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# Appeal Decision

Site visit made on 19 September 2023

**by N Bromley BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> October 2023**

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**Appeal Ref: APP/P4225/W/23/3320625**

**Hollies Barbers, 145 Jubilee Road, Rochdale, Middleton M24 2LY**

- 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 Holly Healey against the decision of Rochdale Metropolitan Borough Council.
  - The application Ref 22/01287/FUL, dated 29 September 2022, was refused by notice dated 24 February 2023.
  - The development proposed is first floor extension, dormer loft conversion to the rear and single storey extension to the rear. Front entrance amended. Ground floor to be used as current shop unit. First and second floor to be converted to 2-bedroom apartment.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appellant has submitted amended plans as part of the appeal, which seek to change the development from a two bedroom to a one-bedroom apartment. The appeals procedural guide<sup>1</sup> makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority (LPA), and on which interested people's views were sought. Having regard to the principles established in *Holborn Studios Ltd*<sup>2</sup>, and acknowledging the comments of the appellant, the changes, as shown on the amended plans, are fundamentally different to what was considered by the LPA when it made its decision. Therefore, in the interests of fairness, this appeal must be determined based on the plans on which the Council made its decision, and which have been subject to consultation. To do otherwise could unacceptably prejudice the interests of other parties.
3. Since the determination of the planning application, the Government published a revised National Planning Policy Framework (the Framework) in September 2023. Those parts of the Framework most relevant to this appeal have not been amended and I have taken the Framework into account.
4. I observed at my site visit that works had commenced and the apartment was occupied. However, it appeared that the constructed development does not fully reflect the plans that I have before me. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans and details.

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<sup>1</sup> Procedural Guide: Planning Appeals – England (2023)

<sup>2</sup> *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

## **Main Issues**

5. The main issues are:

- i. The effect of the proposed development on the character and appearance of the area;
- ii. whether the living conditions of future occupiers would be acceptable, with particular regard to the internal living space; and
- iii. the effect of the proposed development on the living conditions of the neighbouring occupiers of No 143A and No 147A Jubilee Road, with particular regard to privacy.

## **Reasons**

### *Character and appearance*

6. The appeal property is located within a row of commercial premises, with the exception of the neighbouring building, No 143A Jubilee Road, which is a small block of residential flats. The commercial premises have shop fronts at ground floor and residential accommodation at first floor, with flat roof dormer extensions within their rear roof spaces. The buildings front onto Jubilee Road, with the rear of the buildings containing servicing areas for the commercial premises and a small garden for the flats at No 143A. Beyond the rear boundary of the row of buildings is a private surfaced parking area, including a block of lock-up garages.
7. The proposed single storey rear extension would have a flat roof design and whilst large, due to its length and width, would have an acceptable form, height, and appearance within the context of the site and neighbouring extensions at the rear of the row of commercial buildings. Therefore, it would not be harmful to the visual amenity of the area. However, due to the large footprint it would extend up to each side boundary, as well as the rear boundary, which would result in there being no outdoor space for the property and no available space within the site for waste bins to be stored.
8. The likelihood will be that the waste bins for the apartment would be stored on the street frontage permanently because the proposed single storey extension would result in no outdoor space and there is no direct access to the rear of the building from the apartment. Likewise, the lack of outdoor space for the appeal site would result in there being no space for bin storage for the ground floor commercial unit, which would result in the likelihood of bins being permanently left on Jubilee Road or Dale Road, which would be harmful to the character and appearance of the area.
9. The first floor extension has been constructed and has a ridge height that follows that of the adjoining building. Therefore, it has an acceptable appearance from Jubilee Road due to the seamless ridge height and front building line. The dormer extension is located on the rear elevation and has a flat roof. It is constructed using facing red brick with grey cladding on its rear elevation.
10. The first floor rear dormer extension, whilst appearing cumbersome, due to its form and flat roof design, is of a modest size and is viewed in the context of the flat roof dormers on the rear elevation of neighbouring properties.

Therefore, whilst it can be viewed from Dale Road, it assimilates into the existing rear elevations of the row of buildings either side and into the context of the wider area. The dark grey cladding also reduces its visual significance and does not cause harm to the character and appearance of the area.

11. Nevertheless, overall, the proposed development would be harmful to the character and appearance of the area. It would conflict with design aims of Policies DM1 and P3 of the Rochdale Core Strategy 2016 (CS), where these require new development to achieve high standards of design that take the opportunity to enhance the quality of the area.
12. The proposed development would also be contrary to the principles set out in the Guidelines & Standards for Residential Development Supplementary Planning Document 2016 (SPD), which seek to ensure that residential properties should include space for bins to be stored out of public view, to avoid them dominating residential streets.

#### *Living conditions of future occupiers*

13. The Council has referred to the Nationally Described Space Standards (NDSS)<sup>3</sup> in the reason for refusal and the Delegated Report. The Planning Practice Guidance (PPG)<sup>4</sup> states that where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the NDSS. The NDSS therefore provides a basis to assess internal standards and the Framework advises that planning decisions should create places with a high standard of amenity for existing and future users.
14. The Council highlight that the internal floor area for the two-bedroom apartment is below the NDSS floorspace standards. They also set out that the second bedroom would also not meet the minimum bedroom size as advised in the NDSS. The accommodation provides a lounge/ kitchen at first floor and a main bedroom, second bedroom and bathroom at second floor. The first floor common areas provides an appropriate amount of space for circulation and socialising. Likewise, the main bedroom and bathroom also provide an appropriate amount of space for their use and purpose. However, the second bedroom is a cramped space and part of the room has a restricted height due to the roof slope. As such, the second bedroom would not provide suitable accommodation for its intended occupiers as part of a scheme for two-bedroom accommodation.
15. I conclude that the development fails to provide satisfactory living conditions for future occupiers with particular regard to internal space and it fails to accord with Policy DM1 of the CS, and the Framework's objectives, which seek to create places with a high standard of amenity.

#### *Living conditions of neighbouring occupiers*

16. The glazed door being directly above the flat roof, would potentially allow the occupiers of the apartment to use the flat roof as a balcony. The lack of outdoor space at the rear of the building increases this likelihood further.

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<sup>3</sup> Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (2015)

<sup>4</sup> PPG paragraph: 018 Reference ID:56-018-20150327

17. If the flat roof were used as a balcony, it would allow the occupiers of the apartment to sit, stand and linger for prolonged periods of time, with uninterrupted views towards the rear first floor windows of No 143A and No 147A and clear views into the rear garden of No 143A. However, the plans show a permanent balustrade on the outside of the first floor door, which would prevent access to the flat roof area. A condition to ensure that the balustrade is installed and retained permanently in accordance with the plans would meet paragraph 56 of the Framework and would prevent the use of the flat roof.
18. For these reasons, and subject to a suitably worded condition, I conclude that the proposed development would not detract from the living conditions of the occupiers of 143A and 147A Jubilee Road, in respect of privacy. As such, the proposed development would accord with Policy DM1 of the CS and the principles set out in the SPD, which together and amongst other things, seek to protect the amenity of neighbouring residents.

### **Other matters**

19. The appellant has set out that the purpose of the proposed single storey rear extension is to provide treatment rooms for the appellants existing business leading to the potential for increased employment opportunities and also removing a commercial use from the first and second floor. While I am unclear about the effect of removing the first floor commercial use to the local economy, the proposal would provide a small benefit to the existing business in a sustainable urban area.
20. The apartment also provides an additional dwelling at the site, which would contribute to boosting the supply of new housing, as referenced in the Framework. However, for 1 dwelling this would be a minor benefit.

### **Conclusion**

21. I am satisfied that the proposal would not be detrimental to the living conditions of neighbours, subject to conditions. However, for the reasons set out I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight to indicate that a decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

*N Bromley*

INSPECTOR