
Appeal Decision

Site visit made on 12 August 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/P4225/D/20/3253949
202 Queensway, Rochdale OL11 2NB

- 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 Umer Nazir against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 20/00100/HOUS, dated 29 January 2020, was refused by notice dated 14 April 2020.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 202 Queensway, Rochdale OL11 2NB in accordance with the terms of the application Ref: 20/00100/HOUS, dated 29 January 2020 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 plan; drawing number A102.
 - 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.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this is more precise.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupants of the appeal property with regard to light and outlook from a bedroom.

Reasons

4. The appeal property is a two-storey semi-detached dwelling located on the corner of Queensway and Lowther Road.
5. The proposed extension would infill a gap above an existing single storey ground floor extension and the side of an existing first floor rear extension. The

- proposal would result in the removal of the existing bedroom window and its replacement with a roof window light well.
6. On my site visit I observed that owing to the orientation of the dwelling, the siting of the existing first floor rear extension and the size of the window, the bedroom in question does not receive a significant amount of light. Due to the size and siting of the existing extension, and the size of the window itself, this also serves to diminish the quality of the existing outlook.
 7. For these reasons, I consider that the proposed roof window, in place of the existing window would not result in a reduction in the amount of light to the room to an unreasonable amount. Although the dwelling overall has a good quality of outlook, the roof window to the bedroom would not allow for an outlook from the room, other than of the sky, and I find that, in the context of the existing outlook, this would cause a small degree of harm.
 8. As such, there would be minor conflict with Policy DM1 of the Rochdale Core Strategy (2016) which requires that development does not adversely affect the amenity of residents. There would also be minor conflict with the Guidelines & Standards for Residential Development Supplementary Planning Document (SPD) (2016) which requires extensions to dwellings to protect the amenity of residents. There would be minor conflict with the aim of the National Planning Policy Framework (2019) to ensure that developments should create, amongst other things, a high standard of amenity for existing and future users.
 9. I have carefully considered the reasons why the appellant has applied for planning permission to extend the property. Due to existing health conditions which have been outlined, occupants of the property would benefit from having improved bathroom and bedroom accommodation. These are personal circumstances to which I afford weight in favour of the appeal.
 10. The SPD states that "personal circumstances, such as a disability, may make it difficult to provide necessary facilities within the standards set out in this document. The Council may interpret these standards flexibly in such circumstances, but proposals that significantly exceed the standards set out in this document are unlikely to be appropriate. The more general planning considerations, such as the impact of a development on the character of an area and its impact on the amenity of neighbouring occupiers, are still the principal considerations by which the planning application will be judged; the needs of a person may exist for only a few years whereas built development is likely to last for decades".
 11. In weighing the personal circumstances in the balance, this has to be considered against the minor harm I have identified would be caused to the living conditions of existing residents in relation to the outlook from the bedroom.
 12. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.

13. In respect of the above, I conclude that the personal circumstances as put before me outweigh the minor harm that would be caused to the living conditions of existing residents in relation to the outlook from the bedroom, taking into account the site specific circumstances outlined above, and the outlook from the property as a whole. This is also despite the fact that the built development may exist for longer than the personal circumstances put forward.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose a planning condition requiring the use of matching materials.
15. The Council have requested a condition be imposed that 'notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) prior to first occupation of the extension hereby permitted the first floor windows on the side elevations facing northwest shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter'.
16. No windows are shown to be installed in the side elevations. Therefore, it is not necessary to impose the requested condition.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR