The Planning Inspectorate

Appeal Decision

Site Visit made on 3 August 2021

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 19th August 2021

Appeal Ref: APP/P4225/W/21/3272864
27 Spring Bank Lane, Rochdale OL11 5SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs Bentham against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 20/01517/OUT, dated 25 November 2020, was refused by notice dated 4 February 2021.
- The development proposed is Outline application (including access and layout) for the erection of two two-storey dwellings - Resubmission of 20/00089/OUT.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The development is described in the application form as outline application for two houses. However, I have adopted the description from the decision notice in the banner heading above, in the interests of clarity and on the basis that the appellant does not object to the changed description.

3. The appeal relates to an outline proposal for the erection of 2 detached dwellings, with access and layout to be determined at this stage. Consequently, I have regard to the submitted plans insofar as they illustrate these matters.

4. The revised National Planning Policy Framework (the Framework) was published in July 2021, before the appeal was determined. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases through the appeal process. I have taken account of the revised Framework and any representations in my determination of the appeal.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is formed from the subdivision of the large irregular garden of No 27, which is a large modern detached 2 storey dwelling. No 27 is set back from and it presents a side elevation to the road. A detached pitch roof single storey garage in matching materials sits to the rear of the site. Spring Bank Lane is a private single width road that serves several large detached dwellings of various ages, styles and sizes, widely separated and individually sited in large mature plots with well vegetated boundaries and mature trees. Beyond

the private road, the area has a more densely urban residential character with adopted highways and footways and greater consistency in terms of the sizes, styles, building lines, spacing and siting of dwellings and smaller plot sizes.

7. The proposal would be 2 individually sited, 2 storey detached dwellings with attached garages. Plot 1 would be between Norden Lodge and the internal driveway to the front of No 27. The dwelling would be set back close to the existing garage and it would share the highway access and the internal driveway with No 27. By virtue of the small size of the dwelling, its deep set back and narrow road frontage, and the shared access arrangements, Plot 1 would be out of keeping with the surrounding properties and plots.

8. Landscaping is a reserved matter and no indicative plans have been provided in this regard to illustrate the relationship of Plot 1 to No 27. Assuming some form of boundary treatment to enclose Plot 1, No 27 is open to its driveway and its garage. The comings and goings of vehicles and pedestrians to Plot 1 would be in close proximity to the open principal elevation of No 27. In view of the much smaller size of Plot 1, this arrangement would appear more typical of an ancillary dwelling and its host rather than 2 separate dwellings. On the basis of the evidence, Plot 1 would not relate well to and it would have an awkward relationship with the considerably larger and more imposing appeal property.

9. Plot 2 would have a long road frontage extending from the existing driveway to the boundary with No 31 and there would be a new highway access close to the existing access. The Plot 2 dwelling would be to the front of, and very close to, the gable end of No 27. Even accepting that this arrangement would not be detrimental to the occupiers of either property in terms of privacy, overshadowing or overbearing, the close juxtaposition of the dwellings and their conspicuous disparity in size would be discordant and out of keeping with the surrounding established townscape character along Spring Bank Lane.

10. There is no dispute that the large plot of No 27 could accommodate a greater number of dwellings and the proposed density of development in the appeal site would not be out of keeping with the wider townscape densities. However, well designed buildings are those that respond positively to their context including character, scale, form, density and layout. In this case, the central siting and the orientation and size of No 27 does not readily lend itself to subdivision of its garden and the proposed plots and dwellings would not be well related to one another, No 27 or neighbouring dwellings.

11. While both plots would provide an adequate extent of outdoor space, at the time of my visit I saw that Plot 2 was significantly shaded by tall dense boundary vegetation. The trees along the side boundary to No 31 would apparently be removed and part of the front boundary would be removed to create the new highway access. I consider that future occupiers of Plot 2 would be likely to substantially reduce in height or remove the remaining overshadowing mature boundaries. Although landscaping would be a reserved matter, taking account of the layout and the constraints of the site, I find the proposal would detract from the strong established verdant wooded character and appearance of the street scene and the area.

12. Therefore, the proposal would harm the character and appearance of the area. It would conflict with Policies P3 and DM1 of the Rochdale Adopted Core Strategy Adopted October 2016. These require, among other things, that development should enhance the identity and sense of place and quality of the

area, contributing positively to the townscape, and having regard to scale, massing, layout and landscape. It would conflict with the aims of the Framework in relation to development creating high quality and beautiful places, adding to the overall quality of the area, being visually attractive as a result of layout and landscaping, being sympathetic to local character and contributing to strong sense of place.

Other Matters

13. The appeal proposal follows an earlier refused application (ref 20/00089/OUT) for the erection of 2 2 storey dwellings and one single storey granny annexe to No 27. The earlier scheme was refused on grounds relating to character and appearance and loss of privacy to neighbouring residential occupiers. The amendments to the scheme have overcome the concerns of the Council in relation to the neighbouring occupiers and I see no reason to disagree.

14. The application was not refused on grounds relating to the living conditions of occupiers of No 27 or the proposal. However, the Plot 2 dwelling would be close to No 27 such that there would be overshadowing and overlooking including from the first floor balcony of No 27 into the garden of Plot 2. In this regard, while there is little to demonstrate that any effective tall screening could be delivered or retained between the balcony and the garden, I note the Council considers that privacy could be protected by landscaping.

15. I note the neighbouring occupiers' concerns in relation to surface water flooding. Nevertheless, the evidence indicates that satisfactory arrangements for the sustainable management of foul and surface water drainage could be addressed by condition. Conditions could also be imposed for the protection of retained trees, including the mature beech tree in the neighbouring garden that is the subject of a Tree Preservation Order. Neither these matters nor the nearby housing land allocation weigh in favour of the proposal.

16. Spring Bank Lane is narrow and enclosed, including by low walls and mature hedgerows. There are limited places for vehicles to pass and its surface is in a variable state of repair. Notwithstanding the third party concerns, the Highway Authority has raised no issues in relation to the intensification of use of the road, subject to the imposition of a condition requiring a dilapidation survey. This weighs neither for nor against the scheme.

17. My attention has been drawn to policies in the Framework including support for the development of under-utilised land and buildings, especially where this would help meet identified needs for housing where land supply is constrained. The appeal site is garden land in an urban area, which is not an example of the types of land and buildings to which this could apply including space above shops, service yards, car parks, lock-ups and railway infrastructure.

18. The appellant suggests that the Council's local plan is out of date and he refers to shortfalls in the 5 year supply of deliverable housing sites (5YHLS) and housing delivery. However, the Council states it can demonstrate in excess of a 5YHLS and there is no substantive evidence to the contrary or to demonstrate that the delivery of housing was substantially below the housing requirement over the previous 3 years. On this basis, the provisions of paragraph 11 of the Framework do not apply. The negligible contribution to the supply of housing and the limited economic benefits carry limited weight in favour.

Conclusion

19. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.

20. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR