
Appeal Decision

Site visit made on 22 August 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2022

Appeal Ref: APP/P4225/D/22/3301992

80 Mossway, Middleton, Rochdale M24 1NS

- 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 Jamie Cloran against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/00269/HOUS, dated 24 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is two storey side extension, part two storey/part single storey rear extension including Juliet balcony and rear dormers, addition of rooflight to front, following demolition of existing garage and single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I observed that development of joint single storey extensions to the rear of both the host property and 78 Mossway had commenced, these having been granted planning permission under a previous application¹. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the host property and the surrounding area; and on the living conditions of the occupiers of 78 and 82 Mossway, with particular regard to outlook, light and privacy.

Reasons

Character and appearance

4. The appeal property is a two storey, semi-detached dwelling set within a linear row of properties on the southern side of Mossway in an established residential area. The form and design of the existing property are typical of surrounding built form, including its hipped roof, bay windows and red brick construction. The area is characterised predominantly by two storey semi-detached dwellings which are set back from the road with low level boundary treatments and planting to the front gardens. Further defining features of the area are consistent building lines, broadly even spaces between semi-detached pairs of dwellings and the symmetry that exists between them. The area therefore has a pleasant

¹ Council ref 21/00953/FUL

spacious and well-ordered appearance which contributes positively to its character.

5. The two storey rear extension would be a substantial addition which would be situated to the rear of both the existing house and the proposed side extension. In combination with the proposed side extension, the two storey rear extension would result in a large expanse of brickwork to the side elevation and include an uncharacteristic flat roof design which would sit uncomfortably against the original property and its immediate neighbours, all of which have hipped roofs. This element of the scheme would therefore be an incongruous addition to the property which would fail to respect the form and design of the residential built form of the area.
6. Whilst the proposed two storey rear extension would not be highly visible in the street scene, it would still be a very noticeable and discordant feature when viewed from the rear garden of the appeal property and neighbouring properties.
7. The appellant states that the proposed development is reflective of similar extensions in the locality, some of which have flat roofs. However, the details provided appear to indicate single storey additions or dormers with flat roofs, rather than large, two storey flat roof extensions. The other developments are not directly comparable to the appeal proposal. In any case, I have determined the appeal on its own merits. Whilst the approved single storey rear extension to the host property would also have a flat roof, it would be a more modest addition than the proposed two storey rear extension and therefore does not provide a compelling precedent for allowing the two storey rear extension.
8. For the above reasons, I conclude that the development would be harmful to the character and appearance of the host property and the surrounding area. It would conflict with Policies DM1 and P3 of the Rochdale Adopted Core Strategy (2016) (CS) and the Rochdale Borough Council Guidelines and Standards for Residential Development, Supplementary Planning Document (2016) (SPD). Amongst other things, these policies and guidance seek to ensure that development is of high quality design which respects local context. Whilst the CS was adopted prior to the most recent iteration of the National Planning Policy Framework (Framework), I am satisfied that Policies DM1 and P3 are consistent with the Framework. The development would be contrary to the Framework, where it seeks to achieve well-designed places.
9. Based on the evidence before me and my observations on site, I have no reason to disagree with the Council's assessment that the two storey side extension, single storey rear extension and rear dormer would be in-keeping with the host property and its surroundings. These elements of the scheme would accord with Policies DM1 and P3 of the CS, the SPD and the Framework.

Living conditions

10. The appeal property is bound to the west by No 78 and by No 82 to the east. Both neighbouring properties include rear windows at ground and first floor level. As noted, the joint single storey extensions to the rear of the host property and No 78 are currently under construction. The appeal proposal includes a single storey rear extension, the dimensions of which are essentially the same as those previously approved. When completed, it would project the same distance from the rear wall of the dwelling as the extension to the rear of No 78. As such, it would not result in loss of light or any overbearing impact on the neighbour's

rear ground floor windows. The proposed two storey rear extension would be set a reasonable distance away from the boundary with No 78. For this reason, I concur with the Council's conclusion that the two storey rear extension would not cause any significant loss of light or outlook to this neighbouring property.

11. The host property and No 82 are attached by single side garages. The two storey rear extension would not project a significant distance beyond this neighbour's rear extension which is set away from the side boundary and there would be a reasonable separation distance between the proposed two storey rear extension and the neighbour's rear habitable room windows. Consequently, it is unlikely that the proposal would result in significant loss of light or outlook to this neighbour's rear habitable room windows. No 82 has a rear patio area close to the side boundary. Whilst the proposed rear extension would be constructed close to this boundary, it would not significantly affect the neighbour's rear patio, which would continue to have an open aspect to the south.
12. The proposed extensions would not contain windows to the side elevations and would not therefore result in loss of privacy to the rear windows of the neighbouring properties. The first floor window and Juliet balcony to the rear elevation of the two storey rear extension would overlook the neighbouring rear gardens at oblique angles. However, such overlooking would be little different to the relationship that often exists between first floor rear windows and neighbouring gardens in residential areas and would not be significantly intrusive.
13. For the above reasons, I consider that the proposal would not result in significant harm to the living conditions of the occupiers of 78 and 82 Mossway in terms of outlook, light and privacy. It would therefore not be contrary to Policy DM1 of the CS or the SPD, which, amongst other things, seek to protect the amenity of neighbouring occupiers. The proposal would also not be contrary to paragraph 130 of the Framework, where it requires development to provide a high standard of amenity for existing and future users.

Other Matters

14. The proposal would provide enlarged accommodation within the property for the benefit of the occupiers. However, this would at the expense of the character and appearance of the property and the surrounding area. Therefore, this consideration does not outweigh the harm that I have identified.

Conclusion

15. Although I have found that the development proposed would be acceptable in relation to its effect on the living conditions of the neighbouring occupiers, I have also found that it would cause unacceptable harm to the character and appearance of the host property and the surrounding area. As such, the proposal would be contrary to the development plan as well as the Framework, and there are no other material considerations of sufficient weight to indicate a decision be taken other than in accordance with the development plan. I therefore conclude that the appeal is dismissed.

M Ollerenshaw

INSPECTOR