
Appeal Decision

Site visit made on 9 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary

Decision date: 22 November 2021

Appeal Ref: APP/P4225/D/21/3277159

133 Spotland Road, Rochdale OL12 6PJ

- 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 Manir Khan against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 20/01521/HOUS, dated 12 December 2020, was refused by notice dated 16 April 2021.
 - The development proposed is a part two storey and part single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. I consider that there have been no fundamental changes relevant to the main issue in this appeal and therefore no party will be prejudiced.
3. The description of development in the banner heading above is taken from the decision notice rather than the planning application form as it more accurately describes the proposal.

Main Issues

4. The main issues are the effect of the proposal on the living conditions of occupiers of the appeal property with regards to light and outlook.

Reasons

5. The appeal site comprises a dwelling which is located between two retail units at the junction of Spotland Road and Mitchell Street. There is a yard to the rear which is enclosed by the host dwelling/retail units, as well as No.102 Mitchell Street which runs across the rear boundary and No.108 Mitchell Street to one side. The proposal seeks to erect a part single, part two-storey extension to the rear elevation. The rear yard is accessed by a gate located between 102 and 108.
6. The Guidelines & Standards for Residential Development Supplementary Planning Document (SPD) (Adopted June 2016) advises a distance of 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room. Principal windows are

defined as windows which are the main source of light and outlook for a particular room.

7. The proposed extension would retain a distance of 6.9m from the side elevation of No.102. While I appreciate existing rear windows face south and would already have limited outlook due to the scale and location of No.102 on the rear boundary, the distance would be significantly below that advised in the SPD. This would further reduce outlook and light for present and future occupiers of the property from principal windows serving the kitchen, dining room and a first-floor bedroom within the extension. Moreover, due to the projection of the proposal at first floor level, the existing bedroom window to the rear would experience reduced levels of outlook and light due to the position of the side wall of the extension.
8. Although the SPD advises the minimum separation distances can be reduced based on the individual merits of a particular case, this still requires that the proposal would not detract from the general levels of privacy and amenity typical in the area. Given my conclusions above, a reduction in advised distances would not be suitable in this case. I appreciate the benefits of additional living space to occupants of the appeal property. However, these would be private and would not outweigh the harm I have identified.
9. To conclude, the proposal would harm the character and appearance of the host dwelling or local area. It would therefore not be in accordance with Policy DM1 of the Rochdale Adopted Core Strategy (adopted October 2016). This seeks, among other things, to ensure development does not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. The proposal would also be contrary to the Framework which advises in paragraph 130 that development should ensure a high standard of amenity for existing and future users.

Conclusion

10. The proposal would not provide suitable living conditions for present and future occupiers of the appeal property with regards to light and outlook. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR