
Appeal Decision

Site visit made on 18 August 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/P4225/D/20/3253784

7 Weythorne Drive, Heywood BL9 7TX

- 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 Ms Katy Williams against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 20/00130/HOUS, dated 5 February 2020, was refused by notice dated 11 May 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 7 Weythorne Drive, Heywood BL9 7TX, in accordance with the terms of the application Ref 20/00130/HOUS, dated 5 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, SP01, P01, P02, P04
 - 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.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers at No 9 Bury and Rochdale Old Road, with particular regard to privacy.

Reasons

4. This appeal concerns a two-storey semi-detached dwelling located in a predominantly residential area. No 9 Bury and Rochdale Old Road, a detached two-storey property, lies immediately to the rear of the appeal site. Permission

is sought to erect a first-floor extension above an existing ground floor extension which is currently under construction.

5. Paragraph 4.1 of the Guidelines and Standards for Residential Development Supplementary Planning Document (June 2016) (the SPD) sets out minimum space standards to be applied to developments which affect existing residential properties. It requires 21m between directly facing principle windows of habitable rooms and 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage.
6. The rear garden of the appeal site is already restricted in size and does not meet the minimum 10.5m distance as recommended in the SPD. This layout is also reflected in the adjacent sites in the immediate locality. Whilst the proposal would be positioned close to the rear boundary with No 9 Bury and Rochdale Old Road, there is extensive mature planting along this boundary which, whilst not necessarily a permanent feature, would significantly restrict the views of the rear garden and ground floor of No 9 from the upper floor windows of the proposal.
7. Whilst there is a disagreement between the main parties about the distance between facing habitable room windows, it is clear that the proposal would fall short of the 21m distance between habitable room windows as required by the SPD. As set out above, views to the garden and ground floor of No 9 would be limited due to the mature boundary treatment to the rear. Moreover, I note from the appellant's evidence that the facing ground floor window, situated in an outrigger, serves what appears to be a utility room, rather than a habitable room.
8. I observed on site that there are already views of the first floor rear windows of No 9 from the existing first floor rear windows of the appeal dwelling. There are also likely to be views of the rear of No 9 from the rear of other properties backing onto it, albeit at a more oblique angle, including from Nos 5 and 11 Weythorne Drive which have been extended at the rear in a similar manner to the appeal proposal. The proposed extension would have a modest projection thus resulting in a limited increase in the existing degree of overlooking. Additionally, the proposed windows would be slightly off-set from those on the rear of No 9. On that basis, and given the limited number of habitable windows that would be affected by this proposal, the proximity of existing buildings and the boundary treatment, the degree of overlooking would not be so significant as to result in an undue additional loss of privacy within the facing rear windows of No 9.
9. Therefore, this proposal would not have a significantly harmful effect on the living conditions of occupiers at No 9 Bury and Rochdale Old Road and it is therefore consistent with Policy DM1 of the Rochdale Adopted Core Strategy (October 2016) (the CS) which seeks to ensure, amongst other things, that developments do not adversely affect the amenity of residents through loss of privacy.
10. The Council's reason for refusal includes reference to Policy P3 of the CS which relates to the design of new development. There is no dispute over the effect of the proposal on the character and appearance of the host dwelling or wider area therefore I do not consider this policy to be relevant in the context of this appeal.

Conditions

11. Other than the standard time limit and approved plans conditions, the Council has suggested a condition requiring the external materials to be used in the construction of the development to match those of the existing building. In the interests of the character and appearance of the host property and wider area this condition would be necessary.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Susan Ashworth

INSPECTOR