



Appeal Decision

Site visit made on 19 August 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/G4240/D/25/3368718

66 Gower Road, Hyde, Tameside SK14 5AD

- 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 Kelechi Emeana against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 25/00209/FUL.
 - The development proposed is reduce portion of existing raised patio area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 68 Gower Road, with particular regard to outlook and privacy.

Reasons

3. The appeal property is a semi-detached house in a residential street. The rear garden of that property, and others in the row, slopes down from road to an area of protected open space beyond. In addition, the highway steeply slopes with the appeal property sitting at a higher level than 68 Gower Road (No 68) and lower than 64 Gower Road.
4. The appeal proposal seeks to modify an existing raised patio, that extends beyond a rear extension, by reducing the height of the part that is closest to the shared boundary with No 68 to slightly above ground level. The section of the boundary fence that is sited on the existing patio, along the shared boundary, would be repositioned on the lowered section of the patio.
5. At 2.1 metres (m) in height, the proposed fence is only marginally above the 2m height limit for boundary treatments set out under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Even so, it is reasonable to assume that the fence will appear much higher from within the conservatory and the garden area of No 68, due to its lower level, and would form a dominant, unsympathetic and enclosing feature in such views. In such circumstances, even a small increase above the height of a boundary fence that could be constructed without planning permission is unacceptable.
6. Whilst the upper level of the proposed patio would be set back from the shared boundary with No 68, it would afford views directly across its garden.

Consequently, it would result in overlooking and an increased sense of being overlooked for the occupants of No 68.

7. Given my findings regarding the proposed fence, it could not be relied upon to mitigate any such loss of privacy from the area immediately to the rear of No 68's conservatory. Furthermore, the existing fence that is shown to remain would not prevent views into most of the rest of the garden, and any increase in its height to address such an impact would result in it also being an overbearing presence. Consequently, I am not convinced that a suitable boundary treatment could be erected, to mitigate the loss of privacy that would arise from the proposal, without having an unacceptable dominant impact.
8. Overlooking of rear gardens is commonplace and accepted within most residential areas. In this case, the gradient along Gower Road results in a greater than typical level of overlooking from the adjoining property that is situated at the higher level, and would, therefore, exacerbate, and not reduce, the actual and perceived impact of the proposed development.
9. The appellant has drawn my attention to other properties on Gower Road with large rear patio areas. However, I am not aware of the circumstances of those cases, and I must consider the appeal scheme on its own merits. In any event, even if the impact of such development on its neighbours is similar to the appeal proposal, this does not justify the harm that I have identified.
10. I conclude that the proposal would unacceptably harm the living conditions of the occupants of No 68 by virtue of harm to outlook and loss of privacy. It would therefore be contrary to Policy H10 of the Tameside Unitary Development Plan, adopted November 2004 which seeks to ensure that, amongst other matters, development does not result in an unacceptable impact on the amenity of neighbouring properties. It would also be contrary to the similar aims of paragraph 135 of the National Planning Policy Framework.
11. I note that the Council has also referred to Policy RED3 of the Residential Design Supplementary Planning Document. However, as that policy relates to rear extensions, which is not what is proposed, it is not relevant to this decision.

Conclusion

12. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
13. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR