
Appeal Decision

Site visit made on 25 January 2023

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February

Appeal Ref: APP/P4225/D/22/3311195

99 Edenfield Road, Rochdale, Greater Manchester OL11 5AE

- 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 Ali Badar against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref: 22/00849/HOUS, dated 21 June 2022, was refused by notice dated 23 September 2022.
 - The development is a rear dormer.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been carried out and, therefore, I have dealt with the appeal on a retrospective basis. This is also reflected in the description of development which is set out in the banner heading above in that it is not a proposed development.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area; (ii) the living conditions of the nearest properties on Viking Street by way of privacy; and (iii) if harm arises, whether this is outweighed by the fallback position and other considerations.

Reasons

Character and Appearance

4. The appeal site comprises an end of terrace residential property that is located on the corner of Edenfield Road and Churchill Street. On the rear elevation, there is the flat roofed dormer extension. It projects across near the entirety of the roof plane and is set only short distances up from eaves level and down from the main roof ridgeline. Its external walls are constructed of white UPVC.
5. The immediate area is predominantly residential in nature with the occasional commercial use. Typical materials include grey slate roofs. Where there are other examples of white UPVC, these are limited to windows and shop fronts. There are examples of white finishes on the external walls of some houses in the vicinity.

6. The Council's Guidelines & Standards for Residential Development SPD (2016) (SPD) states that all new developments should be designed to be in keeping with the host property and generally should be subservient to it. Specifically in relation to dormer extensions, it states that such features can be visually prominent, particularly where they can be seen from the public highway, and therefore it is important that they are carefully designed and sited.
7. Due to the siting of this dormer on a roof plane on a corner plot, it is visually prominent and can clearly be seen from the public highway, in particular from Churchill Street. Moreover, because its walls are constructed of white UPVC, it appears in stark contrast to the more typical grey colour finish of the roofs in the area. Hence, it is an incongruous addition which is out of keeping with the character.
8. Where there are examples of white finishes in the locality, these are not located in such conspicuous positions, in particular as they are not as elevated. Their use on commercial properties is well below roof level and so fits more comfortably into these surroundings. With the residential properties, their white finishes are more integral to their overall design and so, unlike the dormer, are not visually harmful to the area.
9. The SPD goes on to state that rear dormers should be modest in size and not occupy a disproportionately large portion of the roof. The dormer in this case covers the vast majority of the rear roof plane. Thus, it is neither modest or in proportion and so its design has a dominating effect on the rear of the property. This causes further detriment to the visual amenity of the area.
10. I conclude that the development has an unacceptable effect on the character and appearance of the area. As such, it does not comply with Policies DM1 and P3 of the Rochdale Adopted Core Strategy (2016) where they concern high quality design taking opportunity to enhance the quality of the area, a sense of place and respecting context where it is positive, amongst other matters. It also does not comply with the SPD in relation to design guidance that it sets out for house extensions, including dormers. Nor does it accord with the National Planning Policy Framework (Framework) where it seeks to achieve well designed places.

Living Conditions

11. The dormer faces towards the rear of properties on Viking Street. In between, is the modest sized remaining rear area of the appeal property, a gated alley and then the small enclosed rear areas of those neighbouring properties. As a result, there is no great distance between the dormer and the rear of those properties. Their rear elevations contain windows which face towards the rear of the appeal property.
12. The dormer contains 2 clear glazed windows which serve bedrooms. These directly overlook the rears of the properties on Viking Street. With the short intervening distance, this results in a loss of privacy to those properties. While there are also windows on the original house which face in this direction, these are not as elevated and so do not result in the same level of being overlooked. The increased level of overlooking is harmful to the living conditions of the occupiers of those properties.

13. I conclude that the development has an unacceptable effect on the living conditions of the nearest properties on Viking Street by way of privacy. Therefore, it does not comply with Policy DM1 where it sets out that development will be expected to demonstrate that it does not adversely affect the amenity of residents through loss of privacy, amidst other considerations.
14. The development also does not comply with the SPD where it states that extensions and alterations to existing properties, including dormer extensions, should be carefully designed to protect the amenity of the occupants of adjoining properties. It also does not accord with the Framework where it concerns a high standard of amenity for existing and future users.

Fallback Position and Other Considerations

15. The appeal property benefits from an approved Certificate of Lawful Development¹ (CLD) for a rear dormer. This is for near the same dormer as is for my consideration, apart from that dormer was shown to be constructed to match the existing slate, rather than white UPVC. It amounts to a fallback position. However, whilst issues of planning merit are not a consideration for a decision on a CLD, they are central for a planning appeal made under section 78 of the Town and Country Planning Act 1990.
16. With regard to character and appearance, the harm that I have identified includes the use of the white UPVC. As that does not form part of CLD, it cannot be relied on as regards the fallback position. Whilst in other respects the dormer is near the same as the CLD, this does not overcome that the use of white UPVC in the manner by which this development has been carried out has an unacceptable effect on the area.
17. In relation to living conditions, the situation is somewhat different because the use of white UPVC has no bearing on overlooking and privacy. The effect is no different from that under the CLD. However, this does not in itself address the harm that arises to the character and appearance of the area. Accordingly, the fallback position does not justify permitting the development which is before me.
18. I have been made aware of why the dormer has been constructed of white UPVC. It is though a matter which attracts limited weight compared to a consideration of the planning merits. An interested party also raised a number of other concerns during the course of the planning application. I am however dismissing the appeal on other grounds. None of these matters alter my overall conclusion.

Conclusion

19. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR

¹ Council ref: 20/00467/CPL