### Planning Appeal Decisions (up to 15th March 2017)

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<th>Application reference: 15/00874/FUL</th>
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<td>Appeal reference: APP/P4225/W/16/3159868</td>
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<tr>
<td>Description of development: Change of use of care home to 57 bed House of Multiple Occupancy</td>
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<tr>
<td>Site address: Parklands, 87-89 Falinge Road, Rochdale, OL12 6LB</td>
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#### Planning Inspectorate decision: Appeal dismissed 01/02/2017

- The application was refused by the Local Planning Authority on three grounds:
  - The proposed use of the property as a 57-bed HMO would comprise over-development of the site and would be out of keeping with the character of the surrounding residential area, contributing towards an erosion of the balance of the local community.
  - The development would be harmful to the residential amenities of nearby property occupiers by way of noise and disturbance, due to the number and frequency of movements to, from and within the site – further exacerbated by the layout of the site and the proximity of the primary car park adjacent to residential properties on Chaseley Road.
  - The scheme failed to demonstrate sufficient provision of outdoor amenity space to meet the needs of future occupiers of the development.
- The Inspector opined that there would be a qualitative change in the level of activity within the site and the proposal would result in a noticeable change in the number of comings and goings both on foot and by car.
- The Inspector concurred with the LPA that the proposal would have a detrimental impact on the living conditions of the occupiers of adjacent properties and noted particular concern in relation to the increased noise and disturbance from the car park in relation to properties on Chaseley Road.
- In addressing the impact on the character of the area, the Inspector opined that the adverse impacts identified above would be localised and therefore did not consider that the character of the wider area would be materially changed in this regard. They also did not consider that one additional HMO would alter the prevailing residential character or the balance of the local community.
- Taking into account the appellant’s contention that additional outdoor amenity space was unnecessary given the proximity of nearby Falinge Park; the Inspector concluded that the proposal would provide adequate living conditions for future occupiers.
- The appellant had stated, in their representations to the Inspectorate, that the Council could not definitively confirm a five year housing supply. In response to the LPA contesting this statement the Inspector determined that they had insufficient evidence to enable them to
conclude on the matter. Despite this, they noted that, in accordance with paragraph 49 of the NPPF, even if the relevant policies for the supply of housing were found to be out of date, the adverse impacts identified in relation to the living conditions of adjacent residents significantly and demonstrably outweighed the benefits, by way of contribution to housing supply, and thus the proposal was not the sustainable development for which the NPPF makes a presumption in favour.

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<th>Application reference:</th>
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<td>Appeal reference:</td>
<td>APP/P4225/W/16/3158278</td>
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<td>Description of development:</td>
<td>Erection of two, two bedroom dwellings</td>
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<tr>
<td>Site address:</td>
<td>Land at Queen’s Road, Littleborough, OL15 8AB</td>
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<td>Pennines</td>
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<td>Decision level:</td>
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<td>Planning Inspectorate decision: Appeal dismissed 06/01/2017</td>
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- The application was refused on the grounds that it would result in an unacceptable loss of amenity to the occupiers of neighbouring properties and would provide a poor level of amenity for future occupiers of the proposed dwellings; and the close proximity of commercial properties would give rise to a poor level of amenity for future occupiers.
- The Inspector found that the proximity of the development to the rear of neighbouring properties nos. 79 & 81 Church Street would cause an unacceptable loss of outlook and overbearing impact for occupants of those properties, resulting in the creation of a sense of enclosure. It was further noted that those occupants are likely to suffer an unacceptable reduction in daylight and sunlight due to their south facing aspect.
- The proposed rear garden areas were found to be oppressive, with little opportunity to receive sunlight, due to enclosure to all four sides. The rear windows and accesses to nos. 79 & 81 Church Street would directly overlook the proposed garden area and ground floor windows, resulting in an unacceptable loss of privacy. Although the possible use of screen fencing is noted, given the close proximity of the existing and proposed elevations, such fencing would further exacerbate the oppressive environment.
- Although concluding that the comings and goings of customers visiting the adjacent commercial premises would not cause undue levels of noise and disturbance to future occupiers of the proposed development, the Inspector established that food preparation and cooking areas are located to the rear of the adjacent premises, in addition to cooking extraction flues and bin storage. Furthermore, the rear access to those premises is frequently used by taxi drivers. The Inspector concluded that occupants of the proposed dwellings would likely experience unacceptable noise and disturbance late into the evening and early hours of the morning as a consequence of the cooking of food, disposal of waste and the opening and closing of taxi doors. Although the use of double glazing could reduce the severity of such impacts, it was not considered reasonable to expect that windows would need to remain closed, and it was considered that the noise would not be eliminated in its entirety.
- The modest contribution to housing supply in the borough was noted, but was not found to outweigh the harm identified to the living conditions of the existing and proposed properties.
- The Inspector noted that the proposed development would have a similar impact to the commercial uses on Church Street as the existing semi-detached dwellings at Nos. 1 & 1A
Queen’s Road immediately to the west of the site. Notwithstanding this, the dwellings appear to have been constructed some considerable time ago, predating the planning considerations now applicable to more recent development. It was concluded that these dwellings do not set any precedent to an extent to suggest that the appeal should be allowed.

**Application reference:** 16/00693/HOUS

**Appeal reference:** APP/P4225/W/16/3163789

**Description of development:** Side extension with front and rear dormers, increase in ridge height and the erection of a front porch and render to all elevations

**Site address:** 9 Tunshill Grove, Milnrow, Rochdale OL16 3DY

**Township:** Pennines

**Decision level:** Township Committee

**Planning Inspectorate decision:** Appeal dismissed 15/02/2017

- Planning permission was refused on the grounds that the cumulative impact of the proposed extensions and alterations would result in overdevelopment of the property which would be out of character with the neighbouring properties and would appear overly dominant and incongruous in the cul-de-sac, to the detriment of the visual amenity of the street scene.
- The Inspector found that the proposed side extension would be built in very close proximity to the boundary of the site and public footpath running along the side boundary and that the scale of the side extension would have a very dominating and cramped impact and detract from the sense of openness and space which separates the two storey residential development in the east from that in the west. In addition, it was considered that the proposed side extension would not suitably retain the overall balance of symmetry of the pair of semi-detached dwellings. Owing to the width and height of the side extension, it would not appear as a subordinate or proportionate addition to the original dwelling house. The side extension would not include setbacks from either of the main elevations of the house, and would create a harmful imbalance between the pair of semi-detached properties. Consequently, the extension would have a dominating impact when viewed from within the street-scene. Furthermore, given the width of the extension, the pair of semi-detached houses would appear more like a terrace of houses thereby detracting from the character and appearance of the area.
- The adverse impacts of the side extension would be compounded by the four very large dormers proposed and in the increase in ridge height. In combination with the size of the side extension, they would harm the character and appearance of the pair of semi-detached houses and appear incongruous and dominant within the street-scene. The inspector accepts that although in principle the use of rendered walls would not be unacceptable in the locality (there is a rendered property on the other side of the cul-de-sac), the predominant use of render instead of brick for the appeal property would make the extension (including dormers) stand out even more in the street-scene.
- For the collective reasons outlined the inspector concluded that the proposed side extension and dormer windows would cause significant harm to the character and appearance of the host property and to the area and dismissed the appeal.
Application reference: 16/00559/FUL & 16/00560/LBC

Appeal reference: APP/P4225/W/16/3155997 & APP/P4225/Y/16/3155998

Description of development: Construction of three storey side extension to contain expansion of the brewery and three additional rooms for guests; and replacement of existing garage with a monopitch roof structure, and new external steps and walkway

Site address: Rake Inn, Blackstone Edge Old Road, Littleborough, OL15 0JX

Township: Pennines

Decision level: Delegated

Planning Inspectorate decision: Appeal dismissed 15/02/2017

- The applications for planning permission and listed building consent were refused on the grounds that the three storey extension would form an incongruous, overbearing and unsympathetic addition, causing substantial harm to the listed building and its setting, and the character and appearance of the area and no public benefits existed to outweigh the identified harm.
- The planning application was also refused due to the lack of any information to demonstrate that there would be no adverse impacts upon protected species (namely bats).
- The Inspector acknowledged that although the extension would be set slightly back from the existing front-most elevation of the Inn, it would be forward of the oldest part of the building, and its ridge and eaves would be level. The proposed extension would be of considerable height and mass in relation to the original part of the building. The existing south side elevation is a dominant and eye-catching feature for those travelling north, and the proposed side elevation would be taller than the existing and not significantly wider. The Inspector found that the extension would be a large and conspicuous feature, dominating views of the pub from the south, rendering the older part less noticeable and significant.
- The works were found to have a harmful effect on the significance of the listed building, failing to preserve it or the features of special architectural or historic interest which it possesses. The side extension proposed would erode the importance of the central, oldest part of the listed building and thus its significance as a whole, amounting to less than substantial harm.
- The Inspector noted that the less than substantial harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The applicant had not provided any public benefits arising from the scheme. Although the works to the garage to the north of the building were considered to represent a minor benefit, this would not be sufficient to outweigh the harm caused.
- No concerns were raised regarding the proposed escape route and replacement garage, noting that these would be a marked improvement over the existing structures. Although some historic fabric would be removed in the creation of a new doorway, this was not considered to affect the oldest part of the building, and none of its features would be removed or physically altered.
Application reference: 16/00988/HOUS

Appeal reference: APP/P4225/D/16/3164647

Description of development: Erection of a detached two-storey garage including demolition of existing garage (Re-submission of 16/00326/HOUS)

Site address: 99 Kiln Lane, Milnrow, OL16 3JN

Township: Pennines

Decision level: Delegated

Planning Inspectorate decision: Appeal allowed 20/02/2017

- The Council refused the application on the grounds that the proposed development failed to demonstrate good design as it is not compatible with its surroundings in regard to scale, height and massing and would adversely affect the character of the street scene. The proposed garage would have a similar footprint to the existing dwelling with substantial eaves and ridge height, and would stand in close proximity to the rear and side boundaries of the site. Given the scale of the proposed garage, it would not be subordinate to the existing dwelling and would have a substantial visual impact which would appear cramped in the plot and be detrimental to the visual amenity of the area.

- The application was also refused due to the size, scale, height and massing of the two-storey detached garage and its position along the common boundary. The proposal would have a significantly overbearing and oppressive impact on the occupants of the adjacent dwelling 'Strathmore' and 'Windy Ridge' resulting in a loss of outlook.

- In terms of design, the Inspector acknowledged that the proposed building would be substantial in size and would not appear particularly subservient to house, however he considered that the proposal would not form a prominent feature in the street-scene as only some upper parts of the garage would be visible from the streetscene over and above the existing dwelling, the boundary wall and fencing.

- The Inspector disagreed with the Council’s view that the building would be cramped within the plot and considered that the proposal would not represent poor design as the architectural design would be very similar to that of the existing house.

- In relation to neighbour amenity, the Inspector considered that the proposal would not result in any unacceptable loss of light on Strathmore, and given that the space standards allow a secondary single-storey elevation to be built within 10m of a principal window (which is closer than the situation in this case). It was also noted that the proposed garage, although visible from Strathmore, would not excessively dominate or significantly deprive the occupiers of a reasonable outlook. Given this, the Inspector considered that the living conditions of neighbouring occupiers would not be unreasonably affected.

- The Inspector concluded that proposed development would not unacceptably affect either the character or appearance of the locality or the living conditions of neighbouring occupiers. He agreed with the Council that the building would be large for a garage, but stated that as there would be no material adverse impact from the size of the structure, he did not regard that as being sufficient, alone, to justify withholding planning permission.
Description of development: Two storey side extension including the demolition of existing detached garage

Site address: 11 Newhouse Road, Heywood, OL10 2NR

Township: Heywood

Decision level: Delegated

Planning Inspectorate decision: Appeal dismissed 28/02/2017

- The Council refused the application on the grounds that the proposed two storey side extension, by reason of its design, scale and massing, would be incompatible with the host dwelling as it would introduce a substantial, prominent and dominating feature that would compete with the existing principal architectural feature of the dwelling, to the detriment of the character and appearance of the dwelling itself, and also of the area.

- In terms of design, the Inspector acknowledged that the proposed two storey side extension would step forward from the front elevation by roughly 2m. It would also share the same eaves and ridge height as the host property, and have a similar hipped roof to the gable. In doing so, the inspector considered that the size, scale and forward projection of the extension would result in an unduly prominent feature that would compete with the existing 2-storey gable. Rather than complimenting the architectural style of the house, the Inspector considered that the siting and design of the extension would unbalance the front elevation and detract from one of its defining features.

- In addition, the Inspector noted that although the house is set back from the road and is partially screened by existing landscaping; due to the position of the driveway the extension would be clearly visible within the public domain. As such, the size and footprint of the extension would lead to a prominent form of development which would also detract from the character and appearance of the immediate surrounding area.

- The Inspector also considered that a neighbouring resident supported the proposal, and stated that the plans would allow the host property to be extended without reducing garden space at the rear (an alternative proposal with a subservient extension extending rearward was granted under application ref. 16/00590/HOUS in October 2016). Although this was considered to be a benefit, it did not outweigh the harm that would be caused by such a large extension that would dominate the front elevation of the host property.

- The Inspector noted that the appellant had stated that a subservient extension would make the host property stand out as different and would be inferior, with a disastrous impact both visually and financially. However, no alternative designs were provided to enable any meaningful comparison with the appeal scheme and no details of any financial implications were submitted. In the absence of any such further information, the Inspector could not attribute these comments any significant weight in reaching their decision.

- The Inspector concluded that by reason of its scale, massing and projection forward from the front elevation the proposal would represent a poor standard of design that would be harmful to the character and appearance of the host property, and the surrounding area.
**Application reference:** 16/00703/HOUS  
**Appeal reference:** APP/P4225/D/16/3162233  
**Description of development:** Proposed single storey extension to west facing elevation of existing bungalow including demolition of existing utility and erection of a replacement single storey utility to south facing elevation  
**Site address:** 1 Upper Passmonds Grove, Rochdale OL11 5AH  
**Township:** Rochdale  
**Decision level:** Delegated  
**Planning Inspectorate decision: Appeal part dismissed, part allowed 06/02/2017**

1. The Council refused the application on the grounds that the proposed single-storey extension to west facing elevation of the existing bungalow, by reason of its design and siting in close proximity to the street scene, would have a significantly overbearing impact on the openness of the street scene of Catches Close and would introduce incongruous features into the street scenes of Catches Close and Upper Passmonds Grove.
2. The Inspector appreciated that the Council’s concerns that larger the extension would detract from the symmetry with No 3 Catches Close, unbalance the entrance to the close and diminish its open character; however, went on to disagree.
3. The Inspector noted that the twin properties forming the entrance to the close were not exactly symmetrical in appearance or positioning, and that the degree to which the asymmetry would be increased would not result in a significant impact on the street scene. The Inspector considered that whilst views into the close would be reduced, its characteristic openness would remain largely unaltered.
4. The Inspector did, however, agree with the Council that some of the details would be less successful in design terms, notable the use of cement render on the gable which would be in contrast to the existing brickwork on the remainder of the bungalow and to the dwellings in Catches Close which provide the immediate visual context, and also the two proposed full height windows with a vertical emphasis at either side of the proposed chimney.
5. The Inspector concluded in respect of the larger extension that the use of render and incongruous windows would fail to reinforce local distinctiveness and represents poor design.
6. The appellant had indicated in their appeal statement that they would be willing to use alternative materials finishes and window detailing in their proposal, but the Inspector responded that the appeal process is not designed as a means of introducing further modifications to proposals in an attempt to overcome objections raised at the planning application stage.
7. The Inspector concluded that the additional proposed extension to the rear utility room was acceptable, but that the design of the larger extension was not. Therefore the Inspector utilised their right to issue a ‘split decision’, allowing the appeal with respect to the utility, but dismissing it so far as the larger extension is concerned.