
Appeal Decision

Site visit made on 18 July 2025 by E Clifford BA (Hons) MA

Decision by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2025

Appeal Ref: APP/P4225/D/25/3367079

26 Chamber House Drive, Rochdale OL11 3LS

- 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 Ahmed Ali against the decision of Rochdale Metropolitan Borough Council.
 - The application ref is 25/00233/HOUS.
 - The development proposed is a two-storey rear extension and first floor side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council's delegated report has made it clear that the first-floor side extension is considered acceptable when having regard to the effect on the living conditions of the occupants of the neighbouring properties. I have no reason to disagree with this assessment, and so my recommendation will focus on the two-storey rear extension.

Main Issues

4. The main issues are:
 - a) the effect of the proposed rear extension on the living conditions of the occupiers of neighbouring properties, 24 and 28 Chamber House Road, having particular regard to outlook and daylight; and
 - b) if there is any harm under the first main issue, whether such harm is outweighed by the personal circumstances put forward by the appellant.

Reasons for the Recommendation

5. The appeal site is occupied by a two-storey, detached property located on a residential road. It has been constructed as part of an estate, and the surrounding properties share a similar colour and design palette, namely red brick with tiled roofs. The dwelling is set back from the road with a low hedge and shrubbery to the front, and the verdant nature of the open green space to the rear of these properties is followed through with the landscaping of the estate.

6. The properties either side of the appeal site are also detached dwellings of a broadly comparable massing. They are positioned close together, separated by side passages serving the modest rear gardens. This row of dwellings enjoys views across the open space to the rear of the gardens, allowing a very spacious feel to be experienced when within the rear gardens.

Living Conditions

7. The scale and height of the proposed rear extension when considered in relation to the size of the rear gardens of both the appeal site and the neighbouring properties, would be overbearing to the occupiers of 24 and 28 Chamber House Road. The large, blank, two-storey elevations would be imposing and create an unacceptable sense of enclosure when experienced from neighbouring gardens and rear-facing habitable rooms resulting in a loss of outlook to the occupiers of these neighbouring properties.
8. The sense of enclosure is likely to be exacerbated when considering the natural path of the sun, as the extended bulk of the appeal dwelling would cause a significant increase in overshadowing to the rear of the neighbouring properties. Having particular regard to no. 28, its orientation in relation to the appeal site would mean there would be a significant loss of sunlight, and consequently an increase in overshadowing, during the late afternoon and evenings. The cumulative impact of the loss of sunlight and the loss of outlook as a result of the proposed development would result in unacceptable harm to the living conditions of the occupants of the neighbouring properties.
9. Paragraph 5.9 of the Guidelines and Standards for Residential Development SPD 2016 states that planning permission will not normally be granted for two-storey extensions that project beyond a 30-degree line drawn from a point 2.4m along the common boundary from the rear elevation of the adjacent dwelling. The proposed development would extend 4m from the host dwelling, thereby exceeding the 30-degree line by 1.2m and 1.3m respectively to 24 and 28 Chamber House Drive.
10. The appellant has drawn my attention to comparable extensions to that which is proposed on the appeal site in the surrounding area, namely nos. 30, 35 and 41 Chamber House Drive. It is my understanding that those extensions at nos. 35 and 41 pre-date the current SPD. I also do not have the benefit of details for these extensions and so am unable to consider these any further.
11. However, in the case of no. 30 Chamber House Drive, permission was granted in 2022 for a two-storey rear extension and in doing so, the guidance in the SPD has been interpreted in a different manner than in the refusal of this application. This difference relates to the 30-degree guideline for rear extensions. I have considered the proposed development against both of the interpretations and concur with the council that it does not comply with either of the interpretations of the 30-degree guidance. I therefore remain of the opinion that the proposed development would have a harmful effect on the living conditions of the occupants of the neighbouring properties.
12. In conclusion, I find that the proposal would have a harmful effect on the living conditions of the occupants of the neighbouring properties, nos. 24 and 28 Chamber House Road, having particular regard to outlook and daylight. The proposal would therefore conflict with Policy DM1 of the Rochdale Core Strategy (2016) and Policy JP-P1 of the Places for Everyone Joint Development Plan

(2024). These policies holistically seek to protect the living conditions of occupants and to ensure that any development does not negatively impact these living conditions through overshadowing, overbearing impact, or visual intrusion, amongst other concerns. It would further fail to comply with the Rochdale Guidelines and Standards for Residential Development SPD (2016) as outlined above and the National Planning Policy Framework.

Personal Circumstances

13. Paragraph 12 of the Framework confirms, amongst other things, that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
14. I have given due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to the provisions of the Human Rights Act 1998.
15. In this regard, I am aware that the appellant has a dependant with disabilities. The appellant has indicated that the proposed development would allow the family to care for this dependant with care and dignity. I have no reason to doubt that this would be the case and that, in this regard, the proposal has the potential to be beneficial to the dependants and family's quality of life. This is a personal circumstance to which I afford weight in favour of the appeal.
16. However, I have not been provided with any evidence to suggest that this proposal is the only way of achieving this goal and that a suitable scheme could not be devised which provides the desired outcome, but which is more sympathetic to the living conditions of the occupants of the neighbouring properties. In weighing the personal circumstances in the balance, this has to be considered against the unacceptable effect that the development would have on their living conditions. Balancing these effects with the appellant's need for the development, I am satisfied that dismissing the appeal would be a proportionate response in this case.

Conclusion and Recommendation

17. For the reasons given above the appeal should be dismissed.

E Clifford

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

E Grierson

INSPECTOR