
Appeal Decision

Site visit made on 5 January 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Ref: APP/P4225/D/21/3286381

30 Ginnell Farm Avenue, Rochdale, OL16 4GG

- 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 Laura Capewell against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 21/01116/HOUS, dated 28 July 2021, was refused by notice dated 29 September 2021.
 - The development is proposed two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for proposed two storey rear extension at 30 Ginnell Farm Avenue, Rochdale, OL16 4GG in accordance with the terms of the application, Ref 21/01116/HOUS, dated 28 July 2021, 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: location plan, proposed site plan, proposed elevations and floor plans.
 - 3) The external surfaces of the development hereby permitted shall match in materials, colour, style, bonding and texture of those of the existing building.
 - 4) The extension hereby permitted shall not be occupied until the windows on the first floor rear elevation have been fitted with textured glass of which the obscuration level being no less than Level 3 of the Pilkington Glass scale (or equivalent). No part of these windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
 - 5) The extension hereby permitted shall not be occupied until details of the drainage scheme have been submitted to and approved in writing by the local planning authority and the approved scheme implemented in accordance with the approved details.

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 Issues

3. The main issues are:

- the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to privacy and natural light;
- whether the proposal provides acceptable living conditions for the occupiers of the host dwelling with particular regard to outlook and natural light.

Reasons for the Recommendation

Living conditions of neighbouring occupiers

4. The appeal site is a detached dwelling in a predominantly residential area. The dwelling and rear garden are at a higher level to the rear facing properties on Apple Tree Way and located in a southerly direction to them.
5. Although the new extension would result in the host property being located closer to the rear of nearby properties in Apple Tree Way, there would remain areas of rear garden between the respective properties. As a consequence, and in the absence of substantive evidence to demonstrate otherwise, I find that the design of the extension would be unlikely to adversely affect either daylight or sunlight levels within the rear rooms of these properties or within their rear gardens.
6. From the rear of the host property, both the ground and first floor windows of properties close to the appeal site in Apple Tree Way are visible. The existing boundary treatment partially obscures views into these windows from the host property, and even though the extension would take rear facing windows closer to the rear of properties in this road, I am satisfied that the proposal would not result in a loss of privacy over and above the existing situation. In reaching this view I am mindful that the proposed first floor windows would be obscure glazed, which would be a betterment over the existing clear first floor windows particularly in terms of the privacy enjoyed by occupiers nearby in Apple Tree Way. A condition could be attached to the grant of permission controlling the glazing of the windows.
7. Although not raised as a concern by the Council I have taken into account the concerns raised by nearby occupiers in Ginnel Farm Avenue about the effect of the proposal on outlook and light. However, because of the limited rearward projection of the extension beyond the rear of both Nos 28 and 32, and the distance from the party boundaries I am satisfied that the proposal would not be overbearing on the outlook from rear facing windows within Nos 28 or 32, or from within the rear gardens of them. Moreover, the orientation of the extension and its limited scale would ensure that the rear of Nos 28 and 32 would maintain good levels of daylight and sunlight. Furthermore, given the glazing proposed in the new windows, and the position of the roof lights, there would be no loss of privacy to the rear gardens of either Nos 28 or No 32.
8. I acknowledge that there may be some disruption to nearby occupiers when the extension was being constructed, but this is the case with most development and given that it would be for a relatively short period of time, such disturbance would be unlikely to result in harm to the enjoyment of nearby homes.

9. Given my findings I conclude that the living conditions of neighbouring occupiers would not be harmed by the proposal, in accordance with Policy DM1 of the Rochdale Core Strategy (2016) which amongst other things seeks to ensure that development does not adversely affect the amenity of residents and is compatible with surrounding land uses. Moreover, there would no conflict with the Guidelines and Standards for Residential Development Supplementary Planning Document (2016) for two storey rear extensions, which seeks to ensure that proposals limit the impact on neighbouring occupiers. It is noteworthy that during the course of the appeal that the Council has indicated that its first reason for refusal relating to these issues was included in error.

Living conditions of occupiers of the host dwelling

10. The proposed extension would result in the bathrooms being on the rear elevation and the bedrooms being lit with rooflights and an obscured glazed window to the side elevation. Whilst this may be an unconventional internal arrangement and with limited outlook, the rooms would be well lit and as a result they would be pleasant spaces within which to spend time in. Furthermore, it is unlikely that the occupiers would spend all their time in the bedrooms particularly as the property is a family home.
11. I therefore conclude that the proposal would not harm the living conditions of the occupiers of the host dwelling and the development would accord with Policy DM1 of the Rochdale Core Strategy (2016) which amongst other things seeks to ensure that development does not adversely affect the amenity of residents.

Other Matters

12. I note the neighbours' comments regarding the shared drainage scheme. I do not have any details of this before me. I have however included a condition to ensure that drainage matters are dealt with prior to the occupation of the extension. Both main parties have been consulted on this matter.

Conditions

13. I have considered the conditions suggested by the Council in accordance with the National Planning Policy Framework and Planning Practice Guidance. A condition specifying that the development is undertaken in accordance with the approved drawings is necessary to provide certainty. In order to protect the character and appearance of the area a condition that specifies that matching materials to the host dwelling are used in the development is also necessary.
14. A condition requiring obscured glazing to the windows at first floor in the rear elevation is also necessary to protect the privacy of nearby occupiers. In the interests of preciseness, I have amended the suggested wording submitted in this regard.
15. The condition requiring approval of a drainage scheme prior to occupation is necessary to ensure that the proposal is suitably drained.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree that the appeal should be allowed with the suggested conditions.

RC Kirby

INSPECTOR