



Appeal Decision

Site visit made on 12 February 2024

by Alison Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 27TH February 2024

Appeal Ref: APP/Q4245/D/23/3335044

85 Cyprus Street, Stretford, Trafford, M32 8BE

- 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 Liam Garrow against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 111662/HHA/23, dated 16 August 2023, was refused by notice dated 16 October 2023.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. The National Planning Policy Framework (the Framework) has been updated since the parties' appeal submissions have been made. However, as the revisions do not affect the matters under consideration in this appeal, it was not considered necessary to seek further comment.
3. I note that the wording on the Decision Notice differs from the planning application form. However, the wording in the application form nonetheless reflects the development applied for. Therefore, I have utilised the original application form wording unaltered in my decision.
4. The LPA had requested that the site be viewed from 87 Cyprus Street. At the site visit the occupier of 87 Cyprus Street was unable to provide entry to the rear. However, by viewing the relationship between the properties from the rear garden of 85 Cyprus Street I am satisfied that I saw everything I need to determine the appeal.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers at 87 Cyprus Street.

Reasons

6. The proposal would increase the size of the existing rear outrigger at the appeal property to a total approximate depth of 9.3m and extend the width by approximately 1.6m so that it would abut the boundary with 87 Cyprus Street

and the side wall of the extension would become the boundary wall. The proposal exceeds the dimensions cited as acceptable in Trafford Borough Council Supplementary Planning Document 4 – A Guide for Designing House Extensions and Alterations (February 2012) (SPD4). Whilst the guidance is a material consideration the case is considered on its own merits.

7. The current relationship between the side elevations of 87 Cyprus Street and the appeal property already creates a degree of overshadowing that restricts the light to the habitable rooms at 87 Cyprus Street. I agree with the appellant that the single storey proposal would not in itself make the present situation any worse in respect of loss of light due to the orientation of the dwellings as existing.
8. There is already a degree of “tunnelling effect” between 87 Cyprus Street and the appeal property as a consequence of the existing outriggers and the existing boundary wall. However, due to the extent of increased width, depth and proximity to the side boundary with 87 Cyprus Street, the proposal would create an increased tunnelling effect at much closer proximity. It is considered that this would have an unacceptable adverse impact on the living conditions at that neighbouring property by reason of an undue sense of overbearing particularly when viewed from the side and back elevation ground floor windows of 87 Cyprus Street. Replacing the boundary wall with the side elevation of the proposed rear extension, by reason of its increased height, width and depth, would not overcome the issue of increasing the undue sense of overbearing that would be caused to the outlook from the ground floor windows at 87 Cyprus Street.
9. The proposal would make efficient use of space by providing an extension to the property that would be in keeping with the character of the host property, not impact on the street scene, and provide increased accommodation for the appellant and future occupiers in line with provisions in the Framework and the development plan. However, there is nothing to suggest that the proposal is required to provide acceptable living conditions for occupants of the property. I find that these benefits do not outweigh the harm caused by the proposal to the living conditions of the occupiers of 87 Cyprus Street outlined above.
10. The Appellant makes reference to other extensions in the area in their appeal submissions. However, the individual circumstances of those are different and do not set a precedent. In particular, some of the examples involve situations where both neighbours extend the property thus eliminating the overbearing impact. There is no evidence that the occupier of 87 Cyprus Street intends to carry out any alterations. As such, I have given little weight to these examples. Having considered the appeal proposal on its own merits the existence of other extensions in the area does not outweigh the harm I find caused by the proposal.
11. I conclude that the proposal would result in harm to the living conditions of neighbouring occupiers at 87 Cyprus Street by reason of an undue sense of overbearing caused by an increased “tunnelling effect” when viewed from the ground floor windows at 87 Cyprus Street. The proposal is therefore considered to be contrary to Policy L7.3 of the Trafford Local Plan: Core Strategy (January 2012) which states that “...development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing...” It also conflicts

with SPD4 due to the width, depth and proximity of the proposal to 87 Cyprus Street.

12. The proposal would also be at odds with paragraph 135(f) of the Framework which requires the promotion of health and well-being with a high standard of amenity for existing and future users and paragraph 139 which states that development that is not well designed, particularly where it fails to reflect local design guides should be refused.

Conclusion

13. For the above reasons I find that the proposal conflicts with the development plan taken as a whole and there are no material considerations that outweigh the harm caused by the proposal. The appeal should be dismissed.

A Hartley

INSPECTOR