



Appeal Decision

Site visit made on 4 July 2024

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

Appeal Ref: APP/G4240/D/24/3341763

148 Albermarle Terrace, Ashton-under-Lyne, Tameside, OL6 6JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Habib Suleman against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 23/01036/FUL.
 - The development proposed is garden storage building.
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Decision

1. The appeal is allowed, and planning permission is granted for a garden storage building at 148 Albermarle Terrace, Ashton-under-Lyne, Tameside, OL6 6JJ in accordance with application Ref: 23/01036/FUL and 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: Unnumbered Location Plan for 148 Albermarle Terrace dated 25 November 2023, Existing and Proposed Plans - Plan 81/23-01 A and Existing and Proposed Elevations – Plan 81/23-02 A.
 - 3) The materials that shall be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Procedural Matter

2. On my site visit I observed that a building to the rear of the appeal property was under construction. It was up to roof level but not yet tiled. However, I have determined the appeal based on the plans that have been submitted.

Main Issue

3. The main issue is the effect of the development on the living conditions of the neighbouring occupiers at 146 Albermarle Terrace, with particular regard to outlook.

Reasons

4. Albermarle Terrace comprises a row of traditional two storey terraced houses of broadly consistent form and appearance. The appeal property at No 148 sits mid-

terrace. Immediately to the back of the house is a yard enclosed by a two-storey outrigger and high rear wall with a gate that opens onto a pathway that runs along almost the entire length of the terrace. Beyond this walkway is a further yard that adjoins the back edge of the pavement on Union Street. It also extends partly to the rear of the yard of the neighbouring dwelling at No 146, which is similarly enclosed by its two-storey outrigger and a rear brick wall and gate onto the shared pathway.

5. The appeal scheme seeks to construct a garden storage building in the main rear yard to No 148, sited against the boundary wall adjoining Union Street. It would be single storey in scale with a gabled roof, built up to a larger structure that fronts Union Street and is currently used as a motor repair garage. This neighbouring building extends to the rear of a number of the terrace properties on Albermarle Terrace, including No 146 and is approximately 1.5 storeys in height. The appeal scheme would extend just behind the rear elevation of No 146 up to the flank elevation of the motor repair garage, with no perceptible gap between the buildings.
6. There have been other applications for a garden storage building at the appeal site, including a refusal for a rear gabled structure in 2017 and an approval in 2018 for a building of a similar height and design to the appeal proposal. This retained a small gap between its flank elevation and the repair garage. However, the permission is no longer extant and attracts no weight as a result. I appreciate that the same scheme has since been resubmitted to the Council, but I have not been informed of the outcome. In any event, I must consider the proposal before me on its individual merits. For the purpose of clarity, whilst I am also aware that the appellant owns both 146 and 148 and lives in the former, this may not remain the case in perpetuity, and in determining this appeal, I must consider the living conditions of both existing and future residents of the property.
7. The Council's Residential Design Supplementary Planning Document (2010) (SPD) sets out minimum distances between new and existing developments and for household extensions at Policies RD5 and RED2 respectively, in part to maximise levels of natural light. Both include a minimum distance of 10 metres between a habitable room window to a single storey blank wall. In this case, it would be approximately 7.5 metres between the main ground floor living room window to No 146 and the garden storage building to No 148. However, from my observations on site, the main outlook from this window is already towards the blank rear wall and gate that delineates the yard to No 146, which is approximately 2 metres in height. This would largely screen the view of the appeal scheme. Even if the top of the garden storage building would be visible from this window, the roof would slope away from the rear boundary of No 146 and the rear pathway to the houses would provide a further degree of separation. Therefore, the appeal scheme would not be unduly dominant or lead to loss of daylight to these neighbouring occupiers. It would not be materially harmful as a result.
8. Moreover, the external area to No 146 is confined to the yard adjacent to the outrigger and bounded by the rear wall, which provides an established sense of enclosure. Whilst the garden storage building would introduce a further structure within close proximity, the pathway to the rear of the houses would nonetheless separate the store and the yard. Combined with the reasonably modest scale of the appeal proposal, which would be of a lesser height than the existing repair garage that is also visible from No 146, the appeal scheme would not result in an undue sense of enclosure for the occupiers of No 146. It would have neither an

unacceptably imposing or oppressive appearance nor an overbearing effect on the yard. As a result, it would not materially impair the living conditions of these neighbouring occupants.

9. Taking all these factors into account I conclude that the proposal would not lead to any unacceptable harm to the living conditions of the neighbouring occupiers at No 146. Accordingly, whilst not meeting the Council's guidance set out at Policies RD5 and RED2 of the SPD, in this case, I find no conflict with Policy H10(d) of the Tameside Unitary Development Plan (Adopted 2004) which seeks to ensure that there is no unacceptable impact on the living conditions of neighbouring occupiers, including through overshadowing. Nor would it conflict with guidance at Section 12 of the National Planning Policy Framework, which seeks, amongst other matters, to ensure a high standard of amenity for existing and future users.

Conditions

10. Turning to the matter of conditions, I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the proposal be carried out in accordance with the approved plans. The Council has also suggested a condition requiring the external materials used in the development to match the existing building. This is necessary to safeguard the character and appearance of the area and I have therefore imposed it.

Conclusion

11. The proposal would comply with the development plan taken as a whole. Accordingly, I conclude that the appeal should be allowed.

K Mansell

INSPECTOR