

Report to Planning and Licensing Committee



Date of Meeting	5 <sup>th</sup> March 2020
Portfolio	Councillor Carol Wardle Cabinet Member for Planning, Development & Housing
Report Author	Richard Elliott
Public/Private Document	Public

<b>Application:</b> N/A (Enforcement Appeal Decision)	<b>Township:</b> Rochdale	<b>Ward:</b> Kingsway
<b>Appeal reference:</b> APP/P4225/C/19/3227277		
<b>Site Address:</b> 5 Franklin Street, Rochdale, OL16 5JP		
<b>Alleged Breach:</b> Without the benefit of planning permission operational development comprising the construction of a second floor rear extension		
<b>Appellant:</b> Ms Fahima Abu-Mohamed Al Faqi	<b>Agent:</b> Chorlton Planning Ltd	
<b>Planning Inspectorate Decision:</b> Enforcement Appeal Allowed 24 <sup>th</sup> February 2020		
<ul style="list-style-type: none"> <li>- An Enforcement Notice was issued on 28th March 2019.</li> <li>- The Notice required the following within twelve months: <ul style="list-style-type: none"> <li>(a) demolish the second floor rear extension;</li> <li>(b) restore the rear elevation and roof to its former condition; and</li> <li>(c) remove all materials and items resulting from compliance with requirements (a) and (b) from the land.</li> </ul> </li> <li>- The Notice was appealed on the grounds that planning permission should be granted, that those matters (if they occurred) do not constitute a breach of planning control, that the steps required by the Notice were excessive, and that the time for compliance was too short.</li> <li>- The appeal was allowed on the Grounds that planning permission should be granted for the development.</li> <li>- The Inspector agreed with the Council that the development was unauthorised. The Inspector further agreed that the development, which extends upward, flush with the external walls of the house, is an incongruous and alien addition to the host dwelling due to its sheer bulk and form, is overly imposing on the host property, unbalances the pair of semi-detached dwellings and detracts from the character and appearance of the area. However, they considered that there was a significant fall-back position that outweighed the identified harm, that being that a development of substantially similar form and dimensions could be carried out without the need for planning permission, and be visually equally as harmful. On balance the Inspector considered that planning permission should be granted.</li> <li>- The Council's enforcement case regarding this matter is now closed.</li> </ul>		