



Appeal Decision

Site visit made on 22 May 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/P4225/D/23/3320675

4 Parkfield Close, Rochdale OL16 4AG

- 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 Patel against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/00955/HOUS, dated 11 July 2022, was refused by notice dated 26 January 2023.
 - The development proposed is the erection of a porch and a two storey side and rear extension following the demolition of the existing single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a porch and a two storey side and rear extension following the demolition of the existing single storey side extension, at 4 Parkfield Close, Rochdale OL16 4AG in accordance with the terms of the application, 22/00955/HOUS, dated 11 July 2022 and the plans submitted with it, subject to the following conditions;
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans;
 - Proposed Site Plans drawing number RG258/PL01 Rev B
 - Proposed Plans and Elevations drawing number RG258/PL02 Rev C.
 - 3) The materials used in the construction of the exterior of the development hereby permitted shall match those used in the construction of the exterior of the existing building in colour, form, type, size and texture.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) prior to the first occupation of the extensions hereby permitted, the first-floor bathroom window in the side elevation facing No 1 Gilbrook Way, shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass of which, obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent), and the window shall be retained as such thereafter.

Main Issues

2. The main issues of this appeal are the effect of the proposal upon i) the character and appearance of the area, ii) the living conditions of the occupants of No 1 and No 5 Gilbrook Way with particular regard to outlook, privacy and

loss of light and iii) highway safety, with particular regard to the provision of car parking.

Reasons

Character and Appearance

3. The appeal property forms part of 2 pairs of semi-detached properties with a high degree of symmetry. Each pair of dwellings consists of a balanced ratio of wall to window, a handed 2-storey projecting gable to the front, with a single-storey lean-to in between containing the front entrances. Set back behind a grassed area, they contribute positively to the street scene of Oldham Road.
4. The Council has not raised any objection to the impact of the proposed 2-storey side and rear extensions on the character and appearance of the area and I concur with this view. The proposed front porch is the sole matter in dispute. This extension would overlap the 2-storey gabled projection to the front of the appeal property, resulting in a cluttered appearance that would be exacerbated by its prominent forward projection. The excessive use of glazing for the upper part of the porch would also fail to reflect the general extent of glazing to the host dwelling. Appearing incongruous, it would further unbalance the pair of semi-detached properties to which the host dwelling belongs.
5. Public views of the proposed porch are relatively immediate, limited to those from within Parkfield Close and this section of Oldham Road. Given the small scale of the extension and its lack of wider visibility, the harm overall would be modest.
6. The proposed porch would have a harmful effect upon the character and appearance of the area. It would therefore conflict with Policy DM1 of the Rochdale Adopted Core Strategy (CS) which amongst other things, seeks to ensure that developments are of a high-quality design that enhance the quality of the area. It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which requires new development to respond to and reflect the identity of the built environment.

Living Conditions

No 1 Gilbrook Way

7. The proposed 2-storey side extension would fall short of the minimum separation standards set out in the Guidelines and Standards for Residential Development Supplementary Planning Document 2016 (SPD) for the distances between principal windows and directly facing single or 2-storey elevations. It would be approximately 11.7m and 8.17m¹ to the adjacent 2-storey rear elevation of No 1 Gilbrook Way and its single storey conservatory respectively, rather than the guidelines of 14m and 10m. Nevertheless, the SPD explains that exceptions to these minimum space standards may be acceptable in some circumstances. It is therefore important to consider the site-specific context.
8. I was able to view the appeal property from the rear garden of No 1, which is sited at a significantly higher land level. Whilst the proposed 2-storey side extension would bring the appeal property closer to No 1, it would remain set off the rear boundary and would largely appear as a single storey structure with only the eaves and apex of the gable visible above the boundary fence.

¹ As cited by the Council in its officer report.

9. An additional 2-storey extension to the rear of the appeal dwelling would result in a structure along the entire width of the rear garden to No 1. Above the existing fence, only the eaves and the roof would be visible from the principal windows within the rear elevation of No 1. Given the change in land level and the roof pitching away from No 1, the proposed side and rear extensions would not appear overbearing in relation to the garden or habitable rooms belonging to No 1. The outlook afforded to the neighbouring occupants would not be unduly harmed as a result.
10. Positioned to the south of the appeal site, with the rear elevation of No 1 facing north and only the gable or roof of the proposed extensions protruding above the existing fence, the occupants of No 1 would not experience a loss of either daylight or direct sunlight to either their rear garden or rear facing windows.
11. Whilst a bathroom window is proposed at first-floor level within the side elevation of the two-storey extension facing towards the rear of No 1, there is already a small shower room window in the existing side elevation. A condition could require the proposed window to be obscure glazed and non-opening to ensure the privacy of the occupants of No 1.

No 5 Gilbrook Way

12. The proposed rear extension would be approximately 8.97m to the rear boundary and 10m (as cited by the Council) to the side elevation of No 5 Gilbrook Way, less than the 10.5m and 14m required respectively by the SPD. No 5 is located perpendicular and at a significantly higher land level, such that the ground floor level is located generally at the same height as the first-floor level of the appeal property. Due to the presence of a single-storey rear extension to No 5, the majority of the undeveloped part of the rear garden of this neighbouring dwelling is contiguous with the rear of No 3 Parkfield Close, rather than the appeal property. With a shallow depth of 2.4m for the proposed rear extension, the presence of a close boarded fence atop a brick retaining wall and the offset position of the rear garden, there would be no loss of privacy to the rear garden of No 5.
13. The flank elevation of No 5 contains 2 ground floor openings that are largely obscured by the adjacent boundary fence. The first-floor side opening is obscure glazed and set just beyond the side boundary of the appeal property. Given the position of the proposed development to the west of No 5 and the differing orientation and land level of the neighbouring property, I am satisfied that there would not be a loss of daylight or sunlight to habitable windows, nor overshadowing of the rear garden. Outlook would similarly be unaffected given that the principal windows of No 5 face north/south.

Conclusion – Living Conditions

14. Notwithstanding the lack of compliance with the guidelines within the SPD, for the above site-specific reasons, the proposed development would not have an adverse effect upon the living conditions of the occupants of No 1 and No 5 when considering outlook, privacy and light. The proposal would comply with Policy DM1 of the CS which requires new development including extensions to not adversely affect the amenity of residents through visual intrusion, overbearing impact, overshadowing or loss of privacy, amongst other things. It would also comply with paragraph 130 of the Framework which seeks to promote a high standard of amenity for existing users.

Highway Safety

15. Three car parking spaces are proposed within the turning head to the front of the host dwelling suggested to be within the appellant's ownership, in lieu of the existing garage and driveway forfeited for the proposed side extension. In quantum terms, this provision would comply with the requirements of Appendix 5 of the CS for a maximum of 2 spaces per dwelling.
16. Although described as a turning head, the area to the front and side of the appeal dwelling is unlikely to be used by anyone other than the appellant and their visitors. Each of the remaining 3 dwellings along Parkfield Close have their own private drives for parking, from which there is sufficient room to manoeuvre to exit the Close in a forward gear. Parking within the turning head is unlikely in this instance to impede access and egress for other residents.
17. The existing driveway at the appeal property is impeded by the projecting gabions retaining the land to the south, and the appellant confirms that they rely on the convenience and availability of parking within the turning head, rather than the garage and drive². Interested party representations suggest that vehicles are frequently displaced onto Parkfield Close or neighbour's drives. However, there is no evidence presented to indicate that the parking circumstances would be materially worsened as a result of the proposed extensions, noting that the dwelling would remain as a 3-bedroomed property post development. Considerate car parking would be required, whether or not this proposal proceeds.
18. The Council suggests that the proposal would result in limited space for surrounding residents to park within the confines of the private drive leading to the displacement of vehicles onto Parkfield Street. However, residents would not be able to park within Parkfield Close outside of their own driveways without impeding access for their neighbours, given its restricted width.
19. I acknowledge that Parkfield Close is located near to the junction of Oldham Road (A671) a well-trafficked main road and Parkfield Street, a no-through road. Approximately 8 dwellings are served by both Parkfield Street and Parkfield Close combined, the majority of which appear to have at least 1 off-street car parking space. Therefore, there would be a relatively limited number of total vehicle movements within this area. Due to the tight radiuses of the junctions and the number of emerging driveways, vehicle movements would be at relatively low speed. With no restrictions in force and sufficient width for on-street car parking to be accommodated within Parkfield Street, even if parking was to be displaced from the appeal site, it would be unlikely to prevent the free flow of traffic.
20. Paragraph 111 of the Framework is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It has not been demonstrated that the proposed development would result in either of these occurrences.
21. The proposal would not be harmful to highway safety, with particular regard to car parking. It would comply with Policies T2 and DM1 of the CS which seek amongst other things, that developments provide car parking in compliance with the Council's car parking standards (Appendix 5) and provide satisfactory access with adequate parking and manoeuvring arrangements, taking into

² Google street view images provided within the appellant's statement of case (pages 8,9 and 10).

account the proposed use and location. It would also comply with paragraphs 110 and 111 of the Framework which aim amongst other things, to prevent unacceptable impacts on highway safety.

Other Matters

22. Reference is made to the ability of the appellant to erect a porch under permitted development rights afforded to the appeal property. The Council does not dispute that such rights are intact. The appellant's porch comparison drawing³ indicates that to comply with the regulations a porch erected as permitted development would be required to have a lower ridge height. In my view the shallower roof pitch would be more harmful given it would not match that of the gable to the 2-storey front projection. Whilst there is no certificate of proposed lawful development before me, I attach considerable weight to the realistic prospect of this fallback position being implemented, given the appellant's clear intentions for a porch extension.
23. The Council did not refuse the proposal on the grounds that it would result in harm to the living conditions of the occupants of No 3 in respect of a loss of light. Nonetheless, I note that the 2-storey rear extension would comply with the distance guidelines set out in the SPD such that it would be considered acceptable in terms of its impact on the living conditions of the neighbouring occupants. The porch would be a very small-scale structure sitting adjacent to the hallway and downstairs WC of No 3, which are not habitable rooms.
24. Although the concerns of interested parties in respect of noise and disturbance arising from construction are acknowledged, this would nonetheless be for a temporary period only.

Planning Balance

25. I have found that the proposed 2-storey side and rear extensions would not adversely affect the living conditions of the occupants of No 1 and No 5 with regard to outlook, privacy and light, nor highway safety with regard to the provision of car parking. However, the proposed porch would result in modest harm to the character and appearance of the area. This would result in a minor conflict with the development plan. Balanced against this, is the fallback position of a more harmful porch being erected under permitted development rights. Planning law dictates that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Potential fallback positions can represent such material considerations.
26. In this instance, I have found that the proposed development would have less of an adverse impact on the character and appearance of the area than the fallback position. Consequently, the fallback position carries considerable weight in the planning balance, sufficient to outweigh the minor conflict with the development plan.

Conditions

27. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance and paragraph 56 of the Framework. I have amended the Council's suggested wording where necessary to ensure compliance with the 6 tests. Along with the standard time limit, conditions are imposed to require the use of matching materials in the interests of consistency

³ Drawing number RG258/PL03 Rev A.

of appearance and to list the plans in the interests of certainty. It is considered reasonable and necessary to impose a condition requiring that the first-floor window within the proposed 2-storey side extension be obscure glazed and non-opening in the interests of protecting the privacy of the occupants of No.1.

Conclusion

28. The existence of the fallback position is a material consideration that leads me to determine this appeal otherwise than in accordance with the development plan. Therefore, for the above reasons, the appeal is allowed.

M Clowes

INSPECTOR