



Appeal Decision

Site visit made on 26 September 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 18.10.2023

Appeal Ref: APP/P4225/W/23/3316839

38 Durnford Street, Middleton, Rochdale M24 5UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Yossi Brandies, Brand Estates Ltd against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/01251/FUL, dated 23 September 2022, was refused by notice dated 4 January 2023.
 - The development proposed is 2 bed annexe to existing 4 one bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the application form, removing the term 'Dental Surgery' as the building is no longer in use as such.
3. The appellant's name is spelt differently on the appeal form compared with the application form. I have used the spelling given on the application form.
4. The Council's second reason for refusal relates to the loss of trees in a Conservation Area without the required consent in place. The appellant has confirmed that trees have been removed from the site without consent, due to them being overgrown and potentially causing structural issues to adjacent built form. There were no trees visible on the appeal site at the time of my site visit.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the host building and the surrounding area including the Middleton Town Centre Conservation Area and the effect on trees.

Reasons

6. The appeal site comprises 38 Durnford Street, a semi-detached two storey building along with an undeveloped area adjacent to the side which has frontage onto Mirfield Drive. The undeveloped area is located to the rear of a single storey electricity substation building which fronts onto Durnford Street. The area is residential in character and No 38 has recently been converted to 4 flats. Traditional terraced and semi-detached dwellings create a dense pattern of development along Durnford Street. The uniform pattern of built form along with the consistent design of the dwellings provides a coherent appearance which contributes positively to the character and appearance of the area.

7. The character and appearance changes to a less dense layout along Mirfield Drive where two storey semi-detached dwellings, set back from the road frontage, with more spacious garden areas prevail. Directly adjacent to the rear of the appeal site are two detached bungalows set behind relatively deep front gardens. The pattern of development along Mirfield Drive provides for a more open and spacious character.
8. The appeal site, whilst adjacent to the boundary at the north-western corner, it is located within the Middleton Town Centre Conservation Area (CA). S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
9. I have little information about the significance of the CA, but from my own observations, it would appear to be derived from a diverse range of architectural styles with a collection of more historic buildings centred around St Leonard's Church. The appearance of built form around the appeal site, along Durnford Street, is consistent and unified with rows of simple two storey, mainly terraced houses which are representative of the early 20th century development of the town.
10. The proposal would result in single storey built form attached to the side of No 38 which would front onto Mirfield Drive. Whilst it would be subservient in height to the host building, due to the siting, it would alter the uniform layout of development provided by the semi-detached and terraced properties. The proposal would be located to the rear of the electricity sub-station building. However, given the positioning of the proposed built form and the height, the side elevation would still be visible through and above the railings that surround the area around the sub-station building when viewed from Durnford Street. This change to the pattern of built form would be incongruous and would result in a harmful effect on the character and appearance of the area and the significance of the CA.
11. The proposed front elevation would be situated in very close proximity to the back edge of the footpath. Despite the single storey height, it would be very prominent in the street scene of Mirfield Drive. The proposed siting would be at odds with the prevailing character along Mirfield Drive where dwellings are set back with front gardens providing a feeling of spaciousness.
12. The appellant asserts that a front boundary wall would be erected along the Mirfield Drive boundary along with soft landscaping and that this could be secured by condition. I note that there is significantly limited external space proposed as part of the scheme such that there would be very limited opportunities for the provision of any substantial soft landscaping such as trees. I am not satisfied that the provision of a boundary wall along with a soft landscaping scheme would overcome the harm that I have found.
13. As stated above, the appellant has confirmed that trees were removed from the appeal site without the relevant consent being in place. I have very limited evidence before me as to what trees were present on the site previously and what contribution they made to the character and appearance of the area or the significance of the CA. In any case, I am unable to deal with this matter through this appeal process and it is a matter for the Council if it wishes to look further into this alleged breach.

14. The harm I have identified to the CA would be less than substantial harm. Paragraph 202 of the National Planning Policy Framework (the Framework) states that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
15. The proposal would accord with the Framework's support for the wider objective to significantly boost the supply of housing and the efficient use of land. However, the provision of one new unit of accommodation would only make a small contribution to the housing supply. There would be associated economic benefits from the construction phase, albeit temporary. Future occupiers may also make a general economic contribution through spending in the local economy. However, given the scale of the development, the amount of expenditure is unlikely to be high. Therefore, I find that the public benefits would not, either individually or collectively, be sufficient to outweigh the harm to the significance of the CA that would result from the proposal.
16. I therefore conclude that the proposal would be harmful to the character and appearance of the area. It would not preserve or enhance the character or appearance of the Middleton Town Centre Conservation Area. The proposal therefore conflicts with Policies DM1, P2, P3, G6 and G7 of the Rochdale Adopted Core Strategy October 2016 (CS). These policies seek, amongst other things, to protect and enhance the borough's identity, character and quality of the area, to conserve and enhance heritage assets, to incorporate green infrastructure into new development and take opportunities to promote biodiversity.
17. The proposal would also be contrary to the requirements of sections 12 and 16 of the Framework which seek to ensure that developments are sympathetic to local character and history and that they conserve and enhance the historic environment.

Other Matters

18. The Council did not object to the proposal based on the location of the appeal site or the accessibility of services and facilities. Even if I were to agree, this would not outweigh the harm that I have identified above.
19. The appellant has confirmed that the site of the proposed built form is not included in the tenancy agreements for the occupiers of the 4 flats that make up No 38 and therefore it is not space that can be used by them. Nevertheless, this restriction on the use of the land currently, does not weigh in favour of the proposal.
20. The appellant asserts that the proposal would comply with other policy requirements relating to the living conditions of existing and future occupiers, drainage, flood risk and highways. Compliance with these other requirements is a neutral consideration and weighs neither for nor against the proposal.
21. A number of interested party comments were made during the processing of the planning application, a limited number of which were in support of the proposal. Based on my observations and the evidence before me, I have reached a different view on the impact of the development on the character and appearance of the area.

Conclusion

22. The proposal conflicts with the development plan taken as a whole and with the Framework. There are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, having regard to all other matters raised, I conclude that the appeal is dismissed.

G Dring

INSPECTOR