



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: 3 August 2021

Appeal Ref: APP/P4225/D/21/3274633

3 Stanway Close, Middleton M24 1HE

- 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 Miss Abigail Jackson against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 21/00116/HOUS, dated 23 January 2021, was refused by notice dated 31 March 2021.
 - The development proposed is a single storey side and rear extension including front and rear dormers.
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Decision

1. The appeal is dismissed insofar as it relates to the single storey side and rear extension. The appeal is allowed insofar as it relates to the front and rear dormers and planning permission is granted for the front and rear dormers at 3 Stanway Close, Middleton, M24 1HE in accordance with the terms of the application, Ref 21/00116/HOUS, dated 23 January 2021 and the plans submitted with it, so far as relevant to that part of the development hereby permitted and 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 (Scale 1:1250), Block/Site Plan (Scale 1:500), Existing & Proposed Site Plans (Sheet 01, Rev 02), Existing & Proposed Plans (Sheet 02, Rev 02) and Proposed Elevations (Sheet 04, Rev 02).
 - 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.

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 more accurately describes the appeal proposal, which includes front and rear dormers.
3. Since the appeal was submitted, the revised National Planning Policy Framework (Framework) came into force on 20 July 2021. I have taken this into consideration in determining this appeal.

Main Issue

4. I consider the main issue is the effect of the appeal proposal on the living conditions of the occupiers of 5 Stanway Close, with regard to light and outlook.

Reasons

Single Storey Side and Rear Extension

5. The appeal property is a semi-detached bungalow which is situated on a short cul-de-sac that mainly contains other similar pairs of dwellings. The properties are separated from each other by driveways or narrower passageways and are broadly positioned on similar building lines, other than those at the head of the cul-de-sac.
6. To the side of the existing dwelling, the ground floor extension would extend across most of the width of the driveway towards No. 5. This neighbouring property has a side-facing window that serves a kitchen and dining room that is positioned close to the common boundary with the appeal site. I was able to see a fence which this neighbour's window faces at close quarters. Whilst I acknowledge that this already impacts on the neighbour's living conditions, the proposed extension would be taller and also situated close to the boundary where the fence is currently situated.
7. The development would see the removal of the detached garage and the ground floor extension replacing it would have a reduced projection along the boundary towards the rear. The garage itself is however positioned further to the rear than the subject neighbour's window, which beyond the fence is not obstructed by either the garage or the main building on the appeal site, which are further to the rear and front of this window respectively. Whilst the removal of the garage would provide some benefit, the proposed extension would directly face this neighbour's window a short distance away.
8. The Guidelines & Standards for Residential Development Supplementary Planning Document 2016 (SPD) states that there should be a minimum of 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room, such as in this case. The proposal would be significantly short of this minimum standard.
9. As a result of its proximity and height, the extension would result in the loss of light serving this neighbouring window, which would likely result in the room it serves becoming gloomy and unpleasant. Furthermore, for the same reasons, it would unduly dominate the outlook from this window and appear overbearing, thus exacerbating the unacceptable diminishment of the quality of the usability of the room this window serves.
10. I therefore conclude that the ground floor extension would have an unacceptable harmful impact on the living conditions of 5 Stanway Close, with regard to light and outlook. As such, it would be contrary to Policy DM1 of the Rochdale Core Strategy 2016 (Core Strategy), which I consider to be of most relevance to this appeal. This seeks, amongst other matters, for all development proposals to demonstrate that they do not adversely affect the amenity of residents or users. It would also be contrary to the recently revised Framework and the SPD, which seek, amongst other matters, a high standard of amenity for existing and future users and extensions that are carefully

designed to protect the amenity of the occupants of adjoining properties. Reference has been made to Policy P3 in the decision notice, but I do not consider this is relevant to the main issue as it concerns the design of development and not matters relating to living conditions.

Front and Rear Dormers

11. The proposal also seeks to add front and rear dormers. Given the size and positioning at roof level of this element of the development, it would not have an adverse effect on the living conditions of neighbouring occupiers. The Council raise no concerns in relation to this aspect of the scheme and I have no reason to disagree. As this would be physically separable from the other aspect of the development, I will issue a split decision, allowing this part of the proposal, which I have concluded, would not have a detrimental impact in relation to the main issue.
12. I find therefore that this element of the proposal would not harm the living conditions of 5 Stanway Close, with regard to light and outlook. As such, it would not be contrary to Policy DM1 of the Core Strategy, which seeks, amongst other matters, for all development proposals to demonstrate that they do not adversely affect the amenity of residents or users. It would also not be contrary to the recently revised Framework or the SPD, which seek, amongst other matters, a high standard of amenity for existing and future users and extensions that are carefully designed to protect the amenity of the occupants of adjoining properties.

Other Matters

13. The appellant has taken issue with the procedural aspects relating to the manner in which the appeal application was dealt with and I also note the appeal application was amended responding to feedback from the Council. I can however confirm that I have dealt with the appeal on its own merits.

Conditions

14. I have considered the Council's suggested conditions in the event that the appeal was to be allowed. I have imposed the standard condition relating to the commencement of development and it is also necessary for a condition to require compliance with the submitted plans in relation to that part of the appeal development which is approved. A condition is also needed to ensure the materials used match those of the existing house in the interests of ensuring an acceptable appearance of the development. As I am dismissing the single storey extension element of the proposal, the suggested condition relating to the ground floor extension is not necessary.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

F Rafiq

INSPECTOR