



Appeal Decision

Site visit made on 25 November 2025

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/P4225/D/25/3374208

40 Penistone Avenue, Rochdale OL16 4AL

- 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 Tanveer Hussain against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 25/00676/HOUS.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 38 Penistone Avenue.

Reasons

3. The appeal property is a 2-storey semi-detached dwelling which already possesses a single storey rear addition. The proposed development includes the erection of a single storey extension which would be sited adjacent to the shared boundary with 38 Penistone Avenue. The appeal scheme would provide a downstairs bathroom claimed to be required to meet the personal circumstances of a family member. The evidence listed to have been submitted to the council as part of the appeal application has not been provided by the appellant as part of this appeal.
4. No objection has been raised by the council to the scale and design of the proposed extension and there are no reasons to disagree with this assessment. Other extensions within the surrounding area have been identified by the appellant but their detailed planning circumstances have not been provided. Accordingly, only limited weight is given to these other schemes.
5. By reason of the angled nature of the shared boundary, the flank wall of the existing addition angles away from the boundary. This provides some visual relief in the outlook from the ground floor window within the rear elevation of No. 38 which serves a habitable room. This visual relief helps reduce the perception of the addition being an overbearing form of development to the occupiers of No. 38. However, the side elevation of the proposed extension would be sited closer to the shared boundary.

6. The council's *Guidelines and Standards for Residential Development Supplementary Planning Document* (SPD) refers to the importance of single storey extensions not being overbearing and not have a length of more than 3 metres along the common boundary measured from the rear elevation of the adjoining dwelling. In this case, the existing and proposed flank walls would cumulatively be circa 5.9 metres thereby exceeding the SPD guidance.
7. In combination, the cumulative overall length of the proposed flank wall and its relationship to the shared boundary would result in an overbearing form of development for the occupiers on No. 38 in terms of their outlook from the habitable room window. Further, there would be an increase in the degree of overshadowing of the rear garden of No. 38 in the afternoon/evening period which adds to the unacceptable harm which has been identified. Although the current occupier of No. 38 has not raised an objection other people can be expected to live in this dwelling at a future date.
8. For the reasons given, the proposed development would cause unacceptable harm to the occupiers of 38 Penistone Avenue and, as such, it would conflict with Policy DM1 of the Rochdale Council Core Strategy which refers to development not adversely affecting the amenity of residents through overbearing impact. Policy JP-P1 Places for Everyone Joint Development Plan Document does not include a specific criterion relating to the living conditions of the occupiers of neighbouring properties.

Other Matters

9. In determining this appeal, due regard has been had to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who do and do not share a protected characteristic. From the limited available evidence and the personal circumstances identified, this appeal decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.
10. Careful consideration has been given to the reasons why the appellant has applied for planning permission to extend the property. However, only limited evidence is available to demonstrate how the proposed development would improve accessibility, is specific to the needs of the family member or could not be met by a less harmful scheme for the occupiers of No. 38. Therefore, having regard to this matter, limited weight in favour of the appeal scheme is given to the identified personal circumstances. This also includes matters related to the council not having to pay for future adaptations to the property and the appeal scheme securing social sustainability as identified by the appellant. Furthermore, the unacceptable harm to the living conditions of the occupiers of No. 38 is such that dismissal of the appeal is a necessary and proportionate response. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR