
Appeal Decision

Site visit made on 10 March 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2020

Appeal Ref: APP/P4225/D/20/3245735

15, Walsingham Avenue, Middleton M24 1SR

- 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 Hoi Kin Lee against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 19/01188/HOUS, dated 18 October 2019, was refused by notice dated 16 December 2019.
 - The development proposed is described as a '2 storey side extension to dwelling with 2 metre set back from original building line from front façade'.
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Decision

1. The appeal is allowed, and planning permission is granted for a 2 storey side extension and front porch at 15, Walsingham Avenue, Middleton M24 1SR in accordance with the terms of the application, ref 19/01188/HOUS, dated 18 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan dated 18 February 2019, drawings WA-000 to WA-009 (inclusive), and WA-011.
 - 3) 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.

Application for costs

2. An application for costs was made by the appellant Mr Hoi Kin Lee against Rochdale Metropolitan Borough Council. That application is the subject of a separate Decision.

Procedural Matters

3. The description of development differs between the planning application form and the appeal form. The latter includes reference to a front porch, and this is also shown on the submitted drawings and in the decision notice. I am satisfied that the porch was formally publicised as part of the Council's decision and that the appeal can proceed on that basis. The Council has not raised any objections

to the porch and from the evidence before me I have no reason to disagree. I have amended my description of the proposal in paragraph 1 accordingly.

4. Although not included within their list of drawings, the Council has nonetheless submitted drawing WA-009 as a document that formed part of the planning application. The appeal has therefore been determined on that basis.

Main Issue

5. The main issue is the effect of the proposed 2 storey side extension on the living conditions of the occupants of No 11, Walsingham Avenue, with particular regard to its scale and siting in relation to outlook and light for habitable rooms of that dwelling.

Reasons

6. The host building is a modern, detached dwelling located within an established residential area. It is located at right angles to another detached dwelling, No 11, Walsingham Avenue. The pattern of development within this street gives a sense of space between dwellings, which contributes positively to the living conditions experienced by residents.
7. The proposed extension would occupy the intervening space between the appeal property's gable end and the double garage of No 11. It would moderately reduce the separation distances between No 15 and the front elevation of No 11, albeit further below the relevant standard of 14 metres as set out in 4.1 (iii) of the Council's Guidelines and Standards For Residential Development Supplementary Planning Document (June 2016).
8. The appellant has advanced examples of what he considers to be similar consented developments within the estate that fall short of the required separation distance set out in this guidance. However, I have found that these either predate the supplementary guidance in question or are not sufficiently comparable to the appeal proposal in terms of their specific juxtapositions.
9. It is noted that the Council's decision notice refers to harm to 'front windows' of No 11, whereas the evidence submitted to substantiate this decision focusses upon the effect on an individual window serving one of No 11's bedrooms. My assessment is necessarily based upon the former.
10. Regardless of the reduced separation distance that would occur, I find that both the presence of the intervening garage and the recessing of the proposed extension against the host building's existing gable would ensure that there would be no significant change to existing outlook from the ground floor windows of No 11. Furthermore, the proposed extension would be adequately offset from one of No 11's front first floor bedroom windows. As such it would not unduly compromise existing levels of outlook for that room.
11. It was observed that existing outlook from the window of the remaining front bedroom is onto the original 2 storey gable elevation of No 15. However, the roof of the existing intervening garage intersects that bedroom window and thus to an extent already compromises the existing outlook from it. This garage would also serve to obscure a substantial part of the proposed extension from that window. Furthermore, by virtue of its scale and siting the proposal would be read against the existing gable of No 15 from that window. In view of these factors, the proposed narrowing of the separation distance

between properties would not cause a significant change in current outlook from that window such as to harm the existing living conditions of occupants of No 11.

12. Whilst the decision notice refers to a 'significant loss of light', I find that the Council's evidence is also generalised and vague in respect to this matter and it is unclear whether the Council's concern relates to sunlight, daylight or both. However, I concur with the findings of the appellant's evidence that, given the orientation, scale and siting of the proposed extension relative to its host, the degree and period of time when No 15 would be likely to cast a shadow towards No 11 would not significantly alter the duration or level of sunlight to windows of that neighbouring property. Furthermore, given the subservient scale and siting of the proposed extension relative to its host, I find that there would be no significant adverse impact to No 11, in terms of levels of daylight currently experienced.
13. For these reasons, although falling short of the separation distances set out in the Council's supplementary guidance, I do not find the proposal would be harmful to the living conditions of the occupants of No 11, with particular regard to the proposal's scale and siting in relation to outlook and light for habitable rooms of that property. In accordance with paragraph 1.3 of that guidance, a deviation from the relevant separation distance is justified in this particular instance.
14. Policy DM1 of the Rochdale Adopted Core Strategy (October 2016) expects that new developments are compatible with surrounding land uses in terms of their impact upon the amenities of residents. This policy seeks to avoid adverse impacts including those relating to visual intrusion, overbearing and overshadowing. In the absence of any harm there is no conflict with Policy DM1 or the wider development plan. Neither is there conflict with those related principles of the National Planning Policy Framework.

Conditions

15. In addition to the standard time limit, a condition specifying the approved plans is necessary as it provides certainty. I have imposed a condition specifying materials as this is necessary to safeguard the character and appearance of the area.

Conclusion

16. For the reasons set out above, the appeal should be allowed subject to the conditions identified.

C Dillon

INSPECTOR