

Appeal Decisions

Site visit made on 20 August 2024

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal A Ref: APP/Q4245/C/23/3327342

Appeal B Ref: APP/Q4245/C/23/3327343

32 Gawsorth Road, Sale, M33 2UY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Ms Helen McGrath and Appeal B is made by Mr Timothy Griffin against an enforcement notice issued by Trafford Metropolitan Borough Council.
 - The notice was issued on 4 July 2023.
 - The breach of planning control as alleged in the notice is "Without planning permission the erection of a single storey rear extension".
 - The requirements of the notice are: 1) Remove the extension shown edged in red on the attached photographs ENF/01 and ENF/02; 2) Make good the rear elevation wall of the house; 3) Remove from the land all building materials, rubble and waste arising from carrying out the above steps.
 - The period for compliance with the requirement is: Three months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act. Appeal B is proceeding on ground (f).
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Decision

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a single storey rear extension at 32 Gawsorth Road, Sale, M33 2UY and subject to the following conditions:
 - 1) Within 4 months of the date of this decision the grey cladding on all 3 elevations of the extension shall be removed and replaced with white render. The render shall thereafter be retained.
 - 2) The window in the side elevation facing No 30 shall always be obscurely glazed to a minimum of Level 3. No other windows shall be inserted into this side elevation.

Preliminary Matters

2. At my site visit, it was apparent that some alterations have taken place since the enforcement notice was served. It was agreed between the main parties

that the side elevation had been moved 50cm further away from the joint boundary with No 30 so that it is now 65cm away from the boundary. In addition, an obscurely glazed, high level window had been fitted in that side elevation. It was agreed between the main parties that the extension projects some 3.37m from the main rear wall of the house. A flue that was in the original side elevation of the extension has been relocated to the principal rear elevation of the house.

3. An alternative scheme was submitted which proposes the removal of cladding and its replacement with render; an additional window in the rear elevation; and moving the boiler flue from "the side" to "through the roof". The submitted alternative scheme is not to scale and the drawings are not precise. Due to the vagueness of the drawings, I cannot take them into account. Nevertheless, the appellant has confirmed that she wishes me to consider the extension as it is currently built.

The appeal on ground (a)

4. The main issue is the effect of the extension upon the living conditions of the occupier(s) of 30 Gawsworth Road in respect of outlook, privacy and daylight.
5. The Council's Supplementary Planning Document, SPD 4: A Guide for Designing House Extensions and Alterations, (SPD) says that normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of a semi-detached house. It goes on to say that if the extension is set away from the boundary by more than 15cm, this projection can be increased by an amount equal to the extra distance from the side boundary.
6. In this case, as the extension is 65cm from the side boundary, the SPD allows for a 3.65m long extension. As the extension is some 3.37m long, the projection is in accordance with the SPD. I note the neighbour's comments that the extension overshadows her kitchen/dining room. However, the depth of the extension is within the SPD guidelines which are formulated with regard to potential impacts on neighbours, such as outlook and loss of light. In addition, the Council accepts that a 3m extension could be built on the boundary under permitted development (PD) rights. The extension, although slightly longer than what would be allowed under PD, is set away from the boundary and therefore its impact on light will be similar to an extension that could be built under PD. The extension is therefore within acceptable tolerances in relation to light.
7. The SPD also advises that the external finish of an extension should complement the original building by using appropriate materials. It indicates that the choice of materials should be in keeping with the locality and match the original building as much as possible. The facing material used on the extension is dark grey plastic, which is not a material in keeping with the locality. It is unattractive and presents a dark and gloomy feature in the outlook from No30, both from its rear window and from within its garden. However, this can be remedied by changing the facing material to a white render, which is common on surrounding houses. This has been suggested by the appellant as a compromise, although I note her more recent comments that she would rather keep the plastic cladding.

8. I note a neighbour's comments that the extension appears to be built in potentially fire hazardous material. I have no technical evidence to support this assertion. The safety of buildings is a Building Control matter.
9. The window which has been constructed in the side elevation is heavily obscurely glazed and it is positioned at a high level. At my site visit, I noted that it is impossible to see through this window and therefore, it causes no overlooking of the neighbouring garden. A condition can ensure that obscure glazing is retained.
10. I conclude that, subject to the conditions I impose, the extension does not unacceptably affect the living conditions of the occupier(s) of 30 Gawsorth Road in respect of outlook, privacy and daylight. Therefore, I find no conflict with Policy L7 of the Core Strategy which seeks to protect the character and quality of an area and to protect residential amenity.

Conclusion

11. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the extension. Appeals A and B on ground (f) do not fall to be considered.

Siobhan Watson

INSPECTOR