ROCHDALE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78

ROCHDALE
BOROUGH COUNCIL

# APPEAL BY MRS JULIE LEAHIFF

APPEAL SITE: 13 SEDGLEY CLOSE, MIDDLETON M24 2SP

STATEMENT OF THE LOCAL PLANNING AUTHORITY

19th AUGUST 2019

LPA REFERENCE: 18/01352/FUL

PINS REFERENCE: APP/P4225/W/19/3232874

## Introduction

1.1 The appeal is against the Local Planning Authority's refusal of *'Erection of 3 no. bedroom single storey bungalow with raised decking to rear together with demolition of existing detached garage and erection of double garage (one to be used by existing dwelling) on shared driveway'* under application reference 18/01352/FUL which was refused by notice dated 5th March 2019 for the following reasons:

1. *The proposed development would result in a residential dwelling out of context with its surroundings in terms of scale, layout and siting. The proposal would result in a cramped layout, constituting an over-development of the plot, which would harmful to the character and appearance of the area and significantly detrimental to the street scene of Sedgley Close. The proposal is therefore contrary to policies DM1 and P3 of the Rochdale Core Strategy and the requirements of the National Planning Policy Framework.*

2. *The proposed development would result in significant harm to the residential amenity of the occupiers of Nos. 131-137 Grimshaw Lane with varying degrees of overlooking, loss of privacy, visual intrusion and overbearing impact identified in relation to these properties. The amenity of the current and future occupiers of No. 13 Sedgley Close would also be affected by loss of privacy through direct overlooking of the shared driveway. Furthermore, a satisfactory standard of residential amenity for the future occupiers of the proposed dwelling would not be achieved as a result of direct overlooking and lack of privacy, potential for noise and disturbance by reason of habitable rooms facing a shared driveway and insufficient outlook from habitable room windows. The proposal is therefore contrary to policy DM1 of the Rochdale Core Strategy and the requirements of the National Planning Policy Framework.*

## Site Description

2.1 The application related to the large triangular side garden area of No. 13 Sedgley Close in Middleton; a bungalow facing the turning head of a cul-de-sac. At the time of application the garden was overgrown and under-utilised for its intended purpose and was covered with grass and low shrubbery.

2.2 A pedestrian footpath linking Sedgley Close with Grimshaw Lane runs along the northern edge of the site. A single garage stands to the north west of the existing dwellinghouse at No. 13 Sedgely Close and a more manicured garden area lies to the rear. No. 15 Sedgley Close stands to the north of the application site, No. 13 itself to the east, and Nos. 131-139 Grimshaw Lane stand to the south.

2.3 There is a steep change in level from north east to south west across the site, with the Grimshaw Lane dwellings positioned significantly lower than the upper site area.

## Planning History

3.1 There is no planning history relevant to the appeal site.

## Policy Background

4.1 The relevant parts of the Development Plan are the Rochdale Core Strategy ('the RCS') which was adopted on the 19th October 2016; and the Rochdale Unitary Development Plan ('the RUDP') which was adopted on 15th June 2006, specifically the policies contained within saved by a Direction of the Secretary of State, dated 13th May 2009 and retained upon adoption of the RCS.

4.2 The relevant policies contained within the RCS are:

| | |
|---|---|
| **SO2** | **Creating successful and healthy communities** |
| C1 | Delivering the right amount of housing in the right places |
| C3 | Delivering the right type of housing |
| | |
| **SO3** | **Improving design, image and quality of place** |
| P3 | Improving design of new development |
| | |
| **SO4** | **Promoting a Greener Environment** |
| G6 | Enhancing green infrastructure |
| G7 | Enhancing the value of biodiversity and geodiversity |
| G8 | Managing water resources and flood risk |
| G9 | Reducing the impact of pollution, contamination and land instability |
| | |
| **SO5** | **Improving accessibility and delivering sustainable transport** |
| T2 | Improving accessibility |
| | |
| DM1 | General development requirements |
| SD1 | Delivering sustainable development |

4.3 The relevant saved policies contained within the RUDP are:

| | |
|---|---|
| **G/D/1** | **Defined Urban Area** |

4.4 The National Planning Policy Framework ('the NPPF') is also a material consideration in respect of the appeal.

## Appellant's Grounds of Appeal and the Case for the Local Planning Authority

5.1 The LPA's justification for the applied refusal reason are clearly set out in the supplied Officer's Report. However, the points raised in the Appellant's Appeal Statement are addressed in this section.

<u>Refusal Reason 1 – Visual Amenity</u>

5.2 The Appellant argues that the design and materiality of the exterior of the development would be in keeping with the existing bungalows on Sedgley Close. This is not disputed; indeed the Officer's Report noted that '*subject to full details being secured, the overall design of the proposed bungalow itself is not inherently unacceptable'*.

5.3 However, the proposal would introduce built form into an area designed to be left open and it would go against the urban grain of the area, despite being a rotated continuation of an existing row. The proposal would lead to an increase in density in an area designed to be less so. The proposed dwelling would lack a street-facing principal elevation, rendering it incongruous in the vicinity and illegible on the street scene due to the concealed position of the main entrance. Due to the height relative to surrounding dwellings to the south and west, the proposed dwelling would be a dominant and incongruous feature and result in a detrimental impact on the street scene and visual amenities of the area.

5.4 The Appellant notes that the other properties on Sedgley Close are a mix of 2 and 3 bedroom bungalows and that the proposed dwelling would therefore be consistent with the surrounding bungalows. However, the LPA contends that the scale of the proposed dwelling would be disproportionately large given that it would be larger in floor area than the existing dwelling on site, regardless of the number of bedroom spaces provided.

5.5 The proposal would therefore not comply with Core Strategy policies DM1 and P3 which, amongst other things, seek to enhance the built quality of the area. Conflict would therefore also arise with the requirements of the National Planning Policy Framework.

Refusal Reason 2 – Living Conditions

5.6 The appellant argues that *'the overlooking onto the properties of Grimshaw Lane would be less than what is currently from existing properties on Sedgley Close as the area of land is lower than that of other properties on the street'.*

5.7 The map extract below clearly indicates the increase in separation distances between boundaries and buildings in a westerly direction from the application site. The lower land level would actually serve to increase the potential for direct relationships between windows given the absence of retaining walls and screens which afford some degree of privacy. The shortest separation distance from a habitable room window to the rear boundary at present is No. 13 Sedgley Close itself, with a separation distance of 10m. This would be significantly less than in respect of the proposed dwelling with a proposed 4m distance to the rear/side boundary in respect of 137 Grimshaw Lane.




5.8 The Appellant argues that *'13 Sedgley Close does not have any windows to the side elevation currently so overlooking would not cause any major issues apart from when the shared driveway is in use. The only habitable room on the new development would be one of the bedrooms so it would be less intrusive than if it were to be a living room'*.

5.9 The position of the bedroom window facing directly onto the shared driveway presents issues both in respect of loss of privacy and in respect of noise and disturbance from comings and goings.

5.10 A full list of unacceptable amenity impacts has been provided in the Officer's Report which have not each been individually addressed by the Appellant.

5.11 Clearly the proposal would result in severe impacts on the residential amenity of surrounding occupiers and not result in a satisfactory standard of amenity for the future occupiers of the dwelling itself. As such, the appeal scheme conflicts with Core Strategy policy DM1 which seeks to ensure a satisfactory standard of amenity for all land and buildings, the supplementary Planning Document 'Guidelines and Standards for Residential Development (2016) and the requirements of the National Planning Policy Framework.

**Conclusion**

8.1 In light of the above, the LPA respectfully request that the appeal be dismissed.

8.2 Should the Inspectorate be minded to allow the appeal, a list of suggested conditions shall be sent separately.