The Planning Inspectorate

Appeal Decision

Site visit made on 11 May 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/P4225/D/21/3272949
36 Norford Way, Bamford, Rochdale OL11 5QS

- 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 Khaser Ahmed against the decision of Rochdale Borough Council.
- The application Ref 20/01364/HOUS, dated 4 November 2020, was refused by notice dated 2 March 2021.
- The development proposed is part single, part double storey extension to front and rear of house. Revised submission of app 20/00348/HOUS with Juliet balconies added to rear bedrooms.

Decision

1. The appeal is allowed, and planning permission is granted for part single, part double storey extension to front and rear of house. Revised submission of app 20/00348/HOUS with Juliet balconies added to rear bedrooms at 36 Norford Way, Bamford, Rochdale OL11 5QS in accordance with the terms of the application, Ref 20/01364/HOUS, dated 4 November 2020 and subject to conditions in the attached schedule.

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.

Preliminary Matters

3. As stated in the proposal description, there is an extant planning permission[1] at the appeal site which differs from the appeal proposal only in addition of Juliet balconies in place of rear windows.

4. Work on the approved development has already begun and construction work was continuing at the time of my site visit. The external walls had largely been completed and construction appeared to be ongoing. I have based my assessment on what I witnessed on site and on the proposed plans which depict the proposal as it would appear when completed.

[1] Ref 20/00348/HOUS

Main Issues

5. The effect of the proposal upon the character and appearance of the street and living conditions of residents of Nos.34 and 38 Norford Way, with regards to overlooking, loss of privacy and overbearing impact.

Reasons for the Recommendation

Character and appearance

6. No. 36 is a large two-storey detached dwelling located towards the end of the cul-de-sac on Norford Way in Rochdale. It is set within a large plot and significantly set back from the road. It is also bounded by tall trees and mature vegetation.

7. The street scene is characterised by a mix of large detached two storey and single storey houses, which are equally set within generous plots and setback from the road. These houses are in a variety of designs and finish, and thus have a different appearance. There also is no distinctive building line, as properties are staggered along the street frontage, due to variety of shapes. The distinctive features of the street are the generous green grass lawns, shrubbery and tall well-manicured trees and mature hedges. This presents a soft landscaped appearance.

8. Given the variety already existing on the street, the proposal would not be visually harmful. It would be of a contemporary design which would be attractive and enhance the quality of the street. The proposed Juliet balconies to the rear would not be visible within the street scene and would not fundamentally alter the outward appearance of the proposal from that previously considered to be acceptable by the Council.

9. I find that the proposal would not result in harm to the character and appearance of the street. The proposal would accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy (October 2016) and the NPPF which seek amongst other things that development proposals, including changes of use of land and buildings, extensions and alterations are of high quality design and take the opportunity to enhance the quality of the area.

Living conditions

10. The appeal property is bounded by no.38 at the north, and no. 34 at the south. The road inclines slightly on a northward approach. As such, no. 34 which is a single-storey property is at a lower position than the appeal property.

11. Nevertheless, as previously mentioned, properties are set within generous plots and as such there is adequate separation distance between the properties. The Council also acknowledge that both the two-storey and single-storey rear extension elements of the proposal conform with projection limit guidance contained within Rochdale Borough Council's Guidelines & Standards for Residential Development SPD (Adopted June 2016) (the 'SPD'). There are also mature trees and hedges along the boundary with no. 38. Thus, the rear projections would not appear unduly overbearing when viewed from either the rear of no.34, or the ground floor level windows at no. 38.

12. Additionally, the addition of Juliet balconies would not afford any external sitting out opportunity. Occupants are unlikely to spend great lengths of time

stood at the window and views into the neighbouring garden are likely to be fleeting. Whilst there may be an increased perception of the rear garden at no.34 being overlooked as compared with windows, it would not be over and above reasonable overlooking which can be expected in a residential area.

13. I find that the proposal would not have an unacceptable effect upon the living conditions of residents of Nos. 34 and 38 Norford Way. The proposal would accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy (October 2016) and the NPPF in that regard. These seek amongst other things to ensure that development proposals, including changes of use of land and buildings, extensions and alterations do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

Conditions

14. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the National Planning Policy Framework and the Planning Practice Guidance. I have adjusted the suggested wording of the conditions to reflect this advice.

15. A condition is necessary requiring that the development is carried out in accordance with the approved plans for certainty. In the interests of the visual amenity, a condition is necessary to ensure that the external materials of the development match those detailed in the application. Also, to ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, a condition which requires submission of details of both hard and soft landscaping for approval by the Local Planning Authority is necessary.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed with the suggested conditions.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall allow the appeal subject to the recommended conditions.

Chris Preston

INSPECTOR

Schedule 1 – Conditions

1. The development hereby permitted shall begin not later than [3] years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed: Drg No. PL01 (Existing floor plans, elevations and roof/site plan) and Drg No. PL02 Rev B (Proposed floor plans, elevations and roof/site plan).

3. The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. PL02 Rev B.

4. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

   b)The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

   c)Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.