



Appeal Decision

Site visit made on 18 January 2022

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/P4225/W/21/3283567

Land to rear of 2-4 Merlin Close, Littleborough OL15 0BX

- 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 Ewis Ali against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 20/00440/FUL, dated 14 April 2020, was refused by notice dated 21 July 2021.
 - The development proposed is described as: 'erection of detached dwelling including formation of new vehicular accesses on to Woodheys Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description in the banner heading above from the appeal form and the Council's decision notice as they are more accurate than that given on the application form, due to the scheme evolving during the course of the assessment of the planning application.
3. Whilst not cited on the Council's decision notice, both parties have referenced the Council's Guidelines and Standards for Residential Development Supplementary Planning Document 2016 (the SPD). The SPD has also been provided by the Council in its Questionnaire. Therefore, I will not prejudice any party, by taking the SPD into consideration during the determination of this appeal.

Main Issues

4. The main issues of this appeal are:
 - the effect of the proposed development on the character and appearance of the appeal site and the surrounding area, with particular regard to scale, massing, layout and design; and,
 - the effect of the proposed development on the living conditions of neighbouring occupiers at 12 Merlin Close, with particular regard to dominance and privacy.

Reasons

Character and appearance

5. The appeal site comprises an irregular parcel of grassed land, with a number of trees sited upon it and within an established residential estate. It is common

ground between the parties that the site is within the 'Defined Urban Area' and in a sustainable location. Consequently, the principle of development is accepted.

6. Nonetheless, the design, scale and massing of the proposed development is in dispute. I accept that whilst the design differs from the surrounding properties, the similarities, such as accommodation in the roof and the proposed dormer windows are evident on other properties in the surrounding area. Thus, the proposed development exhibits features that are already present on dwellings in proximity to the site. I accept that the proposed dwelling may result in a property with a slightly larger footprint and a slightly taller ridge height when compared to neighbouring dwellings. However, when taking into account the size of the site and the amount of development proposed, I do not find that this would be excessive or be discordant within the street scene.
7. For all of these reasons, I therefore conclude that the proposed development would not unacceptably harm the character and appearance of the appeal site and surrounding area. This complies with the design, character and appearance aims of Policies DM1, P1, P2 and P3 of the Rochdale Adopted Core Strategy 2016 (CS) and the requirements of the National Planning Policy Framework (the Framework).

Living conditions

8. Surrounding the site are residential properties, although only concerns have been raised by the Council in respect of the relationship with No 12. On the details before me and the findings from my visit, I recognise that the proposed development will result in a notable change to the relationship between the site and neighbouring occupiers on Merlin Close and 16 Milbury Drive, but in the absence of substantive evidence to the contrary, I do not consider that this change would create significant harm. Consequently, I agree with the Council's observations on this matter.
9. The proposed development would not meet the required distance as specified in the SPD, between a principal window at an upper floor level and a directly facing boundary of the curtilage. I also acknowledge the proposed 21m separation distance between the principal windows of the proposed development and No 12. Nonetheless, whilst the deficiency in distance to the boundary with No 12 may be relatively modest, I am not satisfied that the proposed development would not create any harm to the living conditions of the occupiers of No 12, especially as it occupies a lower land level, when compared to the site, due to the surrounding topography. Therefore, in this instance, it is highly likely the occupiers of No 12 would experience a loss of privacy to their garden area and a sense of enclosure, through the over dominance of the proposed development.
10. For all of these reasons, I therefore conclude that the proposed development would unacceptably harm the living conditions of the occupiers of No 12, with particular regard to dominance and privacy. This would fail to comply with the amenity aims of CS Policy DM1, the SPD and the requirements of the Framework.

Other Matters

11. A number of representations from local residents and local Members have also expressed a range of concerns on the application including, but not limited to the following: highway safety, ecology, drainage and housing need, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
12. Paragraph 131 of the Framework states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change, amongst other things. Whilst noting the response from the Greater Manchester Ecology Unit in the Officer Report in relation to the existing trees, as I am dismissing the appeal for other reasons, I have not needed to consider this matter any further.
13. I have also had regard to concerns raised by the appellant about the way that the Council handled the application, but this does not affect the planning merits of the case. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR