



Appeal Decision

Site visit made on 17 May 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th June 2024

Appeal Ref: APP/P4225/D/23/3336114

1 Fenwick Drive, Middleton, M24 4SN

- 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 Nicolai Saranut against the decision of Rochdale Borough Council.
 - The application Ref: 23/01109/HOUS dated 8 October 2023 was refused by notice dated 4 December 2023.
 - The application is for single storey side and rear extension and alteration to existing boundary wall facing from Lowther Crescent.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in December 2023. I have therefore determined this appeal in accordance with the revised provisions within the Framework.
3. The description above is taken from the Council's Decision Notice and differs from that used on the Appellant's original application form. However, I consider that the description of development as used by the Council more accurately reflects the nature of the scheme proposed. As such I have used the description used by the Council accordingly.
4. The Appellant has submitted revised plans as part of their statement of case showing modifications to the proposed scheme that they consider could go some way to alleviating the Council's concerns. However, I am unable to take into consideration such design modifications as part of this appeal procedure and as such I am required to determine the appeal based only upon the proposed plans as originally determined by the Council. Any other revisions would therefore need to form part of a new application so as to allow the Council to fully consider such alterations in accordance with their own processes.

Main Issues

5. The main issues are i) the effect of the proposal upon the character and appearance of the area, ii) the effect upon the living conditions of neighbours

and iii) the effect of the proposal upon the safe and efficient use of the highway.

Reasons

6. The appeal property is a modern semi detached house of red brick that occupies the corner of Lowther Crescent and Fenwick Close. Due to the topography of the area the appeal site is fairly prominent within the streetscene as it stands to higher ground and the rear gardens of both the appeal site and its neighbour slope to the rear as a result.
7. The house itself is of traditional design with some features which give interest, such as the protruding front hipped element and contrasting string course. The property also contains a driveway to the front and an area of grass garden running alongside the house around Lowther Crescent and demarked by a low brick wall with regular brick piers. The private rear garden is fenced off with a higher timber screen fence. To the rear also it is notable that the rear elevation of number 1 extends farther into the rear garden than that of its neighbour.
8. The proposal before me seeks to extend further into the rear garden so as to create a new, single storey extension whereby a larger kitchen dining area would be created along with other utility rooms and ground floor w/c. The extension would also continue to the side whereby it would create a single storey garage. The extensions would form something of a single storey mansard type roof whereby there would be both a pitched roof and flat roof elements.
9. Supplementary to this, the proposal would intend to create a modified boundary along the corner of the plot extending down Lowther Crescent. This would effectively extend the existing brick piers and infill the gaps with timber fencing. This would create a boundary treatment that ran to a height of around 2 metres, staggering down the sloping plot similar to how it currently does.
10. In assessing this appeal I am aware of the Council's policies which seek to ensure visually attractive design that is responsive to context that also protect the living conditions of neighbours. These policy objectives are echoed within the Council's Supplementary Planning Document on Residential Design and also echo those of The Framework itself.
11. The scheme before me would firstly introduce something of a much harder and higher boundary treatment upon this prominent corner. Although a wall currently exists, the existing grass verge enables the streetscene to feel more open and landscaped than it would through the enclosure proposed in this scheme. As such, although the design would be somewhat contextual, the effect it has of removing these important elements of ancillary landscaping and the relative harshness of the proposed enclosure upon this street would cause harm to the character and appearance of the area.
12. The proposed rear extension would build further along the common boundary with number 3 Fenwick Drive by around 2.7m. Due to the original design of the building that already contains a built form extending alongside the rear garden of number 3, the proposal would have the effect of creating a further extension of built form along this boundary that would be located to the southeast of its neighbour. As a result of this, the rear garden of number 3 would suffer a much

greater effect of overdominance and overshadowing than is currently does. This, in turn would cause harm to the living conditions of those at number 3 and would result in this proposal failing to meet the policy requirements of DM1 of the Rochdale Core Strategy.

13. With regards the possibility of a rear terrace, I consider that any such effect could be mitigated by the use of conditions pertaining to the height of such a structure. However, in any case, the other impacts upon amenity make this possibility largely mute.
14. With regards the effect of the proposal upon parking, I saw on my site visit that there are several areas of parking bays along Lowther Crescent and that much of the area contains unrestricted on street parking. The proposal would not interfere with the existing parking arrangement and it was clear to me that the area behind the existing fence is not currently used for such. As a result the arrangement would largely remain unchanged with the potential benefit of having a garage space should there ever be the need to use it for the storage of bins etc or a vehicle if this would fit. As such I see no conflict with Policy T2 and DM1 of the Core Strategy.
15. In light of my findings above the proposal would cause a visual detriment to the character and appearance of the streetscene through the built up enclosure as proposed and the loss of any greenery to this side of the appeal plot. Furthermore, the proposed extension would cause significant adverse impact upon the living conditions of those living at number 3 Fenwick Drive through both over dominance and overshadowing that I consider would be unacceptable. As such the proposal before me fails to address the Policy requirements of Policy DM1 of the Rochdale Core Strategy as well as the aspirations for good design as required by The Framework.

Conclusion

16. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR