The Planning Inspectorate

Appeal Decision

Site visit made on 10 September 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2019

Appeal Ref: APP/P4225/W/19/3232874
13 Sedgley Close, Middleton M24 2SP

- 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 Miss Julie Leahiff against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 18/01352/FUL, dated 29 November 2018, was refused by notice dated 5 March 2019.
- The development proposed is erection of 3 no. bedroom single storey bungalow with raised decking to rear together with demolition of existing detached garage and erection of double garage (one to be used by existing dwelling) on shared driveway.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the development description from the Council's decision notice as it more accurately reflects the development proposed.

Main Issues

3. The main issues are the effect of the proposed development on the:

   - character and appearance of the surrounding area;
   - living conditions of Nos. 131-139 Grimshaw Lane and No.13 Sedgley Close with particular reference to overlooking, privacy, outlook and enclosure; and
   - living conditions of the future occupiers with particular reference to overlooking, privacy, noise and disturbance and outlook.

Reasons

Character and appearance

4. The site is located on Sedgley Close, a residential cul-de-sac, characterised by semi-detached bungalows. The site forms part of the garden to No. 13, a detached bungalow at the end of the cul-de-sac. The site is surrounded by residential properties, with No. 15 to the north and Nos. 131-139 Grimshaw Lane to the south. The site is bounded to the north by a public footpath which

connects to Grimshaw Lane and Sandy Lane. Sedgley Close is set higher than the surrounding roads, therefore, there is a steep level change to Grimshaw Lane. Whilst there is some variation to the properties within the close there is a symmetry and rhythm to the existing properties which is readily apparent when travelling along the close.

5. The proposal seeks to build a detached single storey 3-bedroom bungalow and demolish the existing garage to No.13. This would be replaced with a twin garage and a shared driveway with the new dwelling. Whilst the proposal is a bungalow which seeks to use materials to match the existing properties in the area, the location and positioning of the proposed dwelling would not match the existing pattern of development along Sedgley Close. The proposed dwelling would have a larger footprint than the existing dwelling at No. 13 and would be of a different design to the existing properties on the road. The nature of the site would mean that the front elevation would not directly front on to the road as the other properties do. It would appear as an incongruous addition to the street scene and although localised in its extent would harm the existing character and appearance of the area.

6. I note the appellant highlights that the other properties on Sedgley Close are 2- and 3-bedroom bungalows, therefore, the proposed dwelling would be consistent with the existing developments on the road. Whilst the proposed property does have a similar number of bedrooms, the context of the site is different, and the proposal has a design and footprint which is different to the existing properties.

7. Consequently, the proposed development would be contrary to Policies DM1 and P3 of the Rochdale Core Strategy (RCS), adopted October 2016. These policies, amongst other things, seek to ensure that new development is of high quality and respects the context of the local area.

Living conditions of Nos. 131-139 Grimshaw Lane and No. 13 Sedgley Close

8. The positioning of the proposed development would be in close proximity to the boundaries of the adjacent properties on Grimshaw Lane, which are all effected by varying degrees. I note that in the Council's reason for refusal they only mention Nos. 131-137, although their report also mentioned No. 139. Having considered the proposal, I find that No. 139 would also be effected by the development due to the positioning of the proposed garages. The proposed garages would be positioned approximately 4 metres from the windows of No. 139 and in close proximity of their rear garden. They would be located in an area where there is currently no development. Thus, it would have an overbearing impact on No. 139 giving a sense of enclosure and result in a loss of outlook.

9. For No. 137 there would be an approximate 4 metres separation distance to the rear boundary fence of that property, and a separation distance of approximately 9.5 metres between facing habitable room windows, albeit at a slightly oblique angle. The separation distances are below the minimum separation distances recommended by the Guidelines and Standards for Residential Development Supplementary Planning Document (GSRDSPD), adopted June 2016. The proposal would also have a raised height over this property and would harm the privacy of the occupants due to overlooking.

10. There would also be a loss of privacy and an overbearing impact on Nos. 131-135. No. 135 would also not have an acceptable separation distance. However, the design of the proposed dwelling would mean the occupiers of Nos. 131-133 would be overlooked from the rear of the proposed property, particularly from the outdoor decking area of the proposed development.

11. I note the appellant has stated that as the area of land is lower than that of other properties on the street, the overlooking onto the properties of Grimshaw Lane, would be less than what is currently experienced from the existing properties on Sedgley Close. However, the proposal is located much closer to the properties on Grimshaw Lane than the existing properties and would have a more pronounced effect.

12. Turning to the effect of the proposed development on No. 13, although there are windows looking on to the shared driveway, I do not consider that this would be harmful to the privacy of the occupiers. There are no side windows on No. 13 therefore the windows from the proposed development would not be looking into the property. This however does not justify the harm I have found above.

13. Consequently, the proposed development would be contrary to Policy DM1 of the RCS 2016 and the guidance within the GSRDSPD 2016. This policy and guidance, amongst other things, seek to ensure that new development does not adversely affect the living conditions of residents.

Living conditions of future occupiers

14. In terms of the living conditions for future occupants, due to the positioning of the bedroom and kitchen windows towards No. 13, they would face directly on to the shared driveway and therefore would cause a lack of privacy. Further the position of the outdoor space and rear windows of the property would be impacted by the first-floor windows of Nos. 131-137 in terms of overlooking and privacy.

15. The scheme proposes a shared driveway between the proposed development and No.13. It has been raised that this would give rise to noise and disturbance. However, given the small number of vehicle movements which are likely to occur in this area, I do not consider the noise generated by this would be excessive enough to cause harm.

16. In terms of outlook, I consider that the majority of the site has an acceptable outlook. However, one of the bedrooms with a window which looks north, is located within approximately 1 metre of the boundary with the footpath, which is currently bordered by a high hedge. Due to the short distance this would give a poor outlook and give a sense of enclosure for the future occupants.

17. Consequently, the proposed development would be contrary to Policy DM1 of the RCS 2016 and the guidance within the GSRDSPD 2016. This policy and guidance, amongst other things, seek to ensure that new development does not adversely affect the living conditions of residents.

Other Matters

18. The appellant has suggested that the proposed dwelling could be reduced in size to a 2-bedroom property. They also suggested that the property would be for their elderly parent. However, I must assess the proposal that is before me

and personal circumstances are rarely a determinative factor. I note that some of the harm to living conditions may be considered less harmful if there is a family member living in the proposed property. However, I must consider all future occupants of the properties and not just the current and proposed occupants. In any case, this does not outweigh the harm that I have identified above.

19. I note there were a number of concerns raised by surrounding neighbours including the impact on highways and parking. However, the Highways Engineer for the Council raised no objection in this regard and I agree with this.

20. Other issues such as impact of noise and disturbance during construction, devaluation of property, security issues due to removal of the hedge around No.13 and potential land movement were also raised. However, I have no substantive evidence before me, therefore I find no harm in this regard.

Conclusion

21. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR