would be contrary to saved policy CDH1.8(i) of the Stockport UDPR and guidance set out in the council's SPD, which require that residential extensions complement the existing dwelling in terms of scale, design and materials.

Other Matters

14. I acknowledge the appellant's need for additional family space. However this could be achieved in alternative ways without compromising the appearance of the dwelling or the amenity of neighbouring residents.
15. I also acknowledge that the council's SPD is over 10 years old and that substantial residential extensions can often be constructed under permitted development rights, subject to meeting certain criteria. However, in this case a similar fallback position could not be achieved under permitted development rights due to the previous extensions and the projection beyond original side and rear walls. Accordingly I have given this argument little weight.

Conclusion

16. For the reasons given above the appeal is dismissed.

Rachael Bartlett

INSPECTOR