



Appeal Decision

Site visit made on 24 February 2022

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2022

Appeal Ref: APP/P4225/D/21/3282680 5 Enfield Close, Rochdale OL11 5RT.

- 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 and Mrs Phillip Chadwick against the decision of Rochdale Borough Council.
 - The application 21/00706/HOUS, dated 10 May 2021, was refused by notice dated 2 July 2021.
 - The development proposed is extension over existing garage to form larger dressing room and front porch.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant, in submitting his appeal statement, included a drawing of an alternative proposal involving extensive alteration to the roof form as well as the proposed front extension. This was prepared and submitted to the Planning Inspectorate in the appeal documentation as the preferred design solution but which was not the design before the Council at the time of its determination even though it has been put to me that it was offered to the Council as a revised scheme. Having viewed this drawing I consider this is a material amendment to the application as originally submitted and there is no evidence that it has been considered by the Council or been subject to formal neighbour consultation. The advice in the *Procedural Guide – Planning Appeals – England* states that:
"If an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application".

The Guide goes on to state that:

"If an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought".

3. In the case of this Householder appeal, the process does not allow the Council the opportunity to respond to material changes submitted during the appeal process and therefore the interests of main and third parties could be prejudiced. Accordingly, I have not taken this amendment into account and have instead determined the appeal on the basis of the plans which were before the Council.

Main Issue

4. The main issue is the effect the proposed development would have on the

character and appearance of the host dwelling and its surroundings on Enfield Close.

Reasons

5. The appeal site sits on the south side of Enfield Close, a short cul-de-sac of two storey houses, built in brick and tile. It was apparent from my site visit that the original form of houses in the estate would have been similar to the current form of the appeal property where the first floor accommodation is largely contained within the roof pitch facilitated by the use of large dormers to the front as well as the rear of the properties.
6. I have been referred to a considerable number of altered properties in nearby locations which the appellant considers justifies allowing the appeal. The properties generally all involve a reprofiling of their roofs by raising the eaves line to incorporate the first floor windows into the main walls of the property to provide a full first floor rather than a dormered first floor. The properties have then also had a small front extension added. I accept that this type of alteration seems to have been accepted by the Council elsewhere in the estate and is similar to what the appellant has proposed in his amended scheme but, as explained above, this is not the scheme that was submitted to the Council. The cases I have been referred to are materially different to that proposed in the application to the Council for No 5 and therefore I will determine the appeal on its own merits.
7. The proposed two storey gabled front extension would have a much shallower roof pitch compared to the main house and would cut across part of the face of the catslide dormer which is a prominent feature on the original house and would require one of the dormer window units to be replaced. The result is that the extension would appear awkward and incongruous, at odds with the character and appearance of the original house.
8. Moreover, this incongruous design would be highly visible in the approach along Enfield Close and would appear out of keeping with other properties in the cul-de-sac and detrimental to its character and appearance.
9. The *National Planning Policy Framework* (the Framework) at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and at paragraph 134 that development that is not well-designed should be refused. Policy P3 of the *Rochdale Core Strategy* (RCS), on improving design reflects the Framework in requiring development to have regard to the scale, density, massing, height and layout of surrounding buildings and areas and contribute positively to townscape by being well-proportioned. Similarly, Policy DM1 of the RCS also reflects the Framework in requiring all development, including extensions, to be to a high quality design taking the opportunity to enhance the quality of the area. In order to assist householders in designing extensions the Council has adopted the *Guidelines & Standards for Residential Development Supplementary Planning Document* (SPD) which states that extensions should be designed to be in keeping with the host property and generally should be subservient to it.
10. For the reasons above the proposed front extension to the property would be out of keeping with the form and design of the original building and detrimental to its character and appearance and the character of its surroundings on Enfield Close as a result of poor design. It would therefore be in conflict with Policies P3 and DM1 of the RCS, the SPD and the Framework.

Other Matters

11. I understand the appellant's wish to achieve additional accommodation through the extension to improve the usability of the house and in that way make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. As such, sustainable and effective use of the dwelling would not, of itself, outweigh the harm to the character and appearance of the original dwelling and Enfield Close as a result of the proposal.

Conclusion

12. In reaching my decision I have had regard to the matters before me and for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR