



Appeal Decision

Site visit made on 27 June 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/T4210/W/25/3359652

106 Kings Road, Prestwich, Bury M25 0FY

- 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 Chanichei Yeshivos against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 71148.
 - The development proposed is described as 'Single storey rear extension. Rebuild existing external wall of existing side extension.'
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the neighbours at 2 Fort Road (No 2) with particular regard to natural light and outlook.

Reasons

3. 106 Kings Road (No 106) is a large semi-detached property with a frontage to both Kings Road and Fort Road, located in a predominantly residential area. The proposed extension would be sited parallel with the flank elevation of the adjacent two-storey dwelling at No 2 and would extend across the full width of the appeal property. It would replace an existing single storey extension to the rear, which accommodates toilets associated with its use as a place of worship.
4. The existing extension faces a section of blank wall associated with No 2 and it is offset from the common boundary. In contrast, the proposed extension would extend further along this flank and across a side, ground floor window which serves the front room of the dwelling. This room is understood to be a dining room which is a habitable room.
5. The Council's 'Alterations and Extensions to Residential Properties' Supplementary Planning Document 6 (2010) (SPD 6) provides advice on domestic extensions. Although the appeal property is a place of worship, it is in a predominantly residential area. The guidance therefore has some value in that it provides standards which would avoid overbearing relationships with adjacent dwellings. Paragraph 3.12 of SPD 6 seeks to ensure that an extension maintains a minimum distance of 6.5m between a principal window to a habitable room in one property and a single storey blank wall of a neighbouring property.

6. As the proposed extension would be set right on the shared boundary, offset only around 1.5m from the side window of No 2, it would fall well below the SPD standard. However, I accept that less weight should be afforded to a window on a side elevation and the separation distance from the existing rear elevation of the appeal property already appears less than this standard.
7. The front room is around two thirds the depth of the ground floor of No 2 and the side window is set a good distance off the front elevation and bay window. Despite an existing fence along the common boundary, this window would afford the rear part of the room a reasonable outlook. The proposed extension would have a 'lean-to' roof which would have a similar eaves height to the one it would replace. Notwithstanding this, the proximity of the extension, and its projection across the full rear elevation of the appeal property, means it would appear overbearing and would significantly reduce the outlook from No 2's side window. Given its depth, this would be keenly felt by the occupiers of No 2 to the detriment of their enjoyment of the rear part of this room.
8. In relation to natural light, the orientation of the properties is such that the proposed extension would be sited to the north of No 2 and the effect on daylight and sunlight levels would therefore be limited. Further, there is a large ground-floor bay window on the front elevation which faces east and would afford the front room a good degree of sunlight, particularly during the morning. However, acceptability on this point does not mitigate my concerns in relation to outlook.
9. Whilst I note that the Council has recently granted planning permission for a similar single-storey rear extension to the appeal property¹ I have considered the appeal before me on its individual merits. I also note that the proposed plans were shared with the neighbour at No 2 and that no representation or objection has been received from them. However, an absence of concern or objection does not necessarily mean an absence of harm and a high standard of amenity should be achieved for both existing and future occupiers.
10. I have concluded that the proposed development would not have a harmful effect on natural light. Nevertheless, I conclude that it would cause significant harm to the living conditions of No 2 with regard to outlook. It would conflict with saved policies EN1/2 and H2/3 of the Bury Unitary Development Plan (1997) which require, amongst other things, the consideration of the relationship of the proposal to the surrounding area and that extensions and alterations consider the amenity of adjacent properties.

Other Matters

11. I acknowledge the appellant's frustration that further information in relation to the internal layout of No 2 was not requested by the Council during their consideration of the planning application. However, this is not a matter which has a bearing on this appeal, which I have considered solely on its planning merits.

Conclusion

12. The harm arising from the proposal results in conflict with the development plan that amounts to conflict with the plan as a whole.

¹ LPA Ref. 71549

13. I acknowledge that the proposed development would incorporate passive and active design features to reduce energy demand, would connect to the existing heat and energy networks and would be served by full fibre internet. Although these are benefits of the scheme, they do not amount to material considerations indicating that the appeal should be decided other than in accordance with the development plan.

14. For the reasons given above, I conclude that the appeal is dismissed.

R Gravett

INSPECTOR