The Planning Inspectorate

Appeal Decision

Site visit made on 16 May 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2022

Appeal Ref: APP/P4225/D/22/3294004
24 Marland Hill Road, Rochdale, Lancs, OL11 4PQ

- 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 Muhammad Ibraheem against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 21/01397/HOUS, dated 27 September 2021, was refused by notice dated 17 December 2021.
- The development proposed is erection of an outbuilding.

Decision

1. The appeal is allowed and planning permission is granted for the erection of an outbuilding at 24 Marland Hill Road, Rochdale, Lancs OL11 4PQ in accordance with the terms of the application, Ref 21/01397/HOUS, dated 27 September 2021, and the plans submitted with it.

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.

Preliminary Matter

3. The original planning application was made retrospectively and during the site visit I observed that the outbuilding had been constructed. The appeal has therefore been considered on the same retrospective basis

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 38 Southdown Close with particular regard to outlook and light.

Reasons for the Recommendation

5. The host dwelling is a semi-detached, two storey dwelling in a predominantly residential area. It is set back from the road and has a relatively long and narrow rear garden area, that runs parallel to the rear gardens of dwellings on Southdown Close.

6. The guidance in the Rochdale Borough Council Guidelines and Standards for Residential Development Supplementary Planning Document (SPD) states that there should be a minimum distance of 10 metres between a principal window and any directly facing single storey elevation to avoid significant loss of privacy or light for occupiers. From the information before me it appears that

the outbuilding is closer to the rear elevation of 38 Southdown Close than the minimum distance and would not comply with the guidance. The SPD does however go on to say that exceptions to the minimum standard may be acceptable in some circumstances.

7. The outbuilding is positioned close to the boundary of No 38 Southdown Close and as it projects above the height of the boundary fence, it is a noticeable feature from within the garden and habitable rooms of the neighbouring dwelling. Whilst the development would be seen from within it, the outbuilding would have a limited impact on the enjoyment of it. I also understand that the garden faces a north westerly direction and therefore the proposal would not add significantly to the overshadowing of the garden or dwelling. Similarly, the amount of daylight received at the neighbouring property would not be significantly reduced by the proposal.

8. I conclude that the outbuilding does not harm the living conditions of the occupiers of 38 Southdown Close with particular regard to outlook and light and complies with the requirements of policies DM1 and P3 of the Rochdale Core Strategy (2016) which together amongst other things seek to ensure that development is compatible with surrounding uses and does not adversely affect the amenity of residents.

Conditions

9. I have considered the conditions recommended by the Council, having regard to guidance found in the Planning Practice Guidance. As the development has already been completed, it is unnecessary to impose the standard condition relating to the commencement of development. Likewise, as the approved plans, which detail the finishing materials, are included within the terms of the decision, separate conditions relating to the plans and materials are unnecessary.

Conclusion and Recommendation

10. The proposal does not conflict with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding.

11. 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

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

J Hunter

INSPECTOR