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# Appeal Decision

Site visit made on 23 April 2024

**by R Major BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3<sup>RD</sup> June 2024**

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**Appeal Ref: APP/P4225/W/23/3334632**

**1 Gainsborough Drive, Rochdale OL11 2QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Leslie Byrne against the decision of Rochdale Metropolitan Borough Council.
  - The application Ref is 23/00883/FUL.
  - The development proposed is change of use of land to form extension to existing curtilage including a single storey attached garage, together with alterations to boundary treatments and creation of partial hardstanding.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appeal scheme seeks consent for change of use of land and operational development involving a single storey side extension, creation of a new area of hardstanding and alterations to boundary treatments. I note that the Council have raised no objection to the principle of the change of use of land and the reason for refusal therefore relates only to the proposed operational developments. This appeal decision therefore focuses on the disputed proposed operational developments.
3. I observed on site that a concrete post and timber panel fence has been erected around part of the boundary of the appeal site. This existing fence is higher than that shown on the proposed plans. The Council made its decision against the fencing shown on the proposed plans and I have dealt with the appeal on the same basis.
4. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Both parties, within their respective submissions, had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
5. Since the appeal was submitted, the Council has adopted the Places for Everyone<sup>1</sup> Joint Development Plan as part of the Development Plan for Rochdale. The main parties were given the opportunity to comment on this adopted plan, and I have taken into account any comments raised.

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<sup>1</sup> Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, Adopted 21 March 2024.

## **Main Issue**

6. The main issue is the effect of the proposal on the character and appearance of the area.

## **Reasons**

7. The appeal relates to a two-storey residential dwelling at 1 Gainsborough Drive (No.1), occupying a prominent corner plot on the four-way crossroads where Gainsborough Drive intersects with Hogarth Road. The appeal dwelling is located at the end of a short row of four terraced properties and this terrace row currently has a sense of symmetry with both the end properties having a modest sized single storey side extension set back considerably from the front elevation.
8. The proposed flat roofed, single-storey side extension, which would provide a detached double garage, would be set flush with the front elevation of the dwelling and have a depth that is greater than the host dwelling, resulting in the extension projecting beyond the original rear elevation of the property. Its side elevation, facing towards Hogarth Road, would contain two large garage doors.
9. Whilst acknowledging that the proposed extension would adhere to the existing building line on both Gainsborough Drive and Hogarth Road, given its siting on a corner plot it would appear as a prominent feature on the street scene. As a result of its depth, scale and overall massing, the proposed extension would represent an incongruous, excessive, and disproportionate feature that dominates the side elevation of the host property and does not appear as a subordinate addition to the dwelling when viewed from the side. Additionally, the large garage doors in the side elevation represent harsh and oppressive features which only add to the visual harm arising from the proposed extension.
10. The extension would also have a width that is not significantly different to the width of the existing dwelling. As such, when viewed from the front the extension would again appear as a disproportionate addition to the host dwelling and significantly unbalances the existing symmetry of this row of four terrace properties. The harmful visual impact of this is only exacerbated by the proposed extension being set flush with the front elevation of the dwelling, its flat roof design and the front elevation facing onto Gainsborough Drive including no openings or design features.
11. Overall, the proposed extension would therefore have a detrimental visual impact upon the host property, the street scene and the character and appearance of the area in general.
12. My attention has been drawn to a number of historic garage courts elsewhere in the wider area, which also occupy corner plots. Having observed these during my site visit I note that these garage blocks were all detached and therefore separated from any adjacent dwellings, and were not enclosed by any boundary treatment. Therefore these existing garage courts retained an element of the open aspect which is a defining characteristic of the corner plots in this area. Furthermore, these garage blocks contained traditional swinging garage doors in the elevations facing the street and I consider these openings to be significantly less oppressive than the large garage doors proposed within the side elevation of the appeal scheme. In view of all the above, the visual impact these existing garage courts have on the street scene is significantly different to, and therefore not directly comparable with, the proposed extension.

13. The appellant has also referred to the property at 79 Gainsborough Drive (No. 79), which has a garage situated on land to the side of the dwelling. The appellant asserts this garage is in residential use. I have not been provided with any details of the planning history of this garage and the Council's submission state that this development may be unlawful. Nevertheless, each application is judged on its own merits, and I observed that the existing garage to the side of No. 79 is not attached to the dwelling and therefore is not directly comparable to the appeal proposal which seeks consent for a side extension to the dwelling. Consequently, I attribute limited weight to the development at No.79 in my determination of this appeal.
14. The appeal scheme also includes the proposed addition of permeable paving on land situated to the side of the dwelling at No.1, to replace a section of existing grass. I observed on my site visit that areas of grass and greenery on corner plots, or at road junctions, are a common and defining characteristic of the wider area, providing visual relief from the surrounding built form. These areas of greenery therefore act as an attractive landscape buffer between the dwellings and the back of the highway and make a positive contribution to the street scene.
15. As mentioned earlier, the appeal site is situated in a prominent location, occupying one of the corners on a four-way junction. At present these four corners are all grassed and collectively contribute to the character of the area. The section of grassland at the appeal site however is currently enclosed by a concrete post and timber panel fence, resulting in views of this area being somewhat obscured from the street, except when standing close to this boundary fence.
16. The appeal submissions explain that as part of the proposal the existing fence would be reduced to 1m in height so as to adhere to permitted development rights. There is no dispute between the parties that subject to this reduction in height the fence can be retained, and the land remain enclosed. I have no reason to conclude any differently.
17. However, even though it would remain enclosed, when this fence is lowered more of the existing greenery on the appeal site would become visible from the street, over this fence. The proposed removal of the existing grass, to be replaced by permeable paving, would therefore be noticeable on the street and result in the erosion of a defining characteristic of this area. The proposed permeable surfacing would appear visually at odds in comparison to the greenery found on the other corners at this four-way junction, as well as other corner locations within the wider area, to the visual detriment of the area.
18. The appellant has stated that Part 1, Class F of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) (GPDO) makes provisions for operations on land that are not dissimilar to the appeal proposal, implying that the creation of an area of hardstanding could be carried out under permitted rights. The appellant contends that this fallback position is a material consideration.
19. In regard to the above, in order to benefit from permitted development rights under Schedule 2, Part 1, Class F<sup>2</sup> of the GPDO, the area of land in question must be located within the curtilage of a dwellinghouse. I have not been provided with any evidence that the land in question is currently residential curtilage and therefore at this time I have no evidence that this section of land currently benefits from this permitted development right. As such, on the evidence before

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<sup>2</sup> Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

me the appellant does not currently benefit from a fallback position to hard surface this area under the provisions of Schedule 2, Part 1, Class F of the GPDO, and I therefore attribute this matter no positive weight in my determination of this appeal.

20. In view of the above, I conclude that the proposed single storey side extension, and the hard surfacing of a section of grassland to the side of the dwelling, would be detrimentally harmful to the host property, the street scene and the character and appearance of the area in general. The appeal scheme is therefore contrary to the objectives of Places for Everyone Policies JP-G6 and JP-P1, and Policies DM1 and P3 of the adopted Rochdale Core Strategy 2016 which seek to ensure, amongst other things, that all development proposals are of a high-quality design and take the opportunity to enhance the quality of the area; respect and acknowledge the character and identity of the locality in terms of design; and that buildings contribute positively to the townscape and are well proportioned.
21. The proposal is also contrary to the Council's 'Guidelines and Standards for Residential Development' Supplementary Planning Document (2016) which seeks to assist in the process of ensuring high quality design for residential development, as well as conflicting with paragraph 139 of the Framework, which states that development that is not well designed should be refused.
22. I note the Council has also made reference to Places for Everyone Policies JP-S4 and JP-S6. These are technical policies relating to matters of flood risk, water management and resource efficiency. These policies do not specifically relate to character and appearance and are therefore not determinative in relation to this matter.

### **Conclusion**

23. The proposal conflicts with the development plan taken as a whole and material considerations do not indicate a decision otherwise than in accordance with the development plan. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*R Major*

INSPECTOR