
Appeal Decision

Site visit made on 25 February 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/P4225/D/20/3245805
127, Kirkway, Middleton M24 1EP

- 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 & Mrs Hartley-Pickles against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 19/01260/HOUS, dated 18 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is a two-storey rear extension, over existing single storey.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the extension upon (i) the character and appearance of the area, and (ii) the living conditions of the occupiers of neighbouring dwellings having regard to light and outlook.

Reasons

Character and appearance

3. The appeal property is semi-detached positioned close to the road junction of Kirkway and Kingsway. The property has an existing single storey extension to the rear which the proposed extension would be built on top of. Internally, the proposed extension would enlarge two bedrooms.
4. The area is characterised by semi-detached dwellings with front and rear gardens. Neighbouring residential properties in the vicinity are generally similar in appearance and size, although numbers 127 and 127a Kirkway as well as numbers 81 and 83 Kingsway have considerably shorter rear gardens than other neighbouring properties.
5. The public visibility of the rear extension from Kingsway would be limited as only the side of it would be seen through a gap between properties. Furthermore, the depth of the extension would be about half of that of the main house and its ridge height would be significantly below that of the main roof. It would therefore look subservient to the main building.
6. Taking all these factors into account, the overall siting, scale and massing of the proposed extension would be acceptable.

7. I therefore conclude that the proposed extension would not harm the character and appearance of the area. It would accord with Policy P3 and criterion (a) of policy DM1 of the Rochdale Core Strategy (CS) 2016 which seek to protect the character and appearance of an area. I find no conflict with the Council's Guidance and Standards for Residential Development Supplementary Planning Document (SPD) 2016 which has similar objectives in this specific regard.

Living conditions

8. The Council's SPD indicates that a first-floor rear extension should not project beyond a 30-degree line drawn from a point 2.4m along the common boundary from the rear elevation of the adjoining dwelling. Due to its projection from the rear elevation of the adjoining property, and the proximity to the common boundary, the proposed extension would cross this line by a significant amount. Therefore, the extension would result in an unacceptable loss of daylight to and outlook from the first-floor rear bedroom window of 125a Kirkway. There would also be a loss of direct sunlight due to the extension being southeast of the bedroom window.
9. The SPD requires a minimum of 14m between a principal window and a directly facing two storey elevation without a principal window to a habitable room. The side elevation of the appeal property would be just 8m from the rear elevation of 127a Kirkway. Whilst the two elevations would not be directly facing, there would be an unacceptable loss of daylight to and outlook from the windows of this neighbouring property due to the excessively short distance between them and the proposed two-storey extension opposite.
10. Furthermore, as the proposed first floor extension would be very close to the rear garden boundary with 127a, it would result in a significant enclosing and overshadowing of this garden which is of a limited size.
11. I therefore conclude that the proposed extension would result in substantial harm to the living conditions of the occupants of no.125a and no.127a in terms of significant reductions in light and outlook contrary to criteria (b) and (c) of policy DM1 of the Rochdale CS 2016, the Councils Guidance and Standards for Residential Development SPD 2016, and the aims of the National Planning Policy Framework which seek to protect neighbouring living conditions.

Other Matters

12. I acknowledge the family accommodation needs detailed by the appellant. However, these factors do not outweigh the substantial harm identified to neighbouring living conditions. Additionally, with respect to other two storey developments referred to in the wider vicinity. I have not been provided with the full details and in any event, even if they were similar, their existence would not justify further harm.

Conclusion

13. Although I find no harm in respect of character and appearance, I do find harm in respect of living conditions and for this reason, I dismiss the appeal.

M Shrigley

INSPECTOR