



Appeal Decision

Site Visit made on 10 August 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2021

Appeal Ref: APP/P4225/D/21/3275406

8 Henry Street, Littleborough OL15 0EW

- 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 Aylmer-Shanks against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 20/01565/HOUS, dated 18 December 2020, was refused by notice dated 1 April 2021.
 - The development proposed is described as 'side extension over existing ground floor'.
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Decision

1. The appeal is allowed and planning permission is granted for a side extension over existing ground floor at 8 Henry Street, Littleborough OL15 0EW in accordance with the terms of the application, Ref 20/01565/HOUS, dated 18 December 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 approved plans 20-283 - 101 Rev 20-2083 - 011 Rev A, 20-2083 - 012 Rev A, 20-2083 - 013 Rev A, 20-2083 - 014 Rev A, 20-2083 - 015 Rev A, 20-2083 - 017 Rev A.
 - 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.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of No 7 Brown Lodge Street with particular regard to outlook and light.

Reasons

3. The appeal property is a detached two storey dwelling that is set back from the edge of the road behind a parking area and front garden. The dwelling is significantly elevated above the level of the road and is accessed via a number of steps from street level. The front elevation of the dwelling has a prominent gable with projections to either side. Unlike that of the opposing side, which is two storey, the extension on the side consists of a small single storey lean-to, which is set back slightly from the front elevation.

4. To the side of the extension there is a small area of garden, the boundary of which abuts the rear gardens of a pair of semi-detached dwellings, No 7 and No 9 Brown Lodge Street. These are also elevated above road level, although on a slightly lower level than that of the appeal property. The rear elevations of this pair of dwellings are angled slightly towards Henry Street. A further detached dwelling, also on Brown Lodge Street, is located immediately to the south of No 7. Aside from a very small first floor window and the side windows and door to a small porch, the windows of No 7 are skewed to the left-hand side of the rear elevation, close to the boundary with its attached neighbour.
5. The rear boundary of the garden of No 7 is angled so that the rearward projection of the garden is greater closer to the boundary with the attached neighbour. This longer area of garden is forward of the existing extension at the appeal site and abuts its front garden boundary. Nevertheless, as a consequence of the close proximity of the appeal dwelling to No 7 and its attached neighbour, as well as the position of its neighbour immediately to the south, the occupants of No 7 have a reasonably limited outlook from their rear garden at present.
6. It is proposed to construct a first floor extension above the existing single storey lean-to extension. The extension would adjoin the existing gable on this side of the dwelling and would reflect its appearance. However, it would not include the forward projection that forms the existing front facing gable and would maintain the setback of the existing lean-to referred to above.
7. Given the angled orientation of No 7 in relation to the appeal site, the proposed extension would not be in the direct line of the principal windows at No 7. This is confirmed by the Council. Whilst the extension would nonetheless be viewed from these windows, given the relatively small projection towards the neighbour and the presence of the existing gable in this view, the outlook from the windows would not be significantly reduced by the proposal. Whilst the extension would be closer to No 7, for the above reasons it would not have a substantially greater effect on views from the windows of No 7 and would not appear significantly overbearing in these views.
8. Similarly, the rear garden of No 7 already has a limited outlook due to the positions of the appeal property and the dwelling to the south. As such, despite the aforementioned change in levels, given the relatively small projection from the existing gable at first floor, the proposal would not significantly increase the sense of enclosure in views from this garden or the levels of outlook from it. The occupants of No 7 would continue to experience higher levels of outlook from the portion of garden set forward of the front elevation of No 7.
9. The orientation of the appeal dwelling in relation to No 7 and the proximity of the dwelling to the south already limit light levels to the windows and garden at No 7. Given the relatively small projection of the extension and its orientation, I am satisfied that the proposal would not lead to a significant reduction in light levels to the windows or garden of No 7.
10. For the above reasons I conclude that the proposal would not result in unacceptable effects to the living conditions of the occupants of No 7 Brown Lodge Street. The proposal would therefore comply with Policy DM1 of the Rochdale Core Strategy (2016) and the provisions of the National Planning Policy Framework which, amongst other things, seek to provide high standards of design with regard to living conditions.

11. The Council has referred to the Rochdale Guidelines and Standards for Residential Development SPD (the SPD) which guides that the distance between a principal window and any directly facing two storey elevation not containing a principal window should be a minimum of 14 metres. However, as reasoned above, the proposal would not be in the direct line of the principal windows at No 7. Nonetheless, the SPD states that new developments should avoid causing a significant loss of light for occupiers of existing dwellings and should be designed to preserve existing living conditions. As I have found that the living conditions of the occupants of No 7 would be preserved, and there would not be a significant loss of light, the proposal would comply the provisions of the SPD.

Conditions

12. In addition to requiring commencement with the standard statutory period I have imposed conditions requiring compliance with the supporting plans and the use of matching external materials for clarity and so as to ensure that the proposal integrates acceptably with its surroundings.

Conclusion

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

Paul Martinson

INSPECTOR

