



Appeal Decision

Site visit made on 16 August 2022

by R Hitchcock BSc (Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/P4225/D/22/3298226

11 Alston Walk, Rochdale, Middleton M24 4LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Miss Ameilia Lee against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/00391/HH42, dated 21 March 2022, was refused by notice dated 26 April 2022.
 - The development proposed is to erect a conservatory to the rear of the property.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO) for a conservatory at 11 Alston Walk, Middleton M24 4LL, in accordance with the terms of application Ref 22/00391/HH42, dated 21 March 2022, and the plans submitted with it.

Procedural Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A.1.(g) of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. Paragraph A.4.(2)(a) requires that before beginning the development, the developer must provide details of the proposed development to the Council. On consultation with neighbouring occupiers, if objections are received, the prior approval of the Council is required as to the impact of the proposed development on the amenity of any adjoining premises.
3. In this case the Council considered that the proposal met the limitations and restrictions of Class A.1.(g) and, pursuant to an objection from an adjoining neighbour, its reason for refusal concerns only the prior approval matter of the amenity of adjoining premises.

Main Issue

4. The main issue is the effect on the amenity of adjoining premises.

Reasons

5. The appeal site is a 2-storey semi-detached dwelling within a residential street. The house is attached to number 13 Alston Walk. It is also bordered by a detached dwelling at 9 Alston Walk and a property beyond the site's rear boundary at 23 Swinside Close.

6. The proposal seeks the erection of a conservatory across much of the width of the rear elevation of the house. According to the submitted plans and planning application form, the extension would project some 5.0m to the rear, have an eaves height of 2.4m and a ridge height of 3.4m. The side elevation close to the boundary with No13 would be constructed in full height brickwork. The other elevations and roof would be substantially glazed.
7. The conservatory would lie close to the common boundary with No13. The plots are separated by a high close-board timber fence which provides a screen between the respective outdoor amenity spaces. Due to a gentle upward incline of the land to the rear of the adjoining plots, the fence line increases in height towards the rear of the site relative to the building.
8. At some 5m in length the proposed conservatory would project beyond the Council's guideline of up to 3m for rear extensions along a common boundary. This is adopted to avoid overbearing impacts or undue loss of light to adjoining properties.
9. In this instance, the proposal would lie northwards of the openings in the rear elevation of the attached house and its rear garden area. Accordingly, there would be no material change to the amount of sunlight reaching those areas. A small effect on daylight would arise on account of the increased height of development close to the boundary. However, the effect beyond that of the existing fence would be marginal and, in my view, would not materially affect the living conditions of occupiers of that property.
10. The upper part of the masonry elevation and roof of the extension would be visible above the existing boundary fence. However, the low eaves height and pitch of the roof away from the boundary would limit the amount of new development visible above the fence. Furthermore, in the circumstance where the boundary fence rises relative to the finished floor level of the dwelling, the screening effect to the further part of the extension would increase.
11. Taken with the hipped roof form and presence of a structure sited adjacent to the fence and across the nearest ground floor window of No13, any effect on outlook or sense of enclosure beyond the distance set out in the Guidelines & Standards for Residential Development Supplementary Planning Document 2016 would be limited. For the same reasons, it would not overbear on the outdoor amenity space to the rear of No13.
12. The intervening separation distances and orientations of the other adjoining plots would ensure that no material effects on the amenity of those properties would occur.
13. For the above reasons, I find that the proposal would not cause material harm to the amenity of neighbouring properties through the loss of light, creation of poor outlook or as an overbearing form of development. It would thereby comply with Policies DM1 and P3 of the Rochdale Core Strategy [2016] and the Framework as they seek development to protect the amenity of residents and to respect their locational context through appropriate siting, scale and design.

Conditions

14. Development under the provisions of Schedule 2, Part 1, Class A1 (g) of the GPDO is subject to the condition that it is carried out in accordance with the details approved.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted.

R Hitchcock INSPECTOR