
Appeal Decision

Site visit made on 29 September 2025 by Kim Vo MPLAN

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/T4210/D/25/3370423

28 Alnwick Drive, Bury BL9 8BZ

- 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 Hatel Patel against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 71792.
 - The development proposed is for a first floor rear extension and two new obscure glass windows to both sides.
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Decision

1. The appeal is dismissed.

Appeal Procedure and Main Issue

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal scheme. The main issue in which is its effect on the living conditions of the occupiers of Number 26 Alnwick Drive (No. 26) with specific regard to light and outlook.

Reasons for the Recommendation

3. The appeal site comprises a two storey detached property with an existing single storey rear extension. Both the appeal building and the adjacent dwelling at No. 26 share level rear elevations and are positioned in close proximity, due to their narrow side passages. Both dwellings also benefit from substantial north facing rear gardens, with No. 26 featuring a rear patio.
4. Given the orientation of the rear gardens and the appeal building's existing rear extension, No. 26's patio area and rear elevation openings already experience a level of overshadowing. As such, the proposal would not result in a significant reduction of light compared to the existing situation. It, therefore, would not harm the living conditions of the occupiers of No. 26 in respect of light.
5. The proposal would sit within the same footprint as the existing single storey rear extension. However, and notwithstanding the Council's acceptance of its compliance with the 45 degree rule (as specified under the Alterations and Extensions to Residential Properties Supplementary Planning Document 6 2010 (SPD)), its projection forward of the level rear elevations, together with its height and roofline matching the original dwelling, would result in a looming and imposing presence. Its large scale combined with the close siting to the shared boundary would lead to an unacceptable reduction in the quality of outlook from No.26's patio. Views from this area would be dominated by the side elevation of the

proposal and this would diminish the quality of experience from within their rear garden. This harm would extend to No. 26's rear elevation openings, albeit to a lesser degree, given that the existing single storey rear extension already limits outlooks.

6. For these reasons, the proposal would cause unacceptable harm to the living conditions of the occupiers of No. 26, with specific regard to outlook. Consequently, the appeal scheme would be contrary to Policy H2/3 of the Bury Unitary Development Plan 1997 and guidance within the SPD. Together, and amongst other things, these seek to ensure that development proposals consider the amenity of adjacent properties.

Other Matters

7. I have not been provided with full details of the other nearby planning approvals cited. Therefore, I cannot be sure that they represent a sufficient comparison to the appeal scheme, such that I would change my findings. The difference in rear projections between that specified under permitted development rights and the appeal scheme does not override the identified harm. Moreover, any fallback in respect of permitted development rights in this instance is unproven as such and may require the submission of a scheme under the prior approval regime. Such is not before me, and I cannot be sure of what the outcome of what one would be.
8. The matter of the proposal's effect on living conditions in terms of privacy was not a contentious one in the appeal. Given the distance of the proposed new windows and that they would be obscure glazed, I do not disagree with the Council's findings in this regard.
9. I have had due regard to the Public Sector Equality Duty set out under Section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
10. The proposal would accommodate a relative with complex caring needs, as well as elderly parents in the near future. Additional space is required to meet evolving household needs, and a dismissal of the appeal would require the family to search for a new property. The proposal would support the appellant's caring responsibilities and enhance their family's quality of life. I attach considerable weight to the benefits the development would afford them.
11. However, there is no sufficiently conclusive evidence to demonstrate that the appellant's requirements cannot be met through alternative measures, which might have a lesser impact than the appeal scheme. I remain to be convinced that the proposed extension is the only way to achieve the outcome the appellant desires. Therefore, a refusal of planning permission is a proportionate and necessary approach to protect the wider public interest given the harm identified upon the living conditions of the occupiers at No. 26, which would remain in perpetuity.

Conclusion and Recommendation

12. For the reasons given above, the appeal proposal would conflict with the development plan and material considerations do not indicate a decision other than

in accordance therewith. I therefore recommend that the appeal should be dismissed.

Kim Vo

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR