

APPEAL LETTER

GSS23135 – 106 Kings Road, Prestwich, M25 0FY

Application No : 71148

We are writing to appeal the decision to refuse planning permission for 106 Kings Road.

Site

The site, 106 Kings Road, Prestwich M25 0JY, is a corner property situated on the corner of Kings Road and Fort Road. The existing building is a place of worship which currently has an existing two storey rear extension and a single storey extension beyond. The application aims is to remove the single storey extension and replace it with an extension which runs the width of the property, projecting 2790mm from the rear elevation of the existing two storey flat roof extension in order to provide toilet facilities at ground floor level for the members of the place of worship.

The formal description of the planning application submitted:

‘Single Storey extension at rear and rebuilding of external wall of existing side extension’

Planning History

1. Lawful development certificate for existing use as place of worship (F1) - (Ref Number 70758). This application was submitted on 14/05/2024 and permission was granted for lawful development.
2. The current application under appeal, for the above property (Ref Number 71148), was submitted on 06/09/2024 and was refused for 1 reason (all other elements were found to be acceptable):

Reasons for the Refusal (71148)

The reason that this application was refused was due to the issue of a window at the side elevation of the property at 2 Fort Road, being blocked. The officer felt that this would cause loss of light to the room and has stated in the report that this is the only window for the room. However this is incorrect – there is a large bay window at the front of the room which is the primary source of day light for this room.

We have included here an excerpt from the planning officers report where the matter for refusal has been explained and we have highlighted the main cause for the decision to refuse – yet that statement is, in fact, untrue.

1. **Amenity**

UDP Policy EN1/2 seeks to ensure that the relationship of the proposal to the surrounding area is taken into consideration when assessing proposals. Due to the nature of the proposal, attached to an existing semi-detached dwelling and residential dwellings to all sides, it is considered that UDP Policy H2/3 would also be relevant. Policy H2/3 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties. There are no adopted aspect standards for extended commercial properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and overbearing relationships and as such, would be a reasonable guide in this case given the proximity to residential properties.

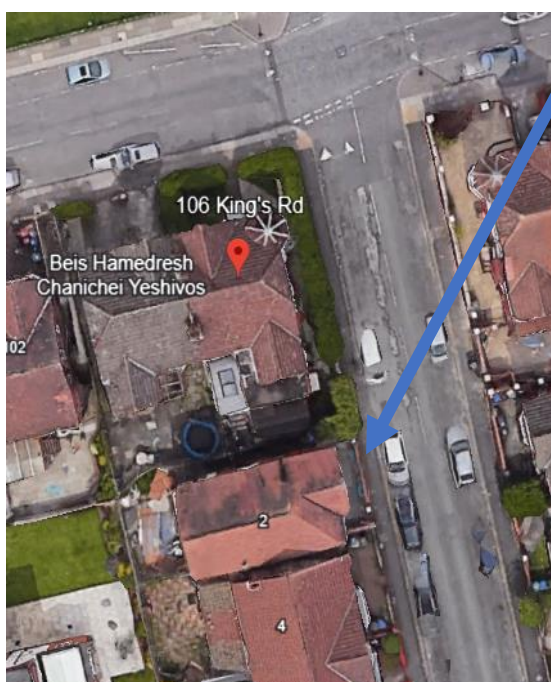
The proposed rear elevation would abut the boundary with No. 2 Fort Road and would extend across the extent of the shared boundary with this property. The current rear extension faces towards a section of blank wall associated with this property and is also set off the shared boundary. The proposed rear extension would now extend across what appears to be a side, ground floor dining room window associated within No. 2 Fort Road, and some high level windows associated with the basement.

*Dining room windows are considered to be habitable room windows. It is noted that this window is located within a side elevation and SPD 6 does state "less weight will be afforded to habitable room windows located on side elevations" **however there does not appear to be a secondary window for this room on a principal elevation and it appears that this is an original window within the property designed to serve this room.** The current site layout takes into account this window and the existing rear extension does not cover this window. The proposed extension would. The proposed extension would be located approximately 1.5 metres from this window which is significantly below the 6.5 metres required by SPD 6 for the relationship between ground floor habitable room windows, and blank single storey walls. As such it is considered that the proposed single storey extension would have an unacceptable overbearing relationship in relation to the existing dining room window at No. 2 Fort Road.*

Justifications

1. The officer refused the application based on blockage of day light to a room of No. 2 Fort Road which is situated behind 106 Kings Road – the corner property which is the subject of this application. Regarding the reason for refusal she stated *"The current rear extension faces towards a section of blank wall associated with this property and is also set off the shared boundary. The proposed rear extension would now extend across what appears to be a side, ground floor dining room window associated within No. 2 Fort Road"*, it was stated that *"there does not appear to be a secondary window for this room"*

However as you can see from the below picture, this is incorrect. No. 2 Fort Road, enjoys a large bay window at the front of the room which will allow in a generous amount of daylight.



Bay Window at 2 Fort Road, facing the street



In fact, due to the orientation of the building, the side window in question faces the North, resulting in the main source of light being from the bay window at the front.

2. We have not received any representations on objections from any of the neighbours in light of this planning application – most noticeably we have not received an objection or representation from the inhabitants of No. 2 Fort Road.

Furthermore, both Sam Golding, planning agent for this property, and Dayan Steiner, the Rabbi of the place of worship, visited the owners and occupiers of No. 2 Fort Road and shared the proposed plans with them, prior to the submission of the planning application. They appreciated the open communication regarding the development and assured that there would be no objections from them.

Conclusion

We believe that the proposed extension will not affect the daylight and sunlight for No. 2 Fort Road, because the room enjoys a large bay window which will not be affected at all by the extension. Furthermore, it simply is untrue that there is no other window to that room – there is the large bay window.

Therefore, on that basis, as well on the basis that the inhabitants of No. 2 Fort Road have no objection to the proposed extension, we believe that the appeal should be granted.