



Appeal Decision

Site visit made on 17 January 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2023

Appeal Ref: APP/P4225/W/22/3304643

Langley Dental Practice, 215A Wood Street, Middleton, Rochdale M24 5RU

- 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 Tariq Drabu of Langley Dental Practice against the decision of Rochdale Borough Council.
 - The application Ref 22/00186/FUL, dated 10 February 2022, was refused by notice dated 16 June 2022.
 - The development proposed is the erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for future occupants with regard to outlook, privacy, noise and disturbance.

Reasons

3. The appeal site comprises land to the rear of 215 Wood Street. This property is a two storey former dwelling that was granted permission in 2018 to change its use to a dental practice to form an extension to the single storey premises at 215A Wood Street.
4. The proposed dwelling has been designed and located to generally face away from the buildings associated with the dental practice. However, the bedroom on the ground floor would have two windows facing the rear of no. 215, and the two bedrooms in the roof space would have windows facing towards the rear of no. 215A, although all three rooms would also have windows to the front.
5. There are two air conditioning units fitted to the rear of no. 215 that sit between the ground and first floor windows. At eaves height on the flat roofed single storey building at no. 215A, I observed four air conditioning units. The air conditioning units were in operation during my site visit and were audible above much of the traffic noise generated by the nearby road.
6. The appellant highlights that the air conditioning units would be unlikely to be operational during the evening and night-time periods when the environment may be quieter with less activity and occupiers of the proposed dwelling would have a greater expectation of peace and quiet. Nevertheless, there would be habitable room windows relatively close to the air conditioning units.

7. I note the appellant's contention that this matter is capable of being dealt with by way of a planning condition. However, no surveys or details have been submitted in relation to the existing background noise levels and whether any mitigation measures would be required. In the absence of an appropriate survey, it is unclear what level of noise future occupiers would be exposed to, or the extent of mitigation that would be required. Given this uncertainty, it would not be appropriate to leave this matter entirely to conditions.
8. There would be some outlook from the front of the proposed dwelling towards the small area of open space that sits adjacent to the site. However, much of the outlook would be towards the rear of the nearby three storey building of shops with flats above and their service areas, garages, and the access road that services these. This would provide a somewhat uninviting outlook for future occupiers.
9. The window to the front of the proposed dwelling that would serve the living room would have a very limited outlook due to its proximity to the boundary of the site, adjacent to which is a concrete wall that separates the site from the open space. However, the living room would also be served by a bi-folding set of doors that would overlook the proposed garden. A sufficient sense of openness would therefore be provided for future users of this room.
10. Given the angle of view, direct overlooking of the proposed dwelling from the flats would be unlikely to result in an unacceptable loss of privacy. However, due to their height and proximity together with the presence of balconies at first floor level, future occupiers of the proposed dwelling would likely have a perception of being overlooked. This would be exacerbated by the location of the proposed dwelling near to the service road, which would allow pedestrians and vehicles to come past the proposed ground floor bedroom window at a higher level and in close proximity.
11. Boundary treatment could provide some screening including from the waste bins associated with the dental practice. However, it would also further enclose the proposed dwelling, reducing outlook from the front ground floor bedroom window in particular. While this bedroom would have two small windows in the side elevation, these would have a somewhat restricted outlook, facing towards the proposed vehicle parking area and the rear elevation of no. 215 at a relatively close distance.
12. During my site visit I observed a limited number of vehicles driving along the service road and a number of cars parked on it near to the proposed site entrance. The service road would be unlikely to be heavily trafficked. However, its operation, including providing access to the garages and the rear of the three storey building and its use for vehicle parking, would cause some disturbance to future occupiers of the proposed dwelling with regard to noise and lights from vehicles, in particular the ground floor bedroom.
13. Taken individually, these issues may not result in an unacceptable development. However, when taken together, they are indicative of a location that would have an unsatisfactory relationship with its surroundings and would thus provide a poor residential environment for future occupiers.
14. I therefore conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to outlook, privacy, noise and disturbance. This would be contrary to the aims of Policy P3

of the 2016 Rochdale Adopted Core Strategy (the CS) which requires development to adhere to high standards of design, and the residential amenity requirements of CS Policy DM1 and guidance in the 2016 Guidelines and Standards for Residential Development Supplementary Planning Document. There would also be conflict with the design objectives of the National Planning Policy Framework (the Framework), which seek to ensure a high standard of amenity for existing and future users amongst other considerations.

Other Matters

15. I acknowledge that the appellant has sought to make efficient use of the site. The proposed dwelling would contribute to the supply of housing in a location that includes residential uses and is well located in relation to services and facilities. This would be consistent with the Government's objective of significantly boosting the supply of homes as referred to in the Framework. However, the contribution made by a single dwelling would be limited and would not outweigh the identified harm, even were I to consider the site as previously developed land.
16. The appellant contends that the proposed development would not give rise to unacceptable effects on the living conditions of nearby residents. While this may be the case, a lack of harm in other respects is effectively neutral in the planning balance.

Conclusion

17. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed.

F Wilkinson

INSPECTOR