

Report to Planning and Licensing Committee



Date of Meeting	9 th July 2020
Portfolio	Councillor Carol Wardle, Cabinet Member for Planning, Development & Housing
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Application: 19/01188/HOUS	Township: Middleton	Ward: South Middleton
Appeal Reference: APP/P4225/D/20/3245735		Decision level: Delegated
Site Address: 15 Walsingham Avenue, Middleton, M24 1SR		
Proposal: Erection of two storey side extension and front porch - Resubmission of 19/00182/HOUS		
Applicant: Mr Hoi Kin Lee		Agent: Kato Tsang
Planning Inspectorate Decision: Appeal Allowed – 12 May 2020		
<ul style="list-style-type: none"> – The application was refused due to the effect on the living conditions of no.11 Walsingham Avenue, with particular regard to its scale and siting in relation to the outlook and light for habitable rooms. – The Inspector stated that regardless of the reduced separation distance, the presence of the intervening garage and recessing of the proposed extension against the host buildings existing gable would ensure that there would be no significant change to existing outlook from the ground floor of no.11. The Inspector observed that existing outlook from the window of the front bedroom window of no.11 is already onto the gable end of no.15, and to an extent, already compromises the existing outlook from it. The proposal would be read against the existing gable from no.15 and the proposed narrowing of the separation distance would not cause a significant change in outlook as to harm the living conditions of the occupants of no.11. – The Inspector stated that the council’s reference to loss of light was unclear and agreed with the appellant’s evidence that given the orientation, siting and scale, there would be no adverse impact to no.11 in terms of levels of daylight and increased overshadowing. – The Inspector concluded that the proposals would not be harmful to the living conditions of the occupants for no.11, serving as justification for the proposal falling short of the requirements of the SPD, and in the absence of harm, there would be no conflict with CS policies DM1 and P3. The appeal was therefore dismissed. – In light of the appeal decision, an award of costs to the appellant equal to the costs incurred through the appeal process was given. The Inspector cited unreasonable behaviour from the council on substantive grounds as a result of unsubstantiated claims of ‘a significant loss of light’ and ‘oppressive outlook’. The Inspector stated this had led to unnecessary expense as a result of the preparation and submission of the subsequent appeal in light of the refusal received. 		