

Appeal Decision

Site visit made on 6 August 2024

by L Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/P4225/W/24/3342849

Land adj to 70 Kirkway, Middleton M24 1EL

- 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 Phil Henstock against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 23/00875/FUL.
 - The development proposed is Construction of 2 no. 3 bedroom detached dormer bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site differed on the application and appeal forms. The appellant has clarified that the correct address is land adjacent to 70 Kirkway. I have therefore used this address in the banner heading above.
3. The Council have confirmed that in light of comments received from The Coal Authority following the submission by the appellant of a revised Coal Mining Report, they no longer wish to defend the third reason for refusal in the decision notice relating to information regarding the risks posed by recorded mine entry. I therefore do not address this matter in the reasoning below.

Main Issues

4. The main issues are the effects of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the future occupiers of Plot 2 with regards to outdoor amenity space.

Reasons

Character and appearance

5. The appeal site is located within a Defined Urban Area on a vacant area of land in a predominantly residential area between 68 Kirkway (No 68) a semi-detached bungalow and 70 Kirkway, a semi-detached dormer bungalow. Mature trees and foliage make up part of the appeal site. Opposite the site

lies a primary school and attached school field. An informal pathway runs behind the bungalows and adjacent to the appeal site to a recreational space, Farmway Park.

6. The proposed development is for the erection of two 3-bedroomed detached dormer bungalows. The proposed dwellings would have no front garden but would have parking spaces to the front. Plot 1 would have a rear and side garden, and Plot 2 would have a rear garden.
7. The surrounding properties in the immediate vicinity of the appeal site comprise semi-detached bungalows, some of which have dormers. The neighbouring properties follow a linear pattern of development and have a distinct building line, being set back from the pavement behind front gardens and driveways. This gives a harmonious impression of cohesiveness and uniformity which contributes positively to the street scene.
8. Whilst the proposed dwelling at Plot 1 would have a side garden, both proposed dwellings would have uncharacteristically small rear gardens and would be set back in the plot behind the established building line. Whilst the proposed dwellings would not appear as over dominant or visually intrusive due to this set back, they would have an awkward relationship with surrounding properties. The small rear gardens and the untypical positioning of the proposed dwellings towards the rear of the plot would make them appear cramped and at variance with the general sense of spaciousness. The proposed dwellings would therefore interrupt and unbalance the layout and rhythm of development to the detriment of the character and appearance of the area.
9. A number of properties have converted their front gardens to hard landscaping to allow for parking, although most of these properties have kept some element of soft frontage landscaping. This, along with the properties that have retained front gardens, ensures that hard landscaping does not dominate the street scene. By contrast, the design and layout of the proposed scheme with parking at the front would not allow for soft landscaping to any extent at the front of the properties. While a condition could be used to secure landscaping, due to the limited space at the front of the proposed dwellings, it is unlikely that there would be adequate space for such provision to any mitigating degree. This, along with the proposed angled parking spaces for Plot 1, would again be uncharacteristic of the surrounding built form.
10. My attention has been drawn to an approved planning permission¹ and an appeal decision² for individual new dwellings on Heywood Old Road, which I went to view after visiting the appeal site. I am mindful that consistency in the planning process is important and like cases should be decided in a like manner. Whilst it is inevitable for comparisons to be made, each proposal will have its own site-specific circumstances and merits upon which it is considered, and a specific relationship with the street scene and surrounding properties. I do not consider that the developments are directly comparable, as they appeared to be on larger plots with more garden space, in an area

¹ 22/00696/FUL – 188 Heywood Old Road

² APP/P4225/W/21/3281210 – 190 Heywood Old Road

with a different character and appearance to the appeal proposal and with a different relationship with their neighbouring properties than the proposed dwellings. In any case, I have determined this appeal on its individual planning merits. The examples of other new dwellings approved in the locality do not therefore lead me to find that the proposal would be acceptable.

11. I acknowledge that there are no concerns regarding the dormers or materials of the proposed dwellings. However, due to the proposed siting and layout I conclude that the proposal would harm the character and appearance of the area. As such, it would not conform with Policies P1, P2, P3 and DM1 of the Rochdale Adopted Core Strategy (2016) (CS) which together, amongst other matters, seek to ensure that development is of high-quality design, conserves and enhances the townscape character and respects context having regard to the layout of surrounding buildings. Additionally, it would conflict with the National Planning Policy Framework (the Framework) which highlights that development should be sympathetic to local character.

Living conditions

12. Neither of the proposed dwellings would have a front garden but would have parking provision to their frontages. Plot 1 would have a small rear garden, but would have a more spacious garden to its side. Plot 2, however, would not have the benefit of a side garden, and the rear garden would be small. The evidence before me indicates that the rear garden of Plot 2 would be approximately 8.4m wide and 5m long.
13. Rear gardens of neighbouring properties are generally more generous than the rear gardens proposed. No 68 is somewhat unusual in having a small back garden, but it has the benefit of a front garden providing amenity space.
14. I have not been provided with any standards for outdoor amenity space. Whilst I acknowledge that standards may differ between higher density urban locations and more suburban or rural areas, I consider that the rear garden of Plot 2 would not be of an appropriate size or sufficiently proportionate for a three-bedroomed dwelling. It is possible that the proposed dwelling could be occupied by a family, and in my view the garden would be of an insufficient usable size to comfortably allow for typical rear garden uses such as outdoor storage, dining outside, hanging washing or playing.
15. As such, I conclude that the proposal would not provide adequate living conditions for the future occupiers of Plot 2 with regard to outdoor amenity space. The proposal would therefore conflict with Policies P1, P3 and DM1 of the CS which seek to ensure high standards of design, and the Framework which seeks to ensure that developments provide a high standard of amenity for future and existing users. The Council referenced Policy P2 in its reason for refusal. However, this policy is not directly relevant to this matter and therefore I have not concluded against it.

Other Matters

16. I have noted the concerns raised by interested parties. However, as I have found the proposal to be unacceptable on the main issues, it is not necessary for me to explore these matters further.

Planning Balance

17. The appeal site is located within a residential area and there is no objection in principle to the proposed development. Utilities and services would be available to serve the proposed dwellings. Furthermore, the proposed development would be in a sustainable location and services and facilities would be accessible by bicycle, on foot or by public transport.
18. The appellant has outlined that the proposal would be making effective use of land and would boost and widen the supply of homes to help address the housing shortage in line with the Framework.
19. I acknowledge the contribution that 2 new dwellings in a sustainable location would make to the local housing stock, as well as the social, environmental and economic benefits from the construction of the new dwellings in terms of additional expenditure in the local economy, the creation of construction jobs, and the safeguarding of the countryside.
20. Whilst I attribute these benefits modest weight in the overall planning balance, they do not outweigh the harm to the character and appearance of the area, contrary to the Development Plan and the Framework.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
22. For the reasons given above the appeal is dismissed.

L C Hughes

INSPECTOR