



Appeal Decision

Site visit made on 2 May 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24.05.2024

Appeal Ref: APP/Q4245/D/24/3339538

441 Barton Road, Stretford M32 9TA

- 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 Mohammad Asghar against the decision of Trafford Council.
 - The application Ref 111070/HHA/23, dated 29 May 2023, was refused by notice dated 19 December 2023.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 441 Barton Road, Stretford M32 9TA in accordance with the terms of the application, 111070/HHA/23, dated 29 May 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The permission hereby granted relates only to the details of development as shown on the submitted plans, numbers: 01 (received by the Local Planning Authority on 14th December 2023), 04, 05 and 06, (received by the Local Planning Authority on 13th December 2023) and 03 (received by the Local Planning Authority on 4th December 2023)

Main Issue

2. The main issue in this case is the effect of the single storey rear extension on the living conditions of the neighbours at No.439 Barton Road, with regards outlook.

Reasons

3. No.441 Barton Road (No.441) is a two-storey, semi-detached dwelling situated on the south side of Barton Road.
4. To the rear, No.441 benefitted from a conservatory extension which projected around 4m from the principal elevation offset from the shared boundary with the adjoining neighbour at No.439 Barton Road (No.439) by around 1m. The 'Existing Plans' (drawing no.02) submitted with the planning application show the conservatory was only part glazed, with a brick elevation facing the shared boundary. This conservatory has been demolished and replaced with a single storey rear extension which has a maximum projection of around 4.15m from the rear elevation, extending almost its full width.
5. The guidance on the Council's SPD4: A Guide for Designing House Extensions and Alterations (2012) is that positioning an extension too close to a

neighbouring boundary can result in an uncomfortable sense of enclosure, and a large expanse of brickwork can be overbearing to the amenities of a neighbouring property. It further advises that 'normally' a single storey rear extension close to the boundary should not project more than 3m from the rear elevation. I do not share the Council's view in this case that a conflict with the second part of the SPD4 guidance (so exceeding 3m) necessarily results in an adverse overbearing impact.

6. I observed on my site visit that No.439 has a wide ground floor window to the rear elevation offset around 1.5m from the party wall with No.441. The rear extension to No.441, set only marginally off the shared boundary, would clearly be visible from this window. It has, however, been designed with reasonably low eaves (around 2.7m) and a shallow lean-to roof with a maximum height of around 3.3m. Because of its modest scale, the single storey extension to No.441 does not appear overbearing and the window of No.439 is still afforded a good level of outlook over their rear garden.
7. Further, No.439 has a reasonably generous garden, being set on a wide plot, and the extension does not result in an undue sense of enclosure such that it would cause harm to the living conditions of the neighbours.
8. I therefore conclude that the single storey rear extension does not have a detrimental impact on the living conditions of the neighbours at No.439 through a loss of outlook. Consequently, there is no conflict with Policy L7.3 (second bullet) of the Trafford Local Plan Core Strategy (2012) which requires that new development does not prejudice the amenity of occupants of adjacent properties by reason of overbearing or visual intrusion. There would also be no conflict with paragraph 135 of the National Planning Policy Framework in so far as it seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Conditions

9. Although the extension is already built, the Council have suggested a condition which specifies the plans to which the permission relates. I agree that this is necessary in the interests of clarity and certainty and have duly imposed such a condition.

Conclusion

10. For the reasons given above, I conclude that the appeal is allowed.

R. Jones

INSPECTOR