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## Appeal Decision

Site visit made on 15 February 2021

**by L Wilson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> March 2021**

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**Appeal Ref: APP/P4225/D/20/3259977**  
**12 Nordale Park, Rochdale OL12 7RS**

- 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 and Mrs Norton against the decision of Rochdale Metropolitan Borough Council.
  - The application Ref 20/00629/FUL, dated 8 June 2020, was refused by notice dated 31 July 2020.
  - The development is described as a proposed 2 storey rear extension and re-roof of existing garage with internal alterations.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed two-storey rear extension upon:
  - i. The character and appearance of the host property and the surrounding area; and
  - ii. The living conditions of the occupiers of 19 Ellis Fold, having regard to privacy and outlook.

### Reasons

#### *Character and appearance*

3. The appeal relates to a detached, two-storey dwelling with a dual pitched roof. The existing southern side elevation of the property is conspicuous from the highway due to the gap between the appeal property and 10 Nordale Park, the topography of the area and curve of the highway. The gap makes a positive contribution to the character of the area because it provides a sense of spaciousness and allows views to the countryside beyond the built-up area.
4. The extension would not respect the proportions of the host building because it would be seen as a continuation of the original dwelling rather than as a subordinate addition due to the extension's height, scale and design. Thus, the overall mass and scale of the resulting building would appear overly large within its setting of more modest houses.
5. The attractive views of the hills would still be visible from the highway. However, the extension would reduce the sense of spaciousness of the surrounding area. The scheme would be conspicuous from the highway and

would result in a prominent and unsympathetic extension, due to its depth and height, which would appear at odds with the properties within the surrounding area. Accordingly, the scheme would compromise the character and appearance of the host property and the surrounding area on account of its height, depth and scale.

6. Consequently, the scheme would conflict with Policies DM1 and P3 of the Rochdale Adopted Core Strategy (2016) (CS) which seek, amongst other matters, to ensure extensions are of high quality design which respect their surroundings. It would also not comply with the Guidelines and Standards for Residential Development SPD (2016) (SPD) nor the National Planning Policy Framework (the 'Framework') which require development to be sympathetic to the host property and local character.

#### *Living conditions*

7. No 19 is a bungalow with a side dormer window. It is located to the rear of the appeal site and sits lower than the appeal property. The appellants submission includes a photograph which shows that No 19 has three windows to the rear elevation, facing the appeal site. Although the appellant considers that the windows do not serve a habitable room, based on the evidence before me and having regard to the glossary within the SPD, the rear windows of No 19 serve habitable rooms.
8. The development would not comply with the minimum space standards set out in the SPD<sup>1</sup>. The proposed two-storey rear extension includes windows serving an en-suite and bedroom which would face No 19. The en-suite window could be conditioned to be fitted with obscure glazing. However, the proposed bedroom window would lead to a significant degree of overlooking of the rear windows and garden of No 19 which would result in a material loss of privacy. This is because of the proximity of the proposed bedroom window to the private garden space and rear windows of No 19 and the height of the extension.
9. Although the rear of No 12 is visible from the rear garden and windows serving rooms to the rear of No 19, the separation distance is such that it currently does not appear overly intrusive. The combination to the proposal's height, scale and its proximity to No 19 and the change in levels would mean that the outlook from the rear of No 19 would be considerably compromised with the effect that occupiers of No 19 would feel hemmed in when looking out of their rear windows and it would have an intrusive and oppressive effect for users of No 19's garden. Thus, the scheme would also have an overbearing impact upon No 19.
10. No 19's boundary hedge would help to screen particularly the ground floor windows of the extension. Nonetheless, there is no guarantee that the hedge would remain at its current height in perpetuity.
11. For these reasons, the two-storey rear extension would harm the living conditions of the occupiers of No 19, having regard to privacy and outlook. Consequently, the scheme would conflict with Policy DM1 of the CS which seeks, amongst other matters, to ensure extensions do not adversely affect the amenity of residents. It would also not comply with the SPD nor the Framework

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<sup>1</sup> Section 4.1

which require new development to provide a high standard of amenity for existing users.

*Other considerations*

12. I have had regard to the appellants' correspondence outlining their particular circumstances. I do not doubt that the proposal would help accommodate the needs of the appellant and have some sympathy for their situation. I have had due regard to the Public Sector Equality Duty (PSED)<sup>2</sup> and it would appear that one of the appellants has a protected characteristic. Nevertheless, it does not follow from the PSED that the appeal should succeed. In this particular case there is no evidence that the appellants' need could only be catered for in an extension of the configuration proposed and therefore whilst the equality implications carry weight in support of the proposal this would not be outweighed by the harm which would be caused to the character and appearance of the area and neighbours' living conditions.

**Conclusion**

13. For the reasons given above the appeal should be dismissed.

*L M Wilson*

INSPECTOR

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<sup>2</sup> Contained in section 149 of the Equality Act 2010