The Planning Inspectorate

Appeal Decision

Site visit made on 25 August 2017

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

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

Decision date: 08 September 2017

Appeal Ref: APP/P4225/D/17/3178544
21 Armstrong Hurst Close, Rochdale OL12 9XB

- 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 Muhammad Ramzan against the decision of Rochdale Borough Council.
- The application Ref 17/00293/HOUS, dated 13 March 2017, was refused by notice dated 9 May 2017.
- The development proposed is two storey rear extension, front dormer extension.

Procedural Matter

1. The proposed development is described as a two storey/single storey rear extension and front dormer extension. This is a more accurate description than that on the application form and so I shall refer to this description accordingly.

Decision

2. The appeal is dismissed insofar as it relates to the two storey/single storey extension. The appeal is allowed insofar as it relates to the front dormer extension and planning permission is granted for a front dormer extension at 21 Armstrong Hurst Close, Rochdale OL12 9XB in accordance with the terms of the application, Ref 17/00293/HOUS, dated 13 March 2017 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    3) The development hereby permitted shall be carried out in accordance with the following approved plans, in so far as relevant to that part of the development hereby permitted:-

        - *1:1250 Location Plan;*
        - *1:200 Site Plan; and*
        - *Existing & Proposed Floor Plans and Elevations, dated February 2017 (Project Ref: 1358.17).*

Main Issues

3. I consider that the main issue is (1) the effect of the rear extension on the living conditions of the occupiers of Nos 19 and 21 Armstrong Hurst Close; and (2) the effect of the front dormer extension on the character and appearance of the area.

Reasons

4. Core Strategy Policy DM1[1] establishes that new development should be of a high standard of design which reflects the promotion of good design in the National Planning Policy Framework[2]. The Council's SPD[3] sets out specific guidance for single and two storey rear extensions and for dormer extensions. For single storey extensions the SPD suggests a maximum projection of 3 metres for terraced and semi-detached houses.

Living Conditions

5. The ground floor of the proposed rear extension would exceed the SPD standard by about 1.8 metres and given the proximity to the boundary and the orientation of the houses it would result in loss of light. It would also appear overbearing to the neighbouring house and garden. No 19 is on a slightly higher level than No 21 but this difference is not so great as to overcome my concerns. I consider that the ground floor projection would be excessive and the living conditions of the occupiers of No 19 would be harmed contrary to Policy DM1 and the SPD.

6. Due to the size of the ground floor extension, the proposed dining room would be quite large with one fairly small window and one roof light. Parts of this room would be fairly gloomy. From the garden there are steps up to the footpath that runs to the rear of the property. The garden area is set someway down from the footpath. The size of the extension would also reduce the available garden area. Across the footpath at the rear of No 21 is a grassed area and the gable wall of No 33 Buckley Lane. Whilst these matters cumulatively are a cause for some concern, the effect of the proposal on the living conditions of the occupiers of No 21 itself would not give me sufficient cause to dismiss this appeal.

Character and Appearance

7. The SPD indicates that dormers to the front elevation will not normally be permitted. It then sets out a number of design principles. The proposed dormer would be on the front of the house and it would have a flat roof close to the height of the existing ridge and so not comply with the criteria in the SPD. However, planning permission has previously been granted to the adjacent property and the dormer to that property has been constructed. Also, this group of houses is not in an especially prominent position. The Council's reasons for refusal do not include the dormer extension and I'm inclined to agree that in this context it would be unreasonable to withhold permission on the basis of causing harm to the character and appearance of the area.

[1] Rochdale Adopted Core Strategy October 2016.
[2] Department for Communities and Local Government National Planning Policy Framework, March 2012 (the Framework).
[3] Rochdale Borough Council Guidelines & Standards for Residential Development SPD, Adopted June 2016.

Conditions

8. The Council has requested a condition requiring the materials of construction to match the existing dwelling. In so far as it relates to the dormer extension, this is reasonable and necessary to ensure a satisfactory appearance and would be in accordance with the Planning Practice Guidance[4]. Also, otherwise as set out in this decision and conditions it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I shall impose a condition accordingly in so far as it relates to the dormer extension.

9. I have taken into account the appellant's requirement for greater internal living space and the topography of the rear garden but neither these nor any other matter raised alters my conclusion.

Conclusion

10. I have found that the dormer extension would be acceptable in this location but find that the ground floor element of the rear extension is unacceptable in that it would have a harmful effect on the living conditions of the occupiers of No 19 Armstrong Hurst Close.

11. As I have found that the dormer extension is acceptable but the rear extension is not, I consider that these parts of the proposal are severable, both being physically and functionally independent. I therefore propose to issue a split decision in this case.

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal in relation to the dormer extension is allowed but the two storey/single storey rear extension is dismissed.

J D Clark

INSPECTOR

[4] Planning Practice Guidance, 6 March 2014.