



Appeal Decision

Site visit made on 20 March 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/U4230/D/22/3311867

15 Manchester Road, Pendlebury, Salford, Swinton M27 5EX

- 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 and Mrs Shelly and Christopher Hennessey against the decision of Salford City Council.
 - The application Ref 22/80111/HH, dated 22 June 2022, was refused by notice dated 21 September 2022.
 - The development proposed is two storey side and rear extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Salford Local Plan: Development Management Policies and Designations (DMPD) was adopted in January 2023 and forms part of the statutory development plan for Salford. It replaces the saved policies of the City of Salford Unitary Development Plan (2006), including Policy DES7 cited in the decision notice. For the avoidance of doubt, I have determined the appeal based on the current development plan.
3. The minimum separation distances specified in the most relevant DMPD Policy D5, were not contained within DES7. However, these distances reflect in part those within Policy HE1 of the House Extensions Supplementary Planning Document (SPD) (2006), also cited in the decision notice and addressed within the appellants' evidence. Therefore, while the appellants have not commented directly on the DMPD, which was adopted after the appeal was submitted, I find the principles of natural justice have been upheld overall.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of No. 60 Kingsway, with respect to privacy.

Reasons

5. The appeal property is a 2 storey semi-detached dwelling with front and rear gardens, and a side drive leading to a detached garage. There are similar pairs of houses to both sides and to the rear, within a wider predominantly residential area. The appeal proposal is for a 2 storey side extension for the length of the dwelling, and a part single storey and part 2 storey rear extension.

6. The Council considers that the proposal would be acceptable in relation to its impact on the character and appearance of the area. I agree with this position because overall it would be subservient, with appropriate roofscapes and with matching materials to the host. I also agree that there would be no harmful impact to the living conditions of occupants of the properties to either side, due to the separation distances involved.
7. However, the proposed 2 storey element of the rear extension would extend 3.5m further towards the properties to the rear than at present. The proposal therefore has the potential to affect privacy because of increased overlooking from the first floor level. DMPD Policy D5 requires new development to not unacceptably impact the amenity of potential users and the users of other buildings and spaces, including regarding privacy. It sets minimum separation distances in this regard. The House Extensions SPD also identifies the need to create and retain privacy to allow for acceptable living conditions, and sets separation distances.
8. The dwelling at No. 60 Kingsway would be most directly affected by the additional overlooking. Its rear elevation contains glazed patio doors on the ground floor and a window on the first floor, classified as principal windows. The parties identify that the separation distances between these windows and bedroom 2 would be 18.5m, and bedroom 4 would be 19.3m. This would be 2.5m and 1.7m less respectively than the required 21m minimum distance set by the policies. I do find this reduction against the minimum to be significant, as the resulting distances would harmfully impact on privacy within No. 60.
9. Although the appellants highlight that proposed bedrooms may not be used as frequently as other habitable rooms, this distinction is not reflected in the standards. Additionally, the appellants consider that occupants would not be directed towards the new bedroom windows due to the particularly long dimensions of those proposed rooms. However, there would only be a single window for each room, and I therefore expect that they would be used for outlook.
10. While the proposed windows would not be directly opposite the existing windows of No. 60, this would not sufficiently mitigate the overlooking harm. My site visit identified that the view out from the existing window in bedroom 2 is clear and wide angled. I therefore do not find that the proposed windows of similar width would be restricted in sightline to the blank elevation or outbuildings at No. 60.
11. Policy HE1 of the House Extensions SPD also specifies a minimum distance of 10.5m to a directly facing common boundary. As well as providing some protection to neighbouring gardens' privacy, the SPD identifies that this prevents a 'first come first served' situation which would restrict the development potential of other properties. The parties identify that the separation distances to the rear boundary of the nearest useable outdoor amenity space from proposed bedroom 2 would be 7.1m, and from proposed bedroom 4 would be 8m. This would be 3.4m and 2.5m less respectively than the required minimum distance. Again, I find this reduction against the minimum to be significant, and it would cause harm through reducing privacy to the garden of No. 60.
12. I accept that overlooking already takes place between the rear windows of dwellings on Manchester Road and Kingsway, and into neighbouring gardens.

However, overlooking from the appeal scheme would be significantly more pronounced as it would be substantially closer. This would also increase the perception of being overlooked even if actual overlooking were not regularly occurring.

13. While the parameters within SPD Policy HE1 do allow for some flexibility, its justification text explains the circumstances where minimum distance reductions may be acceptable. This includes where windows are sufficiently angled, or if the extension is only single storey. I do not find that there are any specific circumstances or particular constraints of the appeal property and scheme which would override the distance requirements in the policies to the required extent.
14. In conclusion, the proposed development would cause harm to the living conditions of the occupiers of No. 60 Kingsway, with respect to privacy. It would therefore conflict with Policy D5 of the Salford DMPD, and guidance in Policy HE1 of the House Extensions SPD. It would also conflict with the National Planning Policy Framework (2021), and particularly paragraph 130 regarding the need to ensure that developments function well, and to create places which have a high standard of amenity for existing and future users.

Conclusion

15. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR