



Appeal Decision

Site visit made on 20 September 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 6 October 2022

Appeal Ref: APP/Q4245/W/22/3297117

26 Princes Road, Sale M33 3FF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Mario Buglione against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 107074/HHA/22, dated 31 January 2022, was approved on 29 March 2022 and planning permission was granted subject to conditions.
 - The development permitted is *'Erection of rear/side dormer loft extension, new doors to rear of dwelling and other internal alterations'*.
 - The condition in dispute is No 4 which states that: *'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the dormer extension hereby approved shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter'*.
 - The reason given for the condition is: *'In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework'*.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission has been granted for a rear/side dormer loft extension, with new doors to the rear of the appeal building and other internal alterations. This was subject to condition 4, which requires obscure glazing to be installed in the dormer extension, and that any part of these windows that are less than 1.7 metres in height above the floor of the room they are installed in are non-opening. On my site visit I saw that the dormers have already been constructed. Whilst the rooms have yet to be furnished or occupied, the proposed second floor bathroom dormer window has been fitted out with obscure glazing, and the office room dormer window has clear glass, without non-opening restrictions.
3. The main issue is whether the condition is reasonable or necessary in the interests of the living conditions of the occupiers of 24 Princes Road, with particular regard to privacy.

Reasons

4. The appeal relates to one half of a pair of large 3 storey semi-detached properties that are located in a predominantly residential area. These dwellings and the neighbouring pair of semi-detached houses (Nos 30 and 32) to the

west hold prominent positions along Princes Road as the only original 3 storey villa style properties. The remainder of the street is predominantly characterised by 2 storey semi-detached dwellings that have long rear garden areas.

5. These 2 pairs of villa properties are of similar size, scale and design, and have large 3 storey outriggers that project outwardly beyond the rear elevations of neighbouring 2 storey houses to the east and west.
6. According to the Council's uncontested measurements the distance from the office dormer window to the shared boundary with No 24 is approximately 6.6 metres. This falls considerably short of the recommended interface distances contained within the Council's Supplementary Planning Document entitled 'A Guide for Designing House Extensions & Alterations' 2012 (SPD4). SPD4 advises that a separation distance of 13.5 metres should be retained between any dormer window above first floor and a site boundary adjacent to private garden space. Where windows in side elevations are located close to a boundary, it is suggested that mitigation measures such as opaque glazing, are required.
7. I am mindful that the appeal building already has first floor windows within its side elevation. However, the majority of these windows face the gable elevation of No 24, and therefore do not directly overlook its rear garden area. The plans also show 2 of these windows to serve non-habitable rooms. As such, there is not likely to be unacceptable levels of overlooking from any of these openings.
8. Moreover, the office dormer window is positioned at a higher level and much closer to the northern end of the outrigger than any of these windows. A local resident's photograph and my site observations confirmed that the second-floor height and proximity of this window to the shared boundary and rear garden and patio area of No 24 is such, that without obscure glazing and non-opening restrictions, a substantial amount of overlooking and a significant loss of privacy to the users of this neighbouring garden area would occur.
9. My attention has been drawn to an existing second floor dormer extension with clear glass in the side roof plane of No 30's rear outrigger. Reference has also been made to other similar dormer windows without opening restrictions and obscure glazing at 21 Princes Road and 15, 17 and 19 Alexandra Road. However, I was unable to see any side dormers at Nos 15, 17 and 19 from the public highway on my site visit and have no details of these before me. The Council also state that there is no planning history for any of these examples and I have no substantive reason to question this. On the evidence presented I therefore cannot be certain that they represent a direct parallel to the appeal proposal. I have, in any case, determined the appeal on its own merits.
10. I therefore find that the disputed condition is reasonable and necessary in the interests of the living conditions of the occupiers of 24 Princes Road, with particular regard to privacy. As such, the development without the disputed condition would conflict with Policy L7 of the Trafford Local Plan: Core Strategy 2012. This seeks, amongst other things, to protect the amenity of the occupants of adjacent properties, including by reason of overlooking. It would also fail to accord with guidance within SPD4, and paragraph 130 of the

National Planning Policy Framework which seeks a high level of amenity for all existing and future users.

Other Matters

11. It has been put to me that the proposed development is aesthetically pleasant, and in keeping with the character of the house, which has been in need of renovation for years. The Council has also found the effects of the proposal in respect of odours and noise disturbance to be acceptable. Nevertheless, these matters were not contentious in the appeal and the absence of harm in these respects are neutral factors that do not weigh in favour of the proposal.
12. References to ventilation and a means of escape for fire safety are also noted. However, these are matters for consideration under Building Regulations, rather than planning, and have therefore had no bearing on the outcome of this appeal.

Conclusion

13. For the reasons given above, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR