
Appeal Decision

Site visit made on 8 September 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Appeal Ref: APP/G4240/D/25/3369015

50 Fistril Crescent, Stalybridge SK15 3HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms Pamela Joy against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 25/00374/HHPD.
 - The development proposed is single storey rear extension with flat roof (eaves height 2.78m) and sky lantern (ridge height 3.76m) with bifolding door.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for single storey rear extension with flat roof (eaves height 2.78m) and sky lantern (ridge height 3.76m) with bifolding door at 50 Fistril Crescent, Stalybridge SK15 3HW in accordance with the terms of the application, Ref 25/00374/HHPD, and the details submitted with it including drawing nos: A101 Rev P1 – Location and Site Plan; A103 – Existing Elevations; A104 – Proposed Floor Plans; A105 - Proposed Elevations.

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) grants planning permission for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1(larger home extension), paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply, or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Where objections are received to the proposal, Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issue

5. Therefore, the main issue is the effect of the proposal on the living conditions of the neighbouring residential occupiers, with particular regard to an overbearing form of development.

Reasons

6. No 50 is a 2-storey semi-detached dwelling with rear conservatory set below the level of the rear garden. It sits in a row of similar properties that are set back from the road in relatively long plots and on slightly different building lines. As a result of the rising ground levels to the rear of the properties, the fences to side boundaries step up away from the rear elevations.
7. Based on the information and plans submitted with the appeal, the proposal would be longer than the existing conservatory, slightly wider and somewhat taller with eaves around 2.78m and a maximum height of about 3.76m. However, the maximum height relates to a centrally positioned square roof lantern. By virtue of its siting, design and materials, the roof lantern would not be overbearing nor would it result in overshadowing to No 52.
8. The side elevation of the proposal would be around 40cm taller than the first fence panel along the shared boundary between Nos 50 and 52. Even if this increase in height compared to the existing conservatory had been overbearing to the neighbour, the part of the fence closest to the rear elevations is overtopped by mature planting such as would screen the closest part of the proposal from No 52. Beyond this, the long side elevation of the proposal would be screened from the ground floor habitable room windows and rear garden of No 52 by the stepping up of the fence panels along the boundary.
9. I note the concerns of the neighbour in relation to overshadowing of her garden and further loss of daylight to her kitchen window. On the basis that the rears of the properties face roughly south east, the rear habitable room windows and seating area close to the dwelling will already be overshadowed later in the day by the 2-storey bulk of the semi-detached dwellings. The existing tall boundary fence and garden planting are also likely to contribute to the apparently low levels of daylight in the neighbour's kitchen. Taking into account the size and height of the proposal, and the fence, it seems reasonably unlikely that the proposal would result in any significant additional loss of sunlight or daylight to the rear of No 52.
10. For these reasons, I find that the proposal would not be overbearing or oppressive to the neighbour in No 52. It would not result in a poor outlook from the habitable room windows in No 52 nor result in any material loss of daylight or sunlight to the neighbours. Consequently, it would not harm the living conditions of the neighbouring residential occupier in No 52. Furthermore, taking into account its separation and relationship to the neighbouring property to the other side, the proposal would not harm the living conditions of the residential occupiers of No 48.
11. Although not determinative for the purposes of the GPDO, my attention has been drawn to Policy RED3 of the Tameside Residential Design Supplementary Planning Document Adopted March 2010. This states that to help avoid issues [including overshadowing and/or reduced outlook], the Council will limit the size of single-storey extensions based on a 60 degree line rule from the centre of the nearest ground floor habitable room window. While I do not dispute that the

proposal would breach this rule in relation to No 52, I find the particular site circumstances in this case provide an exception to that rule.

Other Matters

12. The neighbour in No 52 also raises concerns in relation to potential impacts on the shared fence, and hence plants along it or close to it in her garden. She is further concerned about adverse disturbance during construction. However, there is little substantive evidence that there would be any damage to her boundary or garden during construction. Moreover, the construction phase would be temporary and the proposal is in any case a relatively modest single storey extension. While I understand her concerns, these are not matters that weigh against the proposal.

Conditions

13. The Council suggests conditions in the event the appeal is allowed, including in relation to timescales, matching materials and the approved plans. However, Class A is already subject to conditions which are to be treated as conditions imposed on a planning permission. In this regard, paragraph A.3 states that development is permitted subject to a condition that the exterior materials must be of a similar appearance to those used in the existing dwellinghouse. Paragraph A.4 further states that the development must be carried out in accordance with the details approved by the local planning authority. Consequently, it is not necessary to repeat conditions set out in the legislation.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Sarah Manchester

INSPECTOR