



Appeal Decision

Site visit made on 24 May 2023

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/P4225/D/22/3311028

66 Beaconsfield Road, Rochdale OL11 2WE

- 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 Dmytro Vilmozhnyi against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/00904/HOUS, dated 22 August 2022, was refused by notice dated 17 October 2022.
 - The development proposed is single-storey front porch extension, resurfacing of driveway, canopy to side and rear elevations and single-storey outbuilding to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form described the proposed development as "*permeable resin driveway with drainage*", whereas the Council's decision notice describes the proposal as "*single-storey front porch extension, resurfacing of driveway, canopy to side and rear elevations and single-storey outbuilding to rear – part retrospective*." I have been provided with evidence that the appellant agreed to the change in description. I have therefore used the description provided on the Council's decision notice in the header above, minus the phrase "*part retrospective*", as this is not a description of development, and I have made my Decision on this basis.
3. I observed during my site visit that most of the development has been carried out, although in respect of the rear canopy and outbuilding in particular, not exactly as shown on the submitted plans. I have made my Decision considering what I observed on site, though the Decision is based on the submitted proposed plans.

Main Issues

4. The main issues are the design of the proposed development and its effect on the character and appearance of the area, and the effect of the proposed rear canopy and outbuilding on the living conditions of occupiers of neighbouring properties.

Reasons

Design, character and appearance

5. The property to which the appeal relates is a two-storey, semi-detached dwelling constructed of red brick under a grey tiled roof. The form of the

dwelling and its adjoining semi-detached property is broadly that of an 'L' shape. The appeal property has a dual-pitched roof with a gable dormer in the front roof slope. The adjoining house has a two-storey gable frontage, which projects a little further forward than the main front elevation of the appeal dwelling. The roof pitches are relatively steep.

6. There is a mono-pitched timber canopy above the original front door. The original rear elevations and rear roof slope of the 2 adjoining dwellings are flush with each other. There is a concrete hard-standing area to the front and a path down the side of the property leading to the rear garden, which has a timber fence around its boundary around 1.9 m high.
7. The site is located on a relatively new housing estate, comprising of two-storey detached and semi-detached dwellings. Although there is some variation in the house types that make up the estate, there is a consistency in design and external materials used across the development.
8. The front porch as erected appears to be like the front porch shown on the proposed plans. It has been/would be erected within a recess between the two dwellings, with its front elevation being set back a little from the front elevation of the adjacent property. The external materials proposed are brick slip in a colour to match the existing house. The Council Officer's Report (OR) suggests that the elevations have been constructed using plastic panels. The colour does not match that of the bricks of the original house.
9. The front porch as constructed/proposed is/would be similar in design, size, siting, and scale to front porches on other dwellings on the estate within proximity of the site. However, the pitch of the roof slope would be considerably shallower than any of the roof pitches on the host property, the adjoining dwelling, and surrounding properties. Due to a combination of the very shallow pitched roof and poor-quality materials, I consider the design and materials used/proposed are/would be harmful to the character and appearance of the appeal dwelling, the street scene, and the surrounding area.
10. The rear canopy as erected appears to be more enclosed than that shown on the proposed plans. The erected/proposed rear canopy does/would project off the rear elevation of the dwelling. It is/would be around half the width of the house and extend the full depth of the rear garden (ie around 10.3 m), along and abutting the boundary with the adjoining property. It is/would be just under 2 m high at the boundary and around 2.4 m high at its highest point. Although materials are not specified, the canopy has been constructed mainly of timber, and the proposed plans suggest that it would be constructed of timber. It is designed with a shallow, mono-pitched roof.
11. The proposed rear outbuilding would have an overall footprint measuring around 5.8 m wide x 3 m deep. The proposed plans indicate that it would be connected to the proposed rear canopy, sited under the rear end of it and abutting the rear boundary. The outbuilding as constructed appears to differ to that shown on the proposed plans with regard to how it attaches/relates to the rear canopy. Although materials are not clearly specified on the plans, the building erected is constructed of timber and the plans indicate that it would also be constructed of timber.
12. I consider the siting, size, and scale of the proposed rear canopy and outbuilding combined would be out of proportion with the original property.

They would cover a substantial and disproportionate area of the rear garden. Given that the rear canopy is/would be in effect an extension off the rear of the original dwelling, I consider external materials of timber to be inappropriate. The rear canopy and outbuilding combined would form a dominant and incongruous structure. For these reasons the proposed rear canopy and outbuilding would have a detrimental effect on the character and appearance of the host dwelling, which would be harmful to the character and appearance of the surrounding area.

13. The appellant notes that an application has been submitted for a lawful development certificate for the outbuilding. I have no details regarding whether the site benefits from the relevant permitted development rights. Additionally, as noted, the outbuilding as constructed, and as proposed, appears to be attached/would be attached to the rear canopy, rather than it being a totally separate building. For these reasons I attach little weight to the suggested fall-back position.
14. The side canopy as constructed appears to be similar to the side canopy as proposed. It is/would be attached to the side of the dwelling, above the path that leads to the rear garden, at a height of around 2 m. It is/would be around 1 m wide with a very shallow pitched roof, extending virtually the full depth of the house. The path at the side of the house has a timber fence along its boundary and a timber gate located at the front access to the path, both at around 1.9 m high. Given the enclosed nature of the side path and the narrow width of the side canopy as constructed and as proposed, I consider the side canopy does not/would not harm the character or appearance of the host dwelling or the surrounding area.
15. As noted, the existing area in front of the property is covered in concrete. The proposal includes replacing this for a permeable bound resin. The OR refers to the proposed bound resin "*presumably*" replacing landscaping. However, I have not been provided with any evidence that the existing hard standing at the front of the property is not lawful. I consider the proposed bound resin would improve the appearance over the existing concrete. Also, as the proposed bound resin would be permeable, this would improve the existing situation in terms of run-off. I therefore consider the proposed permeable bound resin covering to the front of the property to have an acceptable relationship with, and effect on, the host dwelling, street scene and character and appearance of the area.
16. Notwithstanding my conclusions regarding the proposed side canopy and resin bound, permeable driveway surfacing, due to a combination of design, size, scale, siting and use of external materials, I have found that the front porch, rear canopy and rear outbuilding as built/as proposed have/would have a detrimental impact on the character and appearance of the host property and the surrounding area. Consequently, the development taken as a whole as built/proposed does not accord with policies P3 and DM1 of the Rochdale Core Strategy, 2016 (CS), paragraphs 126 and 130 of the National Planning Policy Framework (the Framework) or guidance in the Residential Design Guide Supplementary Planning Document (SPD). Collectively, and among other things, these policies and guidance require development to be of high-quality design and be sympathetic to local character.

Living conditions - existing

17. As noted above, the rear canopy as built/as proposed is/would be sited along the full extent of the side boundary with the adjoining neighbouring dwelling; and the outbuilding as built/as proposed is/would be sited along the rear boundary, along part of the boundaries with the 2 immediate properties to the rear of the site.
18. Although the structures do not/would not extend much above the height of the existing boundary fences, due to the mono-pitched design the mass of the roof areas are/would be clearly visible from the rear gardens and through windows of several rooms of the immediate neighbouring properties referred to. Due to the large surface area of the rear canopy and outbuilding roofs combined, I consider these elements of the development would have a detrimental impact on the outlook from the private outdoor spaces of, and several rooms within, these neighbouring dwellings.
19. Consequently, the development taken as a whole as built/proposed does not accord with Policy DM1 of the CS, sub paragraph 130 f) of the Framework or guidance in the SPD. These policies and guidance require, among other things, development to protect the living conditions of occupiers of existing neighbouring properties.

Other Considerations, Planning Balance & Conclusion

20. The appellant's agent contends that there has been a language barrier between the appellant and Council representatives; that additional information was not requested; that plans were misunderstood; that the appellant would be happy with suitable conditions to overcome concerns, and that the majority of residents were happy with the works/proposed works.
21. I have considered whether the harms I have found could be overcome with the use of planning conditions and concluded that they cannot. I do not have any details that would enable me to comment of the communications between the Council, the appellant, and his agent. The fact that only one representation was submitted is not a reason to grant planning permission.
22. The appellant has not proposed any other considerations in support of the proposal, and I am not aware of any. I consider that there are no matters that would lead me to conclude other than in accordance with the development plan. For the reasons outlined, I therefore conclude that the appeal is dismissed.

Other Matters

23. I note that the occupier of the adjoining semi-detached property has expressed concerns regarding the front porch that has been built and its effect on this neighbouring dwelling. This is a matter between the parties concerned.

J Williamson

INSPECTOR