



Appeal Decision

Site visit made on 19 November 2019

by M Seaton DipTP MRTPI

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

Decision date: 13 December 2019

Appeal Ref: APP/P4225/D/19/3236904
106 Hill Top Drive, Rochdale, OL11 2RL

- 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 Mohammad Rafiq against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 19/00814/HOUS, dated 15 July 2019, was refused by notice dated 9 September 2019.
 - The development is the erection of a single storey rear extension and replacement of door on existing side elevation with a window.
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Procedural Matters

1. The planning application was made on a retrospective basis with the works having already been completed, a situation I was able to confirm at the site visit.
2. It has been brought to my attention that during the course of this planning appeal, another appeal decision (*Ref. APP/P4225/D/19/3233315*) at the site has been published. The previous appeal decision letter indicates that the scheme as approved was subject to the consideration of a revised drawing, which was accepted by the Inspector as not conflicting with the '*Wheatcroft Principles*'. Due to the acceptance of the revised drawing, the scheme and revised drawing under consideration and ultimately approved, is identical to the development which is the subject of this appeal. Therefore, the Decision Letter and the conclusions reached by the Inspector, are material considerations to which I attach very substantial weight.

Decision

3. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and replacement of door on existing side elevation with a window at 106 Hill Top Drive, Rochdale, OL11 2RL in accordance with the application Ref. 19/00814/HOUS dated 15 July 2019, and subject to the following conditions;
 - 1) The development hereby approved shall be carried out in accordance with the approved drawing numbers: MR12719 (Elevations and Floor Plans) dated 12 July 2019, and Proposed Site Plan.
 - 2) The window on the eastern side elevation shall be fitted with obscured glazing within a window frame, with non-opening casements and shall thereafter be retained as specified.

Main Issue

4. The main issue is whether the development safeguards the living conditions of the neighbouring occupiers of No. 108 Hill Top Drive, having regard to light and outlook.

Reasons

5. The appeal site is occupied by a two-storey semi-detached dwelling located within a largely residential estate, with open land to the west beyond the boundary of the rear garden. The property is set on gently contoured land with No. 104 Hill Top Drive positioned at a higher level, with the slope falling away towards No. 108 Hill Top Drive and beyond.
6. In the context of the recent appeal decision for an identical development, my decision-making has inevitably had full regard to this material consideration and has been significantly influenced by the approach taken by the Inspector for the approved scheme, particularly as there is no apparent change in circumstances before me.
7. I agree with the Inspector's assessment that the depth of the extension conflicts at least in part with the guidance for the size of rear extensions as set out within the Council's Guidelines & Standards for Residential Development Supplementary Planning Document (SPD). Nevertheless, having noted the relationship between the extension and neighbouring properties, and having regard to the effect of the size, scale, and position and orientation of the structure, I am satisfied that any impact on light and outlook from the extension would not result in a harmful or unacceptable impact on the living conditions of neighbouring properties, and in particular those of the occupiers of No. 108 Hill Top Drive.
8. Therefore, on the basis of my own observations of the site and being mindful of the conclusions reached by the Inspector on the previous decision, the extension safeguards the living conditions of the neighbouring occupiers of No. 108 Hill Top Drive, having regard to light and outlook. Despite acknowledging there to be some limited conflict with the SPD, I do not find there to be conflict with Policy DM1 of the adopted Rochdale Core Strategy (2016), which amongst other matters seeks to ensure that development safeguards the amenity of residents and is compatible with surrounding land uses.

Other Matter

9. I have noted the concerns of the neighbouring occupier over the appellant's decision to undertake the works to the extension in advance of the receipt of the necessary planning permission. However, whilst I appreciate the frustration that this may have caused, the appellant has sought to resolve matters through the pursuance of this, and the previous appeals, and the works to provide the extension do now benefit from planning permission.

Conditions

10. In addition to a condition regarding the identification of plans, the Council initially suggested conditions related to the commencement of development and the use of matching materials for all external surfaces of the development. However, I am satisfied that the latter two conditions would not be necessary

or reasonable in the context of the works on the extension having already been commenced and completed.

11. In accordance with the conditions attached to the recently published appeal decision, I have also imposed a condition requiring the use of obscure glazing and non-opening casements, which I consider reasonable and necessary in order to safeguard the living conditions of the neighbouring occupiers of No. 108 Hill Top Drive.

Conclusion

12. For the reasons given above, the appeal is allowed subject to the imposition of the conditions as listed.

Martin Seaton

INSPECTOR