



Appeal Decision

Site visit made on 17 December 2024

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/Q4245/W/24/3349396

3 Talbot Road, Old Trafford, Manchester M16 0QL

- 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 Fareeda Jaleel (of FRJ Business & Marketing Solutions) against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 112420/FUL/23.
 - The development proposed is a 1st and 2nd floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide a suitable standard of living conditions for future occupiers and the effect of the proposal on the living conditions of neighbouring occupiers.

Reasons

3. The appeal building is a House in Multiple Occupation (an HMO) with ten bedrooms set over three storeys and is part of a small terrace of four properties. The building has a rear outrigger off the ground and first floor and there is a further extension to the rear of this that extends across the full width of the plot and creates a small courtyard between it, the outrigger and the main building. The adjoining properties to either side of the appeal site also extend beyond the main rear elevation of the host building, in particular, No 3 Talbot Road has an outrigger which is similar but larger than that at the appeal site.
4. The proposal would enlarge the outrigger by way of an additional floor and increasing the breadth of the outrigger across the rear of the dwelling at the first and, proposed, second floors. As such, the proposed extension would partially overhang the courtyard. The proposal also includes alterations to the internal layout of the host building including, on the first floor, swapping Bedroom 5 and the toilet provisions in the outrigger.
5. The increased height and overhang of the courtyard would harm the outlook from the Lounge by enclosing it and creating a tall and overbearing feature around the window. The proposal would also restrict the level of natural light that could reach the window and serve the room. The proposal would therefore result in the Lounge, especially given its size, becoming a dark and enclosed space where occupiers would be reliant upon artificial lighting. It would not, therefore, be a

pleasant space to use and would not provide a suitable standard of living conditions for occupiers.

6. The proposal would also extend closer to the windows serving bedrooms 6 and 10 and so, to some degree, would result in the windows being more enclosed and receiving less natural light than as existing. However, by way of being higher up the building, the height of the extension would be less significant and, the windows serving both of these bedrooms are already narrow. Consequently, the effect of the proposal on Bedroom 10 would not be unacceptable. However, the light to, and outlook from, the window serving Bedroom 6 would be sufficiently reduced so as to provide an unacceptable standard of accommodation for future occupiers.
7. No 5, the adjoining property closest to the outrigger, has a three-storey outrigger that is wider and deeper than the existing outrigger at the appeal site. On the main rear elevation of No 5 there are two windows, one on each of the first and second floors. By way of its location the bottom half of the first floor window is set between the two outriggers while the top half extends over the outrigger at No 3.
8. Given the current relationship between these windows and the appeal site they would be served by good levels of light during the first part of the day. The outlook from these windows would also be fairly open when looking directly out and at an angle across the rear of the appeal site.
9. However, the proposed extension would, when taken with the existing outrigger at No 5, enclose the first floor window into a very narrow tunnel. This would restrict the outlook from this room between two imposing walls and block natural light for all but a very narrow period of time. As a result, the living conditions of the room served by this window would be unacceptably affected.
10. I am mindful that the existing outriggers at Nos 5 and 7 Talbot Road result in a similar situation to that proposed here. That is, the two outriggers are closely related and enclose rear-facing windows. It is likely that the living conditions afforded to the rooms may be affected by their relationship to these outriggers. However, this is an existing matter and I do not have sufficient information before me to ascertain whether the circumstances are directly comparable to the current proposal. Moreover, all proposals need to be considered on their own merit.
11. The appellant has raised the extant permission reference 108166/FUL/22 which sought the redevelopment of the host building to provide 9 bedrooms as an HMO. The scheme includes the redevelopment of the outrigger at the first-floor level by widening it in a fashion similar to the proposal before me and the conversion of the Lounge for use as a bedroom. The extant permission does not include a second-floor extension as is proposed before me. I find it is this additional floor, when taken with the additional width of the proposed outrigger and its relationship to the surrounding windows, that cumulatively results in unacceptable harm. Although there is a potential for the extant permission to be carried out, the appeal proposal would result in greater harm than the extant permission. Consequently, this permission does not comprise a fallback position that justifies the appeal proposal.
12. I note there may be some improvements to other rooms at the host building to the potential benefit of the living conditions of future occupiers, but these would not be sufficient to outweigh the harm identified.

13. In light of the above, the proposal would not provide a suitable standard of living conditions for future occupiers and would harm those of the neighbouring occupiers by way of a loss of light to, and outlook from, habitable windows. The proposal would therefore conflict with Policy L7 of the Trafford Local Plan: Core Strategy which requires proposals to not prejudice the amenity of future occupiers or the occupiers of adjacent properties with particular reference to overshadowing and overbearing. It would also conflict with the National Planning Policy Framework (the Framework) including Paragraph 135(f) which seeks proposals to have a high standard of amenity for existing and future users and promote well-being. The proposal would also conflict with the guidance on living conditions set out within SPD 4: A Guide for Designing House Extensions & Alterations.

Other Matters

14. I am mindful that no objections were raised by interested parties. However, I must consider the proposal on its merits and a lack of objections is not a merit in and of itself. This matter has not, therefore, been determinative in my considerations.
15. The appellant has raised a number of benefits potentially stemming from the appeal scheme. These are namely that the proposal would bring the building back into use, create employment opportunities, improve the value of nearby properties, increase custom at nearby businesses and, improve the character and appearance of the surrounding area. However, I am mindful that the building is already in an HMO use and benefits from an extant permission as noted above. I therefore find that the appeal site already has the potential to secure these, and that this proposal would not provide any additional benefits.

Planning Balance and Conclusion

16. The proposal would be detrimental to the living conditions of neighbouring and future occupiers and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR