
Appeal Decision

Written Representation

Site visit made on 14 February 2019

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/P4225/D/18/3216014

115 Edmund Street, Rochdale, Lancs OL12 6QF

- 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 Mohammed Ilyas against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 18/00645/HOUS, dated 17 August 2018, was refused by notice dated 15 October 2018.
 - The development proposed is a two storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposed extension upon the living conditions of neighbours with regard to privacy.

Reasons

3. The application property is a semi-detached, red brick house within this relatively tight knit residential area.
4. The appeal property has a rear garden facing towards a terrace of houses on Thorntree Place. This short row of houses sits on a slightly lower level to that of the appeal site and encompasses a small front garden which I consider to be its primary frontage. This front garden would not be affected by the proposal. However, to the rear there is a small yard which serves all the properties on Thorntree Place and is used for storage of bins and rear access.
5. Numbers 10 and 12 Thorntree Place are in closest proximity to the appeal site. To their rear elevation they each have a single first floor window and door to the ground floor. Number 10 has a secondary window to the first floor and an extra window adjoining the rear doorway.
6. The proposed extension would be sited to the rear garden of the appeal property. The appeal site has a relatively wide rear elevation and currently there is one metal shed and an older former privy/coal store that is presumably contemporary to the house.
7. The proposed plans show the extension would protrude by approximately 3.6 metres into the rear garden area. I consider that the space is available to

accommodate an extension and there are examples nearby where two storey rear extensions integrate into the area well.

8. Notwithstanding this however, the proposed rear extension would create two first floor rear bedroom windows facing directly towards properties on Thorntree Place. The distance between these new windows, and those on Thorntree Place is around 10.5 metres and this is well below the 21 metres as suggested within the Council's 'Guidelines and Standards for Residential Development' Supplementary Planning Document 2016 (SPD).
9. I consider therefore that by developing two first floor habitable room windows within such a tight distance to the rear elevation of these properties on Thorntree Place, there will be a significant impact upon the living conditions of numbers 10 and 12 through overlooking and subsequent loss of privacy to rear windows. This is exacerbated by the change in levels between the two properties that the Council have identified. As a result the living conditions of residents of Thorntree Place would be adversely harmed through the two overlooking windows proposed to the first floor rear elevation.

Other Matters

10. The appellants have raised the issue of their need to extend the property in order to accommodate elderly relatives. Whilst I do give some weight to these personal circumstances I do not consider that they outweigh the harmful effect that the proposed extension would have upon the living conditions of residents at numbers 10 and 12.
11. The example of other rear extensions nearby has also been raised by the appellant. Whilst I recognise that there are some properties with rear extensions, those within close proximity to Thorntree Place do not have first floor rear windows and as such I do not consider that the same issues of harmful overlooking occur.
12. I have considered whether there is a possibility to reduce the impact upon the living conditions of neighbours through the imposition of conditions to obscure the glazing to the proposed rear bedroom windows. However, I consider that such a condition would not create a suitable internal environment to residents within the appeal property and as such no mitigation to my concerns will occur.

Conclusion

13. In consideration of the matters advanced to me and following my site visit and subsequent assessment above I consider that the impact upon the living conditions of residents at 10 and 12 Thorntree Place will be harmed through the overlooking and loss of privacy that the proposed extension would introduce. I therefore consider that the proposal would fail to comply with Policy DM1 of the adopted Rochdale Core Strategy 2016 which seeks to ensure that development proposals do not adversely affect the amenity of residents through loss of privacy, amongst other things. The proposal would also be contrary to the guidance of the SPD with regards to space standards.

A Graham

INSPECTOR