

Report to Planning and Licensing Committee



Date of Meeting	7 October 2021
Portfolio	Councillor John Blundell, Cabinet Member for Economy and Communications
Report Author	Emily Sykes
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<b>Application:</b> 21/00330/HOUS	<b>Township:</b> Heywood	<b>Ward:</b> North Heywood
<b>Appeal Reference:</b> APP/P4225/D/21/3275765		<b>Decision level:</b> Delegated
<b>Site Address:</b> 6 Kay Brow, Heywood, OL10 3ES		
<b>Proposal:</b> Single storey rear extension, following demolition of existing conservatory		
<b>Applicant:</b> Mr Peter Mulligan		<b>Agent:</b> Mr Matt McCain
<b>Planning Inspectorate Decision:</b> Appeal Allowed – 7 September 2021		
<ul style="list-style-type: none"> <li>– The inspector found the main issue to be the effect of the development on the living conditions of the neighbouring residents at no.4 Kay Brow, with particular regard to outlook and overshadowing.</li> <li>– The inspector noted that the parties agreed that the proposal exceeds with guidance in the Guidelines and Standards for Residential Development SPD by 0.3m, as the SPD states that single storey rear extensions should not project beyond 3 metres from the rear elevation of adjacent dwellings.</li> <li>– The inspector noted that the Council's reason for refusal specifically related to the ground floor rear elevation at no.4. The inspector found that due to the full width nature of the proposal near the common boundary, this would be viewed from the neighbouring window and would have greater visibility than the existing conservatory.</li> <li>– However, the inspector found that as a result of the existing boundary fence, the proposed development would be largely screened from view with only a modest portion visible, particularly given the proposed flat roof.</li> <li>– As a result, the inspector found that the proposed development would not lead to an undue loss of outlook or light to the ground floor rear window at no.4, with the proposed development not causing significant harm to the neighbouring occupier's enjoyment of their rear garden.</li> <li>– For the reasons above, the inspector found that whilst the development exceeds the limits set out in the SPD Guidance, it would accord with Policy DM1 of the Adopted Core Strategy and the NPPF. The appeal was therefore allowed.</li> <li>– An application for costs was made by the appellant against the Council but this refused by the inspector.</li> </ul>		