

ROCHDALE BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78



APPEAL BY MR JORDAN HOWE
APPEAL SITE: 7 RALEIGH GARDENS, OL15 9PX
STATEMENT OF THE LOCAL PLANNING AUTHORITY

LPA REFERENCE: 23/01184/FUL
PINS REFERENCE: APP/P4225/W/24/3351573

INTRODUCTION AND BACKGROUND

- 1.1 This appeal is against the Local Planning Authority's refusal to grant permission to planning application under the reference 23/01184/FUL.
- 1.2 The application sought planning permission for the construction of a single-storey dwelling to adjoin the host dwelling, no. 7 Raleigh Gardens, with a maximum side projection of 5.51m.
- 1.3 The application was refused by notice dated 12th April 2024 for the following reason:

“By virtue of its single-storey form, siting and design, the proposed dwelling would sit at odds to the existing street scene along Raleigh Gardens, which comprises exclusively of two-storey terraced dwellings. The provision of a bungalow would therefore detract from the character and appearance of the existing street scene, to the detriment of its visual amenity. The proposal would not be well-designed and would be contrary to Policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development', the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.”

SITE DESCRIPTION

- 2.1 The application relates to the side curtilage of no. 7 Raleigh Gardens, an end terrace residential dwelling located to the end of a cul-de-sac within the Defined Urban Area in Calderbrook. The site is adjacent to no. 8 Raleigh Gardens to the east, adjacent to no. 54 Drake Road to the west, adjacent to no. 9 Frobisher Road to the north, and faces the highway to the east.
- 2.2 The host property and other dwellings along Raleigh Gardens are two-storey, redbrick dwellings and others in the wider immediate vicinity comprise semi-detached bungalows and similar terraced properties. Directly adjoining the site to the north lies a footpath connecting the two ends of Drake Road.

RELEVANT PLANNING HISTORY

3.1 22/01050/TDC1 - Submission of technical details pursuant to permission in principle application 21/00490/PIP for the erection of one dwelling - Resubmission of 22/00146/TD1 – Refused for the following reasons:

1. By virtue of its design, height and siting, the proposed single storey dwelling would sit at odds to the existing street scene along Raleigh Gardens, which comprises entirely of two storey, terraced dwellings. The provision of a bungalow would detract from this existing character and the appearance of the street scene, to the detriment of visual amenity and contrary to policies P1, P2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
2. The proposed dwelling would be substandard in terms of its overall internal floor area and bedroom size and fail to meet the nationally described space standards as set out in the Statutory Guidance – Technical housing standards. The application would therefore fail to provide an acceptable living environment for future residents and would provide an unacceptable level of residential amenity contrary to policy DM1 of the Rochdale Unitary Development Plan and Technical housing standards – national described space standard.

3.2 22/00146/TDC1 - Submission of technical details pursuant to permission in principle application 21/00490/PIP for the erection of one dwelling – Refused for the following reasons:

1. By virtue of its height and siting, the proposed dwelling would result in an unacceptable loss of outlook and overshadowing of the rear windows and external amenity space of nos. 9 and 11 Frobisher Road, adversely impacting on the living environment of the occupiers and detrimental to residential amenity, contrary to the Council's Guidelines and Standards for Residential Development SPD, policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
2. The development would fail to provide any off street parking provision. This would likely result in vehicles parking on the highway, causing obstruction of the highway access to existing private driveways. This would be contrary to the free and safe use of the highway and contrary policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3.3 21/00490/PIP - Permission in principle for the erection of one dwelling – Grant

POLICY BACKGROUND

4.1 For the purposes of the appeal, the relevant parts of the Development Plan are: the Places for Everyone Joint Development Plan which was adopted on 21st March 2024; the Rochdale Core Strategy which was adopted on 19th October 2016; the Rochdale Unitary Development Plan 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 CS; and the Supplementary Planning Document 'Guidelines and Standards for Residential Development' which was adopted in June 2016.

4.2 The relevant policies contained within the Places for Everyone Joint Development Plan are:

Policy JP-H1 Scale, Distribution and Phasing of New Housing Development
Policy JP-H3 Type, Size and Design of New Housing
Policy JP-P1 Sustainable Places

4.3 The relevant policies contained within the Rochdale Core Strategy are:

C1 Delivering the right amount of housing in the right places
C3 Delivering the right type of housing
P3 Improving design of new development
DM1 General development requirements

4.4 The relevant saved policies contained within the Rochdale Unitary Development Plan are:

G/D/1 Defined Urban Area

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

LPA'S RESPONSE TO APPELLANT'S GROUNDS OF APPEAL

5.1 The appellant's Statement of Case has made reference to the significant weight afforded to the delivery of housing on small sites in local and national planning policy, and the contribution of the proposed dwelling towards the Borough's housing targets.

5.2 Whilst it is acknowledged Paragraph 70 of the NPPF states local planning authorities should seek opportunities to support small sized sites for housing, this does not negate the need for new development to be visually attractive

and sympathetic to local character. In particular, Paragraph 139 states “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.” The principle of the development has been established in the Planning Officer’s report, rather it is the unacceptable visual amenity harm which forms the basis of the application’s refusal.

- 5.3 With regard to the design of the proposal, the appellant has contended the proposed dwelling would give the appearance of a single-storey extension and would be akin to similar extensions throughout the Borough. However, no examples within the Borough have been put forward which would be comparable to the site context.
- 5.4 Notwithstanding, the proposed dwelling has a substantial width relative to the width of the existing terraced dwellings which would not read as an extension ancillary to the dwelling of no. 7. The presence of a front door entrance would only to serve to further indicate the structure as a separate dwelling to no. 7. As such, the LPA does not consider the proposal to be comparable to a proposal for an extension to a dwellinghouse.
- 5.5 The layout of Raleigh Gardens is clearly defined by two blocks of two-storey terraced properties which runs parallel to and flanks the highway on both sides. There are currently no single-storey side projections to the end terrace dwellings which ensures a consistent rhythm to the building line.
- 5.6 By virtue of its single-storey form, the proposed dwelling would appear an obtrusive and incongruous addition to the adjoining two-storey terraced properties and would fail to respect the built form and layout of the existing dwellings. The proposal would therefore detract from the established character and appearance of the street scene, to the detriment of the visual amenity of the surrounding area.
- 5.7 The appellant has also stated consideration should be given to a potential ‘fallback’ position whereby the proposed dwelling is secured under permitted development rights. No application for lawful development certificate for the host dwelling has been submitted to the LPA for consideration, nor have details of such a scheme been provided in support of the appeal.
- 5.8 Notwithstanding, should the proposal as submitted be considered under a lawful development certificate, it would fail to comply with the requirements of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) by reason of the enlargement exceeding 4 metres in height and comprising a width greater than half the width of the original dwellinghouse.

- 5.9 In any case, an extension projecting from the side elevation of the dwelling that is in compliance with permitted development rights would likely constitute a materially different form of development to the appeal proposal. For this reason, the LPA affords limited weight to this 'fallback' position in the consideration of this appeal.

CONCLUSION

- 6.1 In conclusion, the decision to refuse planning permission for the proposed dwelling was based on the identified undue visual harm arising from the dwelling's single-storey form which would detract from the character and appearance of the existing street scene. The LPA does not consider this harm to be sufficiently outweighed by the need for additional housing and its contribution as housing provided in small sized sites. It is therefore respectfully requested that the appeal be dismissed on this basis. Should the Inspector be minded to allow the appeal, the LPA would agree to include the following planning conditions:
- 6.2 Prior to commencement of the development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and shall have been first submitted to and approved in writing by the Local Planning Authority before development commences. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s).

The development shall thereafter be completed in full accordance with the approved recommendations.

Reason: To prevent pollution of the environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policies G8 and G9 of the Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site.

- 6.3 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365, or similar method and provide evidence of the investigations.
- (ii) Details of the construction of any soakaways.
- (iii) Construction details for permeable paving for the driveway including kerb edging and sub-base details i.e. cross-sections.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan, Policy JP-S4 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

- 6.4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been

submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 6.5 Notwithstanding any description in the application, no above ground works shall take place until full product specifications for the windows, external doors, roof lights, and detailed designs of the window and door reveals, at a scale of not less than 1:50, to be used on the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 6.6 No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: In the interests of amenity and in compliance with Policies P3 and DM1 of the Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.