



Appeal Decision

Site visit made on 29 November 2022

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/C4235/D/22/3307065

30 Hampstead Lane, Great Moor, Stockport SK2 7QQ

- 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 Miss Sara Sotoudemehr against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/084766, dated 25 March 2022, was refused by notice dated 26 August 2022.
 - The development proposed is a part single, part double rear extension with associated works and front car port conversion.
-

Decision

1. The appeal is allowed and planning permission is granted for a part single, part double rear extension with associated works and front car port conversion at 30 Hampstead Lane, Great Moor, Stockport SK2 7QQ in accordance with the terms of the application, Ref DC/084766, dated 25 March 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan;
 - Proposed Block Plan (ref. 30HAM_BLOCK rev. First Draft Planning);
 - Proposed elevations 8 (ref. 30HAM_PROELE8 rev. First Draft Planning) showing all four elevations; and,
 - Proposed Plans 8 (ref. 30HAM_PROPLANS8 rev. First Draft Planning).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The proposed development hereby permitted shall not be occupied until the second storey window identified within the elevation facing 32 Hampstead Lane has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue of the appeal is the effect of the proposed extension on the living conditions of the occupiers of 28 Hampstead Lane (No 28), with particular reference to loss of daylight and sunlight, and outlook.

Reasons

3. The single storey element of the proposed rear extension would be taller and protrude further into the rear garden than the existing single storey rear extension. Given the location of the extension adjacent to the boundary between No 28 and the appeal property and the orientation of the properties, there would be a slight reduction in the amount of daylight and sunlight received by No 28.
4. However, the window to the rear of No 28, on the ground floor, closest to the appeal site is already overshadowed by the existing extension to the appeal property. The proposed single storey element of the rear extension would block slightly more daylight and sunlight to this window. Nevertheless, the affect would be limited given the single storey element of the proposed extension would be slightly taller than the existing extension. Also, the roof of the proposed extension would be sloping away from the rear elevation of the appeal property. The other ground floor window to the rear of No 28 is located further away from the appeal property. This window would be less affected as there is a greater distance to the proposed extension. The single storey element of the proposed extension complies with the Extensions and Alterations SPD¹ as it does not extend more than 3 metres from the rear elevation.
5. The two storey element of the proposed extension also complies with the Extensions and Alterations SPD, as it is located away from a party boundary. Given the separation and orientation of the properties, the two storey element of the proposed extension would maintain a reasonable relationship with No 28 by preventing excessive loss of daylight and sunlight.
6. Some level of overshadowing is expected in the rear garden due to the tight urban grain and already exists from the existing property and boundary treatments. The proposed development will extend along the boundary of No 28's rear garden and beyond the existing building line. This would cause a slight reduction in daylight and sunlight experienced in the rear garden area. However, the proposed extension would create a minimal increase in the amount of overshadowing. I conclude the effect would be limited and the garden could therefore still be utilised in the same manner as it is currently.
7. As there will only be minor alterations to the front elevation of the appeal property there will be little to no reduction in the amount of daylight and sunlight received by the front elevation of No 28.
8. No 28 does not have any direct views of the rear of the appeal property and limited direct views to the front of the appeal property. No 28 benefits from large patio windows which provide a wide outlook of their rear garden. The outlook enjoyed by occupiers of No 28 following the proposed extension would therefore be very similar to the existing outlook.

¹ Stockport Metropolitan Borough Council Local Development Framework Extensions and Alterations to Dwellings Supplementary Planning Document, adopted February 2011

9. I conclude that the proposed extension would not harm the living conditions of the occupiers of No 28 with regard to loss of daylight and sunlight, and outlook. The appeal scheme therefore complies with Policy SIE-1 of the Stockport Metropolitan Borough Council Local Development Framework Core Strategy DPD, March 2011, which states that development that is paying high regard to the built and/or natural environment, within which it is sited, will be given positive consideration. The proposed development also complies with saved Policy CDH1.8 of the Stockport Unitary Development Plan Review, adopted 31 May 2006, which requires a proposal to not cause damage to the amenity of neighbouring properties and it also complies with the guidance within the Extensions and Alterations SPD. The proposed development also complies with Paragraph 130 of the National Planning Policy Framework which states decisions should ensure development create places with a high standard of amenity for existing and future users.

Other Matters

10. Given the distance between the proposed development and 26 Hampstead Lane (No 26), and the orientation of the buildings there would be little, if any, reduction in daylight and sunlight experienced by the occupiers of No 26.
11. Other adjacent properties are further from the appeal scheme and the proposed extension would be seen in the context of the property and larger terrace block. Given this and the angled views, the scheme would not unacceptably affect the living conditions of these properties.
12. There is no consistent form to rear extensions and there are many different converted car ports/garages to the front of properties in the surrounding area. However, the extensions and conversions are generally subservient to the main property, much like the proposed extension. As such, the proposed extension will be in keeping with the character and appearance of the surrounding area.
13. Whilst the amount of amenity space to the rear of the appeal property would be reduced, I still consider there would be a sufficient amount of amenity space for the enjoyment of the future occupiers of the appeal property and it would be comparable to nearby gardens.
14. I have found the development would be appropriate and therefore see no reason why it would result in unacceptable development elsewhere.
15. The number of proposed bedrooms is the same as the existing property and would therefore accommodate a similar number of occupants who would generate a similar number of comings and goings. There is no substantive evidence to indicate that, where additional on street parking is required, this could not be accommodated.
16. Any construction noise would be temporary and small scale given the size of the proposed development. There would not be a long term noise impact generated by the proposed development.
17. I have no substantive evidence before me to indicate that the development would adversely affect the sewer system or would lead to significantly increased energy bills. The effect on house prices and desirability of neighbouring properties, party wall objections and covenants are not matters that affect my consideration of the main issue.

Conditions

18. To ensure the proposed extension is in keeping with the character and appearance of the surrounding area, a condition specifying materials is required. In the interest of certainty, a condition specifying the approved plans is required.
19. I have also included a condition requiring details of the obscured glazing on the second floor window within the elevation fronting No 32 to be submitted to and approved by the Council. The condition is required to protect the privacy of the occupiers of No 32.

Conclusion

20. The proposed development complies with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh this.
21. For the reasons given I conclude that the appeal is allowed.

J Hobbs

INSPECTOR