

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



APPEAL BY: M/s Louise Jackson
APPEAL SITE: 13 Moss Hall Road, Heywood, BL9 7JJ
STATEMENT OF THE LOCAL PLANNING AUTHORITY

LPA REFERENCE: 22/01464/HOUS

PINS REFERENCE: APP/P4225/W/23/3323455

Introduction

1.1 The appeal is against the Local Planning Authority's inclusion of conditions 2 and 3 to planning permission 22/01464/HOUS.

Site Description

2.1 The appeal relates to number 13 Moss Hall Road, a two-storey, semi-detached property located on a corner plot at the junction of Moss Hall Road and Heap Street in Heywood. The property faces west towards the highway, is attached to number 11 Moss Hall Road to the north and is adjacent to number 15 Moss Hall Road to the south. Levels within the site rise in an easterly direction, with the result that the appeal property is sited on slightly higher ground than the highway. To the front of the appeal property there is a modest garden bounded by a low-level brick wall. To the rear there is a private access road used for parking and the storage of refuse bins. The property is constructed from red brick and its pitched roof is finished in grey concrete tiles.

Planning History

22/00029/CPL - Application for a certificate of lawfulness for a proposed rear dormer extension - Approved

22/01161/HOUS - Two-storey side, front porch extension, canopy to front elevation, render to all elevations including alteration to fenestration and additional parking at rear - Refused

Proposal

3.1 Planning permission 22/01464/HOUS approved 'Two storey side extension including addition of front porch and canopy, alterations to existing fenestration and creation of two parking spaces following demolition of existing garage - Resubmission of 22/01161/HOUS.'

3.2 Five conditions were attached to the planning permission. Conditions 2 and 3 to which this appeal relate read:

Condition 2

The permission relates to the following plans:

- *Location plan*
- *Existing ground floor plan and first floor plans. Drg no. B/HJ/JJ/13Moss3 (Dated 20/06/2022)*
- *Existing elevations and second floor plan and existing and proposed block plans. Drg no. B/HJ/JJ/13Moss11 (Dated 20/06/2022)*
- *Proposed ground floor plan. Drg no. B/HJ/JJ/13Moss15. Rev A (Dated 20/02/2023)*
- *Proposed first floor plan. Drg no. B/HJ/JJ/13Moss12. Rev A (Dated 23/02/2023)*
- *Proposed second floor plan and elevations. Drg no. B/HJ/JJ/13Moss14. Rev A (Dated 20/02/2023)*

And the development shall be carried out in accordance with these drawings hereby approved.

Reason: for the avoidance of doubt, and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Condition 3

The materials used in the construction of the exterior of the development hereby permitted shall match those used in the construction of the exterior of the existing building in colour, form, type, size and texture.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

3.3 The application seeks the removal of conditions 2 and 3. A plan has been provided with the appeal to indicate the use of render on the existing and proposed front, side and rear elevations. A detailed material specification for the render has not been provided.

Policy Background

4.1 For the purposes of the appeal, the relevant parts of the Development Plan are: the Rochdale Core Strategy ('the RCS') which was adopted on the 19th October 2016; 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; and the Supplementary Planning Document 'Guidelines and Standards for Residential Development' ('the SPD') which was adopted in June 2016.

4.2 The relevant policies contained within the Rochdale Core Strategy (RCS) are:

P3	Improving design of new development
DM1	General Development Requirements

4.3 The relevant saved policies contained within the Rochdale Unitary Development Plan (RUDP) are:

G/D/1	Defined Urban Area
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4.4 The National Planning Policy Framework ('the NPPF') is also a material consideration in respect of the appeal.

5.0 The Council's comments on the appellant's submission

5.1 The appellant seeks to remove conditions 2 and 3 from the planning permission. A plan has been provided to indicate the use of render on the existing and proposed front, side and rear elevations. The Local Planning Authority has not been provided with a detailed material specification for the proposed render.

5.2 Condition 2 reads;

The permission relates to the following plans:

- *Location plan*
- *Existing ground floor plan and first floor plans. Drg no. B/HJ/JJ/13Moss3 (Dated 20/06/2022)*
- *Existing elevations and second floor plan and existing and proposed block plans. Drg no. B/HJ/JJ/13Moss11 (Dated 20/06/2022)*
- *Proposed ground floor plan. Drg no. B/HJ/JJ/13Moss15. Rev A (Dated 20/02/2023)*
- *Proposed first floor plan. Drg no. B/HJ/JJ/13Moss12. Rev A (Dated 23/02/2023)*
- *Proposed second floor plan and elevations. Drg no. B/HJ/JJ/13Moss14. Rev A (Dated 20/02/2023)*

And the development shall be carried out in accordance with these drawings hereby approved.

And it was imposed for the following reason:

Reason: for the avoidance of doubt, and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5.3 Condition 3 reads;

The materials used in the construction of the exterior of the development hereby permitted shall match those used in the construction of the exterior of the existing building in colour, form, type, size and texture.

And it was imposed for the following reason:

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

5.4 National Planning Practice Guidance and paragraph 56 of the National Planning Policy Framework make it clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable
5. reasonable in all other aspects

5.5 The Local Planning Authority considers that conditions 2 and 3 of planning permission 22/01464/HOUS meet the six tests identified above. Of particular importance, the Local

Planning Authority considers that the conditions are necessary to ensure a satisfactory appearance in the interests of visual amenity.

5.6 The appeal property is sited on a prominent corner plot and is readily visible from the surrounding public vantage points on the highway, particularly along its south-facing gable elevation. There is a gentle slope rising upwards from west to east, with the appeal property sited on slightly higher ground than the highway to the front. This creates a heightened sense of exposure within the sightlines of Moss Hall Road.

5.7 The immediate locality is characterised by a mixed street scene of modestly-sized detached, semi-detached and terraced dwellings. Whilst there is some variation in building style, dwellings along the building line are predominantly characterised by regular built forms of red brick construction with simple pitched roof forms. The use of similar walling materials on the vast majority of dwellings creates a balance and sense of symmetry to each block, contributing positively to the character and appearance of the street scene.

5.8 In order to protect the visual amenity of the appeal property and the street scene, it was considered necessary to condition the use of materials to match those used in the construction of the existing building. It was considered that the use of a contrasting material, such as render, would result in an unduly prominent development; unsympathetic to its surroundings. It would also unbalance the symmetry between the pairs of semi-detached properties.

5.9 To accompany the appeal, a plan has been submitted which shows the use of render on both the existing and proposed elevations (drawing no. B/HJ/JJ/13Moss4). The appellant has also provided six images of either partially or completely rendered residential dwellings within 600 metres of the appeal site. These properties have been indicated on a layout plan to show their spatial relationship with the appeal site.

5.10 However, the Local Planning Authority does not consider that the properties marked '2' and '3' on the submitted layout plan are located and viewed within the same street scene as the appeal property.

5.11 The property marked '1' on the submitted layout plan is located to the rear of the appeal property on Parth Street, some 22 metres away. The property benefits from a two-storey side and single-storey rear extension pursuant of application reference 17/01026/HOUS. Whilst the property has been fully rendered, it is noted that the approved plans permitted the use of render only to the first floor rear elevation, with the remaining elevations to be constructed in brickwork to match existing. Google Street View images from August 2016 confirm that the original front and side elevations were constructed in red brick.

5.12 Notwithstanding, it is not considered that the use of render on the row of terraced dwellings to the rear would justify the harm identified above.

6. Conclusion.

6.1 In light of the above, the Local Planning Authority respectfully requests that the appeal be dismissed. Should the Inspector be minded to allow the appeal, the Local Planning Authority would suggest the following condition to replace condition 3:

6.2 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 and the National Planning Policy Framework.