



Appeal Decision

Site visit made on 1 July 2025

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/U4230/D/25/3366122

5 Ellesmere Street, Little Hulton, Worsley, Salford M38 9WJ

- 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 Eric Froggatt against the decision of Salford City Council.
 - The application Ref is PA/2025/0210.
 - The development proposed is a two storey rear extension and full render to existing house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the development on the living conditions of the occupiers of the neighbouring property, No 7 Ellesmere Street with regard to outlook, light and overshadowing.

Reasons

3. The appeal property is the end dwelling of a row of four terraced properties. The proposal would see the construction of a two-storey extension which would run across the full width of the rear of the existing dwelling. The neighbouring dwelling, No 7 Ellesmere Street (No 7) has an existing conservatory to its rear. The Council's House Extensions Supplementary Planning Document (SPD) provides that in cases where an adjoining neighbour has an existing rear extension (in this case the conservatory) an application for a two storey extension would normally only be granted where the first floor does not project beyond the neighbour's ground floor extension, nor project beyond a 45 degree line from either a neighbouring window or a common boundary point.
4. In this instance, whilst the 45 degree line rule would be achieved, the proposal would extend around 3 metres from the rear elevation and beyond the conservatory extension at No 7 by approximately one metre. It would result in a large expanse of blank side wall along part of the boundary with No 7. Notwithstanding its hipped roof design, due to its close proximity to the existing fencing and conservatory, it would be seen as an imposing and intrusive structure when viewed from the conservatory. Accordingly, it would introduce a sense of enclosure and reduce the outlook from the conservatory.

5. No 7 is set to the north of the appeal property and the occupier of No 7 is already affected to an extent by the positioning of No 5 in relation to sunlight. Any potential additional effect on the residents of No 7 would therefore arise from the added bulk and height of the proposed extension. It is acknowledged by the appellant that the proposal would have an impact on sunlight received by the occupiers of No 7 and additional overshadowing, from the early to mid afternoon phase, but states that this would be negligible. However, the proposal would cause additional overshadowing and increase the length of time during the day when the closest part of No 7 would lack direct sun. Hence it would compound the present effect and would give an impression of further enclosure as well as some inevitable loss of sunlight/daylight. The rear rooms of No 7 would suffer unacceptable harm as a result of the proposal.
6. The appellant refers to the conservatory not being a habitable room or a primary living area. I have considered the appeal on the basis of the effect on the living conditions of the occupiers of No 7 and the particular layout of that property. In my view the importance of the conservatory is significant in that it provides the only source of light to the living accommodation at the rear of No 7. It is clearly a space where an occupier can spend extended periods of time and as such in my view can be considered to be a habitable room. As a result of the proposal, the occupier of No 7 would experience a noticeable loss of sunlight and outlook to this room creating gloomier living conditions.
7. I acknowledge that the SPD is guidance only and that reference is made within Policy HE6 to addressing the impact of 'excessively large two storey extensions' in the case of rear extensions. However, its overall aim is to strike a balance between the needs of people who wish to extend their home and the impact of such development on neighbouring occupiers. Due to its mass and height in close proximity to the common boundary, the proposal would, in my view, cause harm to the living conditions of the occupiers of the neighbouring dwelling.
8. Therefore, in conclusion I find that the proposal would cause unacceptable harm to the living conditions of the occupiers of No 7 with regard to outlook, overshadowing and loss of light. Accordingly, the proposal would fail to comply with Policy D5 of the Salford Local Plan: Development Management Policies and Designations (adopted 2023) and Policy HE6 of the House Extensions SPD. Together these policies require development not to have an unacceptable impact on the amenity of users of other buildings, including aspect, sunlight and daylight.
9. For the reasons given above, I dismiss the appeal.

K Winnard

INSPECTOR