

Appeal Decision

Site visit made on 10 September 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2024

Appeal Ref: APP/P4225/W/24/3341458
20 Mellalieu Street, Middleton M24 5DN

- 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 Neil Allen against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 23/01296/FUL.
 - The development proposed is the conversion of the existing basement to provide an additional self-contained dwelling within an existing apartment building.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Neil Allen against Rochdale Metropolitan Borough Council. This application will be the subject of a separate decision.

Preliminary Matters

3. The Places for Everyone Joint Development Plan Document ("PfE")¹ was adopted in March 2024. Accordingly, the Council has advised that Policy JP-P1 of the PfE is also applicable to the appeal. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision, therefore I have dealt with the appeal on this basis. Both parties have commented upon the PfE and have therefore not been prejudiced.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of future occupiers, with particular reference to light and outlook.

Reasons

5. The appeal site comprises a mid-terrace property that has been subdivided into self-contained flats, except for the basement which is said to be used for storage purposes. The basement has two main rooms accessed from a

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022-2039

central corridor. Each room has a window facing towards Mellalieu Street that is predominantly below the level of the front garden and enclosed by a lightwell. It is proposed to convert the basement into an additional one-bedroom flat with a separate kitchen/living/dining room.

6. The basement windows face south. However, at the time of my site visit, the rooms were dark and gloomy, even with the lights on and the outlook from each window was severely restricted. Alterations are proposed to lower the cill of the existing windows, to increase the depth of the lightwells, and lower the height of the front garden.
7. I do not have a Daylight and Sunlight Assessment before me to determine whether the proposed alterations would be sufficient to improve light levels to an acceptable degree. Furthermore, "Proposed Section A-A" indicates that outlook from the kitchen/living/dining room window would be impeded by the front boundary wall.
8. Outlook is likely to be more restricted from the bedroom window due to the retention of a raised slab that infills the area immediately in front of the window. In the absence of a cross section of the bedroom window, I am unable to determine whether the proposed alterations would result in an acceptable outlook from this window.
9. The front gardens are used to store bins that would adversely affect the light and outlook from the proposed flat. The appellant asserts that the relocation of the bin storage area to the rear of the building would be maintained "*as ongoing management of the building*". No further information has been provided regarding the management of the bins and therefore, I am unable to determine whether it would be effective. Furthermore, it is unclear how the front gardens would be maintained free of weeds, or how the planting of new vegetation in the gardens could be prevented.
10. Reference is made to the proposal complying with a "*1/20th of floor area rule for windows*". The Council state that this is a Building Regulation ventilation standard, which has not been disputed by the appellant. Accordingly, it is not applicable to the assessment of outlook and light.
11. In reference to the main issue, insufficient information has been provided to determine that the proposal would not harm the living conditions of future occupiers, with particular reference to light and outlook. Therefore, it would conflict with Policy JP-P1 of the PFE and Policy DM1 of the Rochdale Adopted Core Strategy adopted 2016 which, amongst other things seek to ensure that development proposals do not adversely affect the amenity of future residents.
12. It would also conflict with the Council's Guidelines & Standards for Residential Development Supplementary Planning Document, adopted 2016 which seeks to secure a good standard of amenity for future occupants when considering applications for the change of use of part of a building to residential use. It would also conflict with the National Planning Policy Framework that seeks to achieve well-designed and beautiful places.

Other Matters

13. The proposal would meet the Government's aim of significantly boosting the supply of homes. However, it is for one unit and therefore it would make a limited contribution. The proposal would utilise an existing basement and would increase the density of new homes within the existing building and surrounding area. However, this should not be at the expense of harm to the living conditions of future occupiers. The proposal would create an additional one-bedroom flat. However, from the information before me it is unclear whether it would meet a local need or add to the mix of housing in the surrounding area.
14. The appellant has directed me to the Council's acceptance that the proposal would comply with the Government's "Technical housing standards – nationally described space standard"². However, I have concern that the proposal has been evaluated as a one person dwelling when the bedroom clearly indicates that it can accommodate a double bed. Even if the proposal complied with the Technical Housing Standards, this would not outweigh the harm I have found in respect of its impact on the living conditions of future occupiers with reference to light and outlook.
15. I acknowledge that no third party comments were received. However, the proposal must be determined against the development plan, whereby I have found harm to the living conditions of future occupiers.
16. The appeal site is within the Middleton Town Centre Conservation Area ("the CA"). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA. The CA encompasses large open spaces as well as various residential and commercial properties, some of which were designed by Edgar Wood and date from the 1900s. The CA retains a clear Medieval footprint, and the open spaces have historical links to the pre-industrial Middleton township. Consequently, the significance of the CA derives from its historic and aesthetic values.
17. The proposal would result in minor alterations to the exterior appearance of the building that would not be highly discernible from the street. The properties that form the terrace differ in their character, appearance and detailing and therefore, the alterations would not affect the uniformity of the terrace. Consequently, the proposal would not harm the character, appearance or significance of the CA.

Conclusion

18. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR

² Technical housing standards – nationally described space standard, published 27 March 2015