



Appeal Decision

Site visit made on 19 August 2025

by **K Mansell BA (Hons) MPhil TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/P4225/D/25/3368601

41 Hazelhurst Drive, Middleton, Rochdale M24 6TL

- 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 Ms Muriam Zubair against the decision of Rochdale Borough Council.
 - The application Ref is 25/00063/HOUS.
 - The development proposed is part two-storey, part single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the neighbouring occupiers at 43 Hazelhurst Road, with particular regard to outlook.

Reasons

3. The appeal property at 41 Hazelhurst Drive is a relatively modern two-storey detached house situated within an established residential estate. It occupies a broadly triangular plot, with a back garden that tapers markedly towards the rear boundary. There is an existing single storey conservatory to the rear of the dwelling. This would be removed to facilitate the appeal scheme, comprising a part-single, part two-storey rear extension.
4. The neighbouring property at No 43 is a detached dwelling also sited on a reasonably triangular plot. It has a rear conservatory set away from the shared boundary with No 41, with a door opening onto a patio area adjacent to the appeal site. As a result of the angled boundary line and the extent of the appeal scheme across the full width of No 41, the rear corner of the proposed extension at ground floor level would extend almost directly up to this shared fence, with the first floor also being reasonably close. The scale of the extension and its limited separation from the boundary would consequently result in a pronounced sense of enclosure and an overbearing impact when viewed from the neighbouring patio. As it would be sited to the south of No 43, the appeal scheme would also lead to some overshadowing of this outdoor space due to the path of the sun.
5. On my site visit, I also saw two rear-facing ground floor windows to No 43. The one nearest to the appeal site was obscure glazed with the other, along with the closest first-floor rear window, appearing to serve habitable rooms. Whilst the orientation of these windows is slightly offset from the appeal property due to the triangular layout of the plots, they nonetheless broadly face towards No 41 and its garden. It has

been put to me that at least the first-floor element of the appeal scheme would not breach the 45° rule in relation to No 43. However, there is no substantive evidence before me, such as a supporting diagram, to demonstrate this. From my observations on site, the width of the extension, combined with its depth at ground and first-floor, and its close proximity to the tapering boundary, would result in a visually dominant form of development. It would consequently harm the outlook from the habitable rooms within this neighbouring property, which would not be offset by the extension's conformity with the architectural style of the host dwelling.

6. I therefore find that the appeal proposal would unacceptably harm the living conditions of the occupiers of 43 Hazelhurst Drive with regard to outlook. As such, it conflicts with Policy DM1 of the Rochdale Adopted Core Strategy (2016). This requires, amongst other matters, that new development should not adversely affect the amenity of residents. It would also conflict with the Council's Guidelines and Standards for Residential Development Supplementary Planning Document (2016), which includes general advice that extensions should be carefully designed to protect the living conditions of neighbouring occupiers. It would further fail to accord with the National Planning Policy Framework (the Framework) in terms of securing a high standard of amenity for existing and future occupiers.

Other Matters

7. I have been made aware of the appellant family's need for further living accommodation. The extension would provide additional bedrooms to facilitate caring support for a family member. Whilst I have sympathy for the appellant's household in this regard, personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent. I also acknowledge that the appeal scheme received support from the neighbouring occupier. However, the Framework requires that a good standard of living conditions be afforded to all occupants, not just those already in place. Accordingly, this is not a matter that would affect the harm that I have identified above, and it does not alter my findings as a result.
8. My attention has also been drawn to the existence of a fallback for the single storey rear extension, having regard to Class A, Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In this case, however, the single storey element would form an integral part of the wider appeal proposal and my assessment is confined to the appeal scheme before me. It does not extend to considering alternative methods for achieving additional accommodation, nor is it within the scope of this appeal to consider whether or not an alternative layout would be impractical. I attach limited weight to it as a result.

Conclusion

9. For the reasons given above, the proposal conflicts with the development plan and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

K. Mansell

INSPECTOR