



Appeal Decision

Site visit made on 1 November 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/P4225/D/21/3280828

70 Hereford Way, Middleton M24 2NN

- 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 Craig Lindsay against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 21/00475/HOUS, dated 27 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is the erection of a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey side extension at 70 Hereford Way, Middleton M24 2NN in accordance with the terms of the application 21/00475/HOUS, dated 27 March 2021, subject to these conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site and Location Plan drawing no. CM258 PL 03; Proposed Plans drawing no. CM269 PL 01a; Proposed Elevations drawing no. CM269 PL 02a.
 - 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.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area and street scene.

Reasons for the Recommendation

4. The appeal site comprises a semi-detached dormer bungalow located in Hereford Way, Middleton. The street is comprised of semi-detached properties some of which, including the properties immediately to the south-west of the
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site, are built to a similar design. The proposed development would see the erection of a two-storey side extension that would continue the existing front and rear flat-roof dormers. The extension would be constructed in materials that would match the existing building and the design and proportions would respect the character of the original property. Unlike certain building forms, where a set down in height and set back from the frontage may be appropriate to break up the mass of a side extension, the chalet style bungalow lends itself to a continuation of the building line such that the characteristic dormer at first floor level can be continued across a consistent building line to provide a coherent form. The roofline would appear somewhat disjointed if the extension was set back and down in height.

5. There are several properties in Hereford Way that have two-storey side extensions that are built up to the boundary of the property, including Nos 29, 31, 49, 59, 66 and 81. Whilst some of these are set back from the front elevation, the majority continue the building line across the front of the respective properties. As a result, and whilst these extensions may have been approved and built before the current local planning policies and guidance documents were adopted, similar extensions to that proposed are an established element of the character of the street.
6. While I acknowledge that the proposed extension would conflict with the guidance in paragraphs 5.11 and 5.12 of the Guidelines & Standards for Residential Development SPD (June 2016) (SPD), which seek to avoid extensions that cause a terracing effect, the proposed extension would be in keeping with that established character and would not look out of place in that context. Moreover, the driveway at No 68 would remain, providing a break between properties which would help to avoid a terracing effect, as is the case between Nos 64 and 66. The dwelling is also set slightly forward of No 68 and the different building lines would help to mitigate against a terracing effect. Having regard to those matters, and the fact that the chalet design of the property lends itself to a continuation of the building line, as opposed to a reduction in height/ set back from the frontage, the design approach would not be out of character with the area.
7. During my site visit I noticed that many properties, and particularly those with side extensions, had their bin storage to the front of the property and fully visible from the street. I acknowledge that the storage of bins to the front of residential properties conflicts with the guidance in paragraph 3.12 of the SPD, however no evidence has been submitted of any enforcement action from the Council to prevent the residents in the street from storing their bins at the front of their properties. Given the large number of bins already kept at the front of the properties, the proposal would not be unusual or cause any notable harm to the character and appearance of the street scene.
8. For these reasons, whilst there would be some conflict with the SPD, the proposed extension would not cause harm to the character and appearance of the area and street scene. As such the proposal would accord with policies DM1 and P3 of the Rochdale Adopted Core Strategy (October 2016) and the overarching aims of the SPD, which all require development to be of a high-quality design that respects the context and massing of surrounding buildings and areas in general. The proposal would also comply with the design aims of the National Planning Policy Framework.

Other Matters

9. I understand the concerns raised by the neighbour at No 68 with regards to the effect on the light received by the kitchen and landing windows at their property. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. It does not follow from the PSED that the appeal should fail. However, I am required to have due regard to the duty in arriving at my decision.
10. The proposals may cause a slight reduction in light that would be received by the kitchen and landing windows at No 68. However, a significant gap would remain between these windows and the proposed extension. Furthermore, the kitchen window is positioned towards the rear elevation and the landing window is on the first floor close to the roof ridge, and therefore the positions of these windows would lessen the effect from the proposed extension, particularly as the appeal property is set slightly forward of No 68. Therefore, while I acknowledge the personal circumstances of the occupant, I conclude that the proposal would not cause a significant loss of light to the occupant at No 68 and am satisfied that the living conditions within the adjacent rooms would remain of a suitable standard, taking account of the personal circumstances referred to.

Conditions

11. In order to provide certainty and in the interests of proper planning it is necessary to impose the standard time limit and specify the approved plans. In the interests of the character and appearance of the area a condition specifying that materials used match the existing dwelling is also necessary.
12. For the reasons given above the proposal conforms to the policies of the development plan and, having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions listed above.

Chris Preston

INSPECTOR