



Appeal Decision

Site Visit made on 22 June 2021

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2021

Appeal Ref: APP/P4225/W/20/3265662

18 Eastfield Avenue, Middleton, M24 1DP

- 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 Rafal Machalinski against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 20/00922/FUL, dated 2 September 2020, was refused by notice dated 4 December 2020.
 - The development proposed is the change of use of land to domestic curtilage, erection of detached building for use as granny annex and formation of new vehicular access from Sunk Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have utilised the description of the proposed development from the decision notice and appeal form rather than the application form as this is a more comprehensive description of the appeal proposal.
3. The proposal has been described as a 'granny annexe', although the Council have stated as part of the first reason for refusal that the size in relation to the host dwelling, alternative access and the number and type of rooms, means that it is not recognised as ancillary and could facilitate independent living. I recognise that as the proposal is physically detached, accessed separately from the rear and because it includes a kitchen and living area, two bedrooms and a bath/shower and WC, that it is potentially capable of being accessed and used independently. Nevertheless, the application clearly states that the development is for a granny annexe and the Council proceeded to determine the application on this basis. Whilst it is capable of being an entirely separate self-contained residential unit, the use and occupancy of a building can be controlled by a suitably worded condition. As such, I have proceeded to determine this appeal for a granny annexe, as applied for.

Main Issues

4. The main issues are the effect of the proposed development:
 - on the character and appearance of the area; and
 - on the living conditions of the occupiers of No's 69 and 71 Farmway and No. 16 Eastfield Avenue with particular regard to sunlight and outlook.

Reasons

Character and Appearance

5. The appeal site is situated at the end of a cul-de-sac, Eastfield Avenue, and includes an end terrace dwelling as well as an area of land to the rear. The properties in the vicinity of the site mainly consist of short terrace rows of a similar design that are set back from the road. They make use of hipped roofs, ground floor bay windows and have a limited palette of materials that consists of red brick for the walls and red tiles as the roofing material. These features give the area a cohesive, unified character.
6. The development would be sited to the rear of dwellings on Eastfield Avenue and Farmway. It would be a sizable structure, situated close to the rear and side garden boundaries of a number of properties. This siting and its extensive footprint would result in it sitting uncomfortably within this area, which consists mainly of modest terrace properties that characteristically face the road.
7. The appellant has stated that the development has been designed to appear as a large bungalow and would be built into the ground as well as making use of materials that would match the adjacent properties. Be that as it may, the elevated form of the accommodation above the garage area, the building having a number of large blank elevations and the proposed shallow pitched roof would detract from the features on surrounding properties. These include hipped roofs, bay windows and other regular fenestration, that contribute to the harmonious character of the area. The large balcony on the front elevation of the proposal would further accentuate the contrast with surrounding properties and detract from the character of the area. Despite the set down of the development and the boundary treatment, the proposed building would, from my site observations, be seen from public vantage points and have a harmful visual impact.
8. I therefore conclude that the proposal would be harmful to the character and appearance of the area. It would be contrary to Policies P3 and DM1 of the Rochdale Core Strategy (Core Strategy), which seeks, amongst other matters, for developments to adhere to high standards of design and have regard to scale, massing, height and layout of surrounding buildings and areas. It would also be contrary to paragraph 124 of the National Planning Policy Framework (Framework), which seeks high quality buildings and places.

Living Conditions

9. The proposed building would be situated close to the garden boundaries of a number of properties. Although it would be two storeys in height, it would be partly set down into the ground. Furthermore, in relation to No's 69 and 71 Farmway, whilst there would be a reduction in the separation distance to facing properties on Eastfield Avenue, given the length of the rear gardens of both these neighbouring properties, I do not consider that there would be an unacceptable overbearing impact. Given the relative orientation of these neighbouring gardens to the proposed building, there would also not be an adverse overshadowing impact.
10. I acknowledge that the proposed building would run close to the rear garden boundary of No. 16 Eastfield Avenue for a distance of 11.4m as stated by the Council. However, given the overall length of this neighbour's garden and that

it is partly at a higher level, I do not consider that it would create a significantly overbearing impact on its rear amenity area.

11. I therefore conclude that the proposed development would not have an adverse impact on the living conditions of the occupiers No's 69 and 71 Farmway and No. 16 Eastfield Avenue. There would not be conflict with Policy DM1 of the Core Strategy, which seeks, amongst other matters, for development proposals to not adversely affect the amenity of residents or users. It would also not conflict with the Framework, which seeks at paragraph 127 f), a high standard of amenity for existing and future users.

Other Considerations

12. The proposal would provide parking under the building, not give rise to sound pollution and be landscaped similar to other properties. There would also be no detrimental impact on neighbours living conditions. These are however neutral considerations and not matters which weigh in favour of the proposal.
13. The proposal would provide improved access, use sustainable drainage systems, responsibly sourced timber and higher levels of insulation. It would also use the latest technology to aid security and be easy to adapt. These matters would not however outweigh the harm that I have identified to the character and appearance of the area.
14. The appellant has raised concerns with the procedural aspects relating to the manner in which the appeal application was dealt with, including the lack of feedback from the Council and access to comments on the Council's website. These are matters for the two main parties to this appeal and I can confirm that I have dealt with the appeal on its own merits.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR