



Appeal Decision

Site visit made on 12 August 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/G4240/W/24/3341667

70 Longridge Avenue, Stalybridge, Greater Manchester SK15 1HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Miss Steven & Gemma Crompton & Barber against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 24/00093/FUL was approved on 26 March 2024 and planning permission was granted subject to conditions.
 - The development permitted is double-storey side extension and single storey rear extension.
 - The condition in dispute is No 2 which states that: *'The development hereby approved shall be carried out in full accordance with the following approved plans/details unless required by another condition on this permission:*
Plans:
 - > 23/428/02A Existing and Proposed Elevations (Received by the Council 18th March 2024)
 - > 23/428/05A Proposed Ground Floor Plan (Received by the Council 18th March 2024)
 - > 23/428/06A Proposed First Floor Plan (Received by the Council 18th March 2024)
 - > 23/428/07 Proposed Parking Provision (Received by the Council 18th March 2024)'
 - The reason given for the condition is: *'In the interests of the visual amenities of the locality and in accordance with UDP Policies and relevant national Planning Guidance (Policies RED1, RED2, RED3, RED4.'*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development includes a single storey rear extension, I am satisfied from the evidence, that this part of the scheme is not in dispute between the main parties. Therefore, my deliberations on the appeal relate solely to the double-storey side extension.
3. As I saw the development has commenced, however given the stage of construction it did not appear that there had been a breach to condition 2. I shall proceed with the appeal on this basis.

Background and Main Issue

4. Planning permission was granted¹ for a double-storey side extension and single storey rear extension subject to several conditions. The Council approved the scheme based on revised plans and the appellant's now wish to modify the plans (condition 2) to amend the design to that of their original submission. This would result in the removal of the set back from the front elevation of 0.5metres (m) and the set down from the main ridge height of the double-

¹ 24/00093/FUL

storey side extension. This would mean plans 23/428/02A, 23/428/05A, 23/428/06A being replaced with 23/428/02, 23/428/05 and 23/428/06.

5. Therefore, the main issue is whether the condition is reasonable or necessary in the interests of the character and appearance of the host dwelling and area.

Reasons

6. The appeal site relates to an existing brick semi-detached dwelling within a predominantly residential area which is characterised by mostly two-storey brick dwellings of varying design. The dwellings in the immediate vicinity of the site share similar features of gable roofs, cladding, front gardens and driveways. There are many properties in the area which have been altered or extended but most retain original and subservient proportions. Despite this, and some variation in the form the properties in the area present a discreet arrangement that appreciably contributes to the local character.
7. Tameside Residential Design, Supplementary Planning Document 2010 (SPD) at 5.2 sets out that an extension must acknowledge the character of the house and wider area and Policy RED1 requires that extensions should be subordinate to the original dwelling. Section 6.2 sets out that side extensions can have a considerable effect on its host building and interfere with an established street scene. Policy RED5 of the SPD requires the principles as a minimum that side extensions should either be setback by 1m at upper floors or setback by 0.5m at both ground and upper floors.
8. The proposal would result in a double-storey side extension that would neither be set back from the front elevation or set down from ridge height. Therefore, the extension would not appear as a subservient addition to the host dwelling and overpower the frontage of the host property. Moreover, without such setback or being set down from the roof ridge it would have an unbalancing effect on the appearance of the semi-detached property.
9. Despite, matching materials being acceptable I do not consider that such a double-storey side extension would be reflective of the immediate street scene, as particularly properties directly adjacent to the site are free from two-storey side extensions. If I were to allow the appeal it would appear unduly dominant to the detriment of harm to the scale and massing of existing semi-detached dwellings within the immediate street scene. This is further exacerbated by it being the first house on the street and the existing driveway and front garden would do little to prevent this.
10. The appellants have drawn my attention to Policy RED5 of the SPD, which amongst other matters requires a further principle of preventing terracing. However, it is not the same principle as being setback to reduce scale and massing. It would also appear this relates to extensions being setback from the side boundary, rear access being maintained and those which are near to the side of another dwelling, which is not the case in this appeal. Moreover, the Council have not raised this as a concern, and I have no reason to disagree.
11. The appellants in support of their appeal have provided several examples of properties which have had two-storey extensions. Nevertheless, I do not have the precise details of these cases and whether they would be compliant with development plan policies. Those that I saw, do not justify a harmful

development. Furthermore, the Council have advised in the evidence that No's 16 and 23 are historic approvals prior to the SPD.

12. For the reasons given above, I conclude that Condition 2 is reasonable and necessary, and I find that the proposal to modify the condition is not acceptable as it would be harmful to the character and appearance of the host dwelling and area. Therefore, it would be contrary to Policies C1 and H10 of the Tameside Unitary Development Plan, 2004. These policies amongst other matters require consideration of the surrounding fabric to be respected, design relationships between buildings and their settings, and complement or enhance the character and appearance of the surrounding area.
13. It would also conflict with Policy RED1 and RED5 of the SPD, which set out that an extension must acknowledge the character of the house and wider area, creating an extension that complements rather than dominates including architectural style and that scale and mass must not be significantly altered. It advises that extensions that fails to successfully align with the existing dwelling and area will generally be refused permission. Furthermore, the National Planning Policy Framework is clear that development that is not well designed should be refused, especially where it fails to reflect local design policies.

Other Matters

14. I acknowledge the appellants' desire to enlarge the family house and how it would be a benefit. However, these matters do not outweigh the concerns I have raised above. The matter of whether the neighbouring property is a business is irrelevant to the considerations in this appeal. I also note the appellant's correspondence regarding the Council. Nevertheless, as set out within the Planning Practice Guidance², before making any appeal the applicant should first consider re-engaging with the local planning authority to discuss whether any changes to the proposal would make it more acceptable, a revised planning application could be submitted. Furthermore, the appeal process should not be used to evolve a scheme.
15. The appellant has not provided a revised plan showing amendments to plan Ref: 23/428/07 which would indicate parking being retained/provided for at least 2no. vehicles, as required by the highway authority. Even if I were to consider the proposal to be acceptable, there would be some minor conflict with this plan and Condition 2 and Condition 4 as it would still show the double-two storey side extension being set-back within the curtilage. Given I am dismissing for other reasons I do not need to consider this matter further.

Conclusion

16. The proposal would conflict with the development plan, taken as a whole and there are no other material considerations, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

K A Taylor

INSPECTOR

² paragraph: 011 Reference ID: 16-011-20140306