The Planning Inspectorate

Appeal Decision

Site visit made on 22 March 2023

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/G4240/D/22/3313731
4 Reins Lee Road, Ashton Under Lyne OL7 9QB

- 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 Akmol Hussain against the decision of Tameside Metropolitan Borough Council.
- The application Ref: 22/00915/FUL dated 13 September 2022, was refused by notice dated 5 December 2022.
- The application is for part two/single storey rear extension, two storey side extension, front porch extension and other external alterations including roof canopy to front elevation.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the Councils Decision Notice and differs from that used on the Application Form. However, in Part E of the appeal form it is stated that the description of development has not changed. Accordingly, I have used the one given on the Council's Decision Notice that I feel more accurately describes the proposed development.

Main Issues

3. The main issue is the impact of the proposal upon the living conditions of neighbours.

Reasons

4. The appeal property is a two storey semi detached ex local authority house of red brick. The character and appearance of the area is primarily one of similar houses that likely date to around the mid 20th century. To the side elevation of the property there is an existing store and former coal house that is set well back from the property's frontage. The front entrance has a simple concrete canopy that echoes others in the area.

5. To the rear the property has a reasonably good sized garden with a timber fence separating it from its neighbours. There are some modest trees but the majority of the garden is currently grass. The orientation of the garden is

almost directly east/west with the appeal property, and its neighbour, being positioned on a north/south alignment.

6. Number 2 Reins Lee Road adjoins the appeal site and therefore sits almost immediately north of it. Due to the configuration of the original estate, number 2 occupies a corner plot but this has resulted in the rear garden space of number 2 being significantly smaller to that of the appeal property.

7. As a result not only is the rear garden of number 2 immediately to the north of the appeal property, but it is also an awkward triangular shape, meaning that the garden offers relatively limited private amenity space for residents here.

8. The proposed extensions seek both side and rear extensions to the appeal property. The side extension would replace the existing original store and create a side extension that extends around 2.1m from the property's gable end. It would offer a set back and set down with a projecting ground floor element linking to a new lean to porch that would extend towards a pitched roof entrance porch. To the rear the proposed extension would seek to extend by around 2.7m at two storeys with a further 1.4m from the extent of the two storey element.

9. In assessing this appeal I am aware of Policies in the Tameside Unitary Development Plan (UDP) that states that proposals should respect the nature of surrounding buildings and that new development should be of a high quality design. Policy H10 of the UDP also states that extensions should not have unacceptable impacts upon the living conditions or amenity of neighbouring properties. These requirements are reflected in the Council's Residential Design Supplementary Planning Document (SPD).

10. It appears common ground between the parties that the proposed side and front elements of the application would conform to the Council's policy on design. However, although the proposed rear extensions would technically meet the recommended 60/45 degree line rules as outlined in the SPD, the proposed extension would still introduce a large built form that would be located directly along the common boundary between the appeal site and number 2 Reins Lee Road.

11. I saw on my site visit the modest relative size of the garden at number 2 and the amount of windows to the rear elevation here. I also took note of the orientation and direction of the midday sun in early Spring at the time of my visit. Despite a tree being located close to the neighbour's house and the common boundary, I consider that any sizeable extension along this boundary would result in significant overshadowing of the garden here. Added to this the presence of a two storey structure immediately adjacent to the common boundary would create an added overbearing impact upon the useable rear garden of number 2.

12. This impact due south of the neighbour's property would therefore be combined with the close proximity and dominance of the proposed extensions to the rear. This would result in a harmful effect upon the living conditions of those living at number 2 Reins Lee Road through over dominance caused by the extensions proposed height and massing and the extent of the two storey element along the common boundary. Despite the sloping of the roof and the dual pitched nature of the extension, I do not concur that this is sufficient enough to alleviate the harmful impacts that I have identified above.

13. Although I consider that there would be ways to extend this property in a way that could potentially alleviate the impact upon the neighbours here, I find that the proposal before me would result in serious harm to the living conditions of those residents at number 2 Reins Lee Road. As such the proposal before me would be contrary to Policy H10 of the Ashton-Under-Lyne Unitary Development Plan and the aspirations for high quality design as advanced in The National Planning Policy Framework (NPPF).

Conclusion

14. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR