

Appeal Decision

Site visit made on 9 November 2016

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 November 2016

Appeal Ref: APP/P4225/D/16/3159639

7 Lorraine Close, Heywood, Lancashire OL10 2JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Parnell against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 16/00494/HOUS was refused by notice dated 21 June 2016.
 - The development proposed is the erection of a rear conservatory.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. On 19 October 2016, the Council adopted its Core Strategy (CS). As a result, CS Policy DM1 has replaced Policy H/11 of the Unitary Development Plan (UDP), which is cited in the reason for refusal. Like UDP Policy H/11, CS Policy DM1 seeks to ensure that new development safeguards residential amenity.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 5 Lorraine Close with regard to visual impact.

Reasons

4. The proposal is a new conservatory that would connect with the rear of the single storey extension at the back of the appeal property, which is a mainly 2-storey house. When added to the existing extension, the proposal would result in a lengthy rear projection that would be close to and parallel with the shared boundary with the attached property, which is 5 Lorraine Close.
 5. As the proposal would project noticeably above the timber fence that currently marks the common rear boundary between Nos 5 and 7, the upper part of the new conservatory would be evident when viewed from the back of the adjacent house. From this direction, the top of the proposed side elevation and hipped roof, both of which would be glazed, would be visible along with the upper section of the sidewall to the existing extension of No 7.
 6. According to the main parties, the combined length of the new addition and the extension to which it would attach would be about 5.7 metres, as measured
-

from the rear elevation of No 5. This distance would exceed, by some margin, the maximum of 3 metres for attached properties that is recommended in the Council's *Guidelines & Standards for Residential Development SPD* (SPD). An underlying purpose of applying this standard is to ensure that rear extensions do not overbear on the occupiers of neighbouring properties.

7. Given the cumulative length of the proposal and existing extension, I consider that there would be a visually dominant and overbearing aspect for the occupiers of No 5. This would be most pronounced in views from the ground floor rear window of No 5 closest to the shared boundary. According to the Council, this window serves a dining room, which is a habitable room within which people would be expected to spend a reasonable amount of time.
8. I share the appellant's opinion that the glazing to the side and roof of the proposed conservatory would be less oppressive in appearance than if these were of solid construction. I also note that the new roof would angle away from view when seen from the rear of No 5. Nevertheless, the appeal scheme would still have an unacceptable visual impact on those living in the attached dwelling.
9. Therefore, I conclude on the main issue that the proposed development would cause significant harm to the living conditions of occupiers of No 5. As such, it conflicts with CS Policy DM1, which states that new development should not adversely affect the amenity of residents.
10. The proposal would provide extra living space for the appellant with extensive glazing that would allow natural light to permeate into the new structure, which would improve his living conditions and those of his family. I am sympathetic to this desire. However, a core principle of the National Planning Policy Framework is to always seek to secure a good standard of amenity for all occupants of land and buildings. On balance, this consideration does not outweigh the significant harm that I have identified.
11. The Council raises no substantive objection to other aspects of the proposal including its design and I have no reason to disagree with that finding. The use of obscure glazing in the side elevation facing No 5 would prevent overlooking problems towards the rear of this house. I also agree that there would be no undue loss of light to this neighbouring property or any additional noise and disturbance as experienced by the occupiers of No 5. I also note the absence of objections from others, including the current occupiers of No 5. As the proposal, if permitted and built, would be likely to be in place for some time, my assessment also takes into account the interests of future as well as current occupiers of this attached property.
12. Nevertheless, for the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR