



Appeal Decision

Site visit made on 25 April 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2023

Appeal Ref: APP/P4225/W/22/3311654

5 Kingsley Road, Middleton M24 2PE

- 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 Carl Garritty of Splash Properties against the decision of Rochdale Borough Council.
 - The application Ref 22/00290/FUL, dated 2 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is new detached house on land between 5 & 7 Kingsley Road, Middleton.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reason for refusal No. 2 on the Council's Decision Notice refers to a two-storey extension. The Council have acknowledged this is an error as the application was not for such a proposal.
3. It is apparent from the Officer report that the assessment that was undertaken was in respect of a proposed dwelling. I also note that whilst highlighting the incorrect reference to an extension, the appellant has addressed the impact of the proposed dwelling within the Statement of Case. I am therefore satisfied that the appellant has not been prejudiced by the error. I have therefore dealt with this Reason for Refusal as referring to a proposed dwelling.

Main Issues

4. The main issues are the effect of the proposed new dwelling on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of 5 Kingsley Road, with particular regard to outlook and light.

Reasons

Character and appearance

5. The appeal site lies within a residential area comprising Kingsley Road, Chaucer Road and Wordsworth Road. The area contains two storey, hipped roofed semi-detached and terraced properties of uniform brick and render construction and design. The layout of the streets takes a linear form except at the road junctions where the pairs of semi-detached properties are angled towards the

corners. Whilst the houses have no particular architectural merit their simple design and consistent position relative to the highway creates a pleasing rhythm to the streetscape.

6. The site is an undeveloped wedge-shaped parcel of land on a corner between one of the angled pairs of semi-detached dwellings and a highway spur. Whilst somewhat overgrown, together with the narrower area of land on the opposite side of the spur, the site offers visual relief from its more built-up surroundings, providing a break in the frontage that positively contributes to the character of the area.
7. Given the small size of the site and the position of the dwelling close to the side boundaries, it would appear unusually cramped relative to its plot and to the size of the other corner plots. Additionally, its position would not follow, and would thereby disrupt, the established pattern of development on the corner plots to the detriment of the character and appearance of the area.
8. The proposed dwelling would be constructed fully in brick, with a narrow frontage including a front bay window, pitched roof and dormers which are features not found on Kingsley Road, Chaucer Road or Wordsworth Road. It is of a more modern style of architecture than the existing dwellings in the residential area that the appeal site lies within. Therefore, it would significantly differ in its character and appearance from that prevailing in the area. Even if I were to agree that the proposal would be of a higher standard than the existing dwellings, it would, nonetheless, harm the uniformity of the street scene as a whole.
9. Overall, the proposal would not sit well with the established pattern of development of the area and would appear as an intrusive and discordant addition to the street scene to its detriment.
10. In reaching this conclusion I have had regard to the residential development, of a similar design to the appeal proposal, that is being carried out to the rear of the appeal site. That development is accessed off Stanycliffe Lane and is at a much lower ground level. It does not, therefore, form a key component of the streetscape within which the appeal proposal would be viewed. Accordingly, it would not assist in the assimilation of the proposal into its surroundings or reduce the harm that I have identified.
11. I find therefore that the proposal would harm the character and appearance of the area. As such, it would be contrary to Policies DM1 and P3 of the Rochdale Adopted Core Strategy (2016) (CS) and the Guidelines and Standards for Residential Development, Supplementary Planning Document (2016) (SPD). Amongst other things, these policies and guidance seek to ensure that development adhere to high standards of design which contribute positively to the townscape and respects local context. The proposal would also be contrary to the National Planning Policy Framework (the Framework), paragraph 130, which seeks to ensure that developments are sympathetic to local character, including the surrounding built environment.

Living conditions

12. The shadow cast by the proposed dwelling would be predominantly away from the rear garden of 5 Kingsley Road, given the orientation. Consequently, any

loss of sunlight would not be to the extent where unacceptable harm to the living conditions of the occupants of that property would occur.

13. The proposed dwelling would be sited close to a side facing upper floor window of No.5. Based on the information before me, and my observations on site, it is the only window to a habitable room.
14. In accordance with the SPD, a 14m separation distance is required between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room. In this case the proposal is angled away from the side elevation of No.5 and as such the guidance in the SPD does not apply. Nonetheless, the proposed dwelling would be very close to the existing window resulting in a significant enclosing and dominating effect on the outlook from that window. Even though there is no conflict with the guidance in the SPD, I nonetheless, consider that the proposal would create an unacceptable visual intrusion and reduction in daylight and sunlight reaching the room, to the detriment of the living conditions of the occupiers of No.5.
15. Accordingly, the proposal would cause harm to the living conditions of the occupants of 5 Kingsley Road due to the unacceptable impact on outlook. As such, it would be contrary to the CS Policy DM1 which, amongst other things, seeks to ensure development does not adversely affect the amenity of residents. It would also be contrary to the aims of the Framework, paragraph 130, to promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

16. Any concerns regarding the integrity of the decision-making process undertaken by the Council falls outside of the remit of this appeal and has had no bearing on my decision.

Conclusion

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
18. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR