The Planning Inspectorate

Appeal Decision

Site visit made on 5 May 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/P4225/D/21/3268593
35 Walsingham Avenue, Middleton, Manchester M24 1SR

- 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 Thomas Sefa-Sarpong against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 20/01271/HOUS, dated 13 October 2020, was refused by notice dated 14 December 2020.
- The development proposed is a first floor side extension.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal on the living conditions of occupiers at Nos 37 Walsingham Avenue and 2 Brackley Drive, with particular regard to privacy, outlook and light.

Reasons for the Recommendation

4. The appeal property is a two-storey detached dwelling which occupies a corner plot. It has an existing ground floor side extension, above which the proposed extension would be sited.

5. The proposal includes a transparent first floor window on the side elevation, which would serve a habitable room. Due to the projection of the extension and its elevated position, this window would be within very close proximity to the shared boundary with No 37 Walsingham Avenue and would provide opportunities for the occupiers of the host dwelling to directly overlook its private rear garden, thus resulting in an invasive loss of privacy for its occupiers.

6. Paragraph 4.1 of the Guidelines and Standards for Residential Development SPD (June 2016) (the SPD) sets out the minimum space standards which seek to ensure that developments avoid causing a significant loss of privacy and/or light for occupiers of new neighbouring dwellings and existing dwellings. Whilst the appellant questions the necessity of paragraph 4.1 (ii) in this case, it is clear that the proposal would nonetheless fall considerably short of the recommended distance between a principal window at an upper floor level and

a directly facing boundary of the curtilage, thus resulting in the harm I have identified above.

7. The rear elevation of the appeal dwelling already projects beyond No 2 due to their staggered relationship. Therefore, whilst both properties are set off the shared boundary, due to its overall scale, massing and projection, this proposal would result in a two-storey elevation of a substantial length close to the shared boundary that would create an uninviting outlook and overbearing sense of enclosure for occupiers of No 2.

8. I have not been provided with any substantive detail regarding the effect that the offset between the properties would have on the extent of the breach with the 30 degree line recommendation of paragraph 5.9 of the SPD. Nevertheless, the purpose of this guidance is to prevent potential oppressiveness of a two-storey wall close to a common boundary and, taking into consideration the context of the site, its relationship with No 2 and its design, I have found that the proposal would be an oppressive addition for the reasons above.

9. There is an existing degree of overshadowing to the rear windows and garden of No 2, given its orientation and relationship with the appeal dwelling and No 37. Whilst the proposal would introduce further built form, the additional degree of overshadowing to No 2 would be marginal and only for a limited time during the day and in certain months throughout the year. As such, this proposal would not significantly reduce the amount of sunlight reaching No 2 and would therefore not result in substantial overshadowing above the existing relationship.

10. Consequently, due to its scale and siting, this proposal would harm the living conditions of occupiers at Nos 37 Walsingham Avenue and 2 Brackley Drive, with particular regard to privacy and outlook. It would therefore conflict with Policy DM1 of the Rochdale Adopted Core Strategy (October 2016) and the SPD which collectively seek to ensure that developments do not adversely affect the amenity of residents through visual intrusion, overbearing impact or loss of privacy. The absence of objections from nearby occupiers is a neutral matter and does not alter the conclusion that I have reached.

Conclusion and Recommendation

11. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I recommend that the appeal should be dismissed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be dismissed.

R C Kirby

INSPECTOR