ROCHDALE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78

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APPEAL BY MR CARL GARRITTY

APPEAL SITE: Land To The Side Of 5 Kingsley Road, Middleton M24 2PE
STATEMENT OF THE LOCAL PLANNING AUTHORITY

LPA REFERENCE: 22/00290/FUL

PINS REFERENCE: APP/P4225/W/22/3310956

1. INTRODUCTION AND BACKGROUND

1.1 This appeal is against the Local Planning Authority's refusal to issue Planning Permission under Section 72 of the Town and Country Planning Act 1990 under application reference 22/00290/FUL for the 'Erection of one 3 storey detached dwelling' which was refused by notice dated 26th May 2022.

1.2 The application was refused by notice dated 26th May 2022 for the following reasons:

1. *As a result of its siting, scale design and layout, the proposed dwelling would be an intrusive, addition to the character and appearance of the surrounding street scene. The proposed dwelling would harm the prevailing residential character of the area by disrupting established building lines and styles. Taken as a whole, the proposal would constitute a cramped addition that fails to produce a satisfactory standard of design and does not take the opportunity to improve the character and quality of the area. The application is therefore contrary to the requirements of Policies DM1 and P3 of the adopted Rochdale Core Strategy, the Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016) and the National Planning Policy Framework*

2. *By virtue of its siting, size and design, the proposed two-storey rear extension would result in an overbearing impact and an unacceptable degree of overshadowing to the rear amenity area and rear principal windows of No 5 Kingsley Road, to the detriment of the amenity of the occupiers. The application therefore fails to accord with the policy DM1 of the adopted Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.*

2. SITE AND SURROUNDING AREA

2.1 This application relates to land at the side of 5 Kingsley Road, Middleton. The site is located on a corner plot with Chaucer Road.

2.2 The area is characterised by two storey semi-detached properties of a 1920s-1940s design with hipped roofs, pebble dash render and painted red brickwork. Properties in the immediate locality have reasonably large gardens and the dwellings are set back from the highway and pavements by front gardens and hedges. Various alterations have been made to the properties over the years. The plot is currently overgrown with mesh fencing dividing the plot. The topography of the site is varied, with the land level dropping to the rear.



Photo 1: Google Maps images of the site, showing the change in levels toward the rear of the site. Image capture 2022.

3. GROUNDS OF APPEAL AND THE CASE FOR THE LOCAL PLANNING AUTHORITY

3.1 The case officer's report on application 22/00290/FUL contains the full and detailed reasoning behind the decision to refuse the application, and the LPA wishes to rely on the contents of this report to support its case. The purpose of this statement is to respond to specific points raised in the appellant's Grounds for Appeal.

3.2 The appellant's grounds for appeal are that the proposal would not cause detrimental harm to any visual, occupier or residential amenity and is compliant with planning policy.

3.3 In paragraph 2.2 of the appellant's grounds of appeal, the appellant points out the second reason for refusal refers to a 'two storey extension'. The Council is aware that an incorrect reference has been made, and should refer to the proposed dwelling rather than a two storey extension in the second reason for refusal. This is clarified in depth within the Officer's Report.

3.4 With this in mind, the reason for refusal is still upheld.

Reason for refusal no. 1 – design

3.5 The design of the dwelling would be at odds with the streetscene of Chaucer Road and Kingsley Road of which it would be viewed within. While contemporary design is not unacceptable in some locations, the proposed townhouse design would be at odds with the scale, form and character of the surrounding residential development within the streetscene. This is due in particular to its vertical proportions – the proposed dwelling appears 2.5 storey at the front, 3 storeys when viewed from the side and rear, and is narrow in its width. This will jar with the adjacent housing, which is largely square and squat in appearance and the dwellings are set within wider plots. The proposed dwelling is set within a narrow plot, with no gap from the side elevation of the dwelling to the adjacent highway. It should also be noted the proposed dwelling would benefit from both a front and rear dormer, which is not typical of this streetscene to the front or rear.

Photo 2: Google Maps images of the streetscene.



Image capture 2022.

3.6 Paragraph 134 of the NPPF establishes clearly that development which is not well designed should be refused, and conversely, significant weight should be given to development which reflects local design policies and government guidance on design. In support of this, the Government have produced a suite of guidance documents including Building for a Healthy Life (BHL) , the National Model Design Code (NMDC) and the National Design Guide (NDG) which form a material consideration in the assessment of the design of development proposals, and aid Local Authorities and developers alike in understanding if development proposals are well-designed.

3.7 The NDG establishes the layout of development proposals as a key component of well-designed places, where well-designed new development is integrated into its wider surroundings physically, visually and socially; demonstrating an understanding of the existing patterns of built form.

3.8 The proposed development would appear at odds with that of the surrounding streetscene as a result of its siting, scale, design and layout.

The proposal would appear cramped and out of sync with the streetscene in which it would be viewed.

3.9 It is acknowledged that the townhouses approved to the south east of the site, on Stanycliffe Lane, are currently under construction (LPA Planning Reference 16/00361/FUL). It should be noted however these properties would be viewed within a different streetscene, and the proposed design would not seek to assimilate well within its immediate surroundings.

Reason for refusal no. 2 - amenity

3.10 The NDG states that good design promotes quality of life and amenity for occupants, in particular reference to characteristics H1 and H2. This is echoed in the NPPF, which in Paragraph 130 states planning decisions should ensure a 'high standard of amenity for existing and future users'.

3.11 By virtue of its siting, the proposal would have a poor level of amenity for the residents and occupiers of the adjacent property at No 5 Kingsley Road, and would fail to accord with the NPPF and NDG.

3.12 The Council seek to rely on the content within the officer's report in matters relating to amenity.

4 OTHER MATTERS

4.1 It is conveyed through the Appellant's Grounds of Appeal that the appellant has raised a number of concerns regarding the handling of the application.

4.2 The application was determined through the planning merits of the application only.

4.3 The LPA determined the application within a reasonable timeframe agreed with the applicant via email and maintained an open channel of communication throughout the determination process as is evidenced by written correspondence between LPA and the applicant.

4.4 The informal discussions between case officers and the applicant should not in any way constitute formal granting of planning permission. The Officer recommendation was reviewed in accordance with the Council scheme of delegation and signed off by the Development Manager under delegated powers.

4.5 The 'Guidelines & Standards for Residential Development SPD', adopted June 2016, builds upon the requirements stated within CS Policies P1, P3 and DM1, providing additional design guidance for new residential development.

4.6 Should the Inspector be minded to grant planning permission for the development a list of suggested conditions is provided in a separate document.

4.8 It should be noted the suggested condition, no 11, refers to the removal of permitted development rights. The proposed removal of Class B is as a result of the potential for overdevelopment of the roofspace as a result of the demolition of the dormer proposed as part of this application, and replacement with a much larger rear dormer, and the detriment this could cause to the visual amenity of properties on Stanycliffe Lane.

5 CONCLUSION

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