ROCHDALE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78

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APPEAL BY MRS JULIA BENTHAM

APPEAL SITE: 27 SPRING BANK LANE, ROCHDALE, OL11 5SE

STATEMENT OF THE LOCAL PLANNING AUTHORITY

LPA REFERENCE: 20/01517/OUT

PINS REFERENCE: APP/P4225/W/21/3272864

INTRODUCTION AND BACKGROUND,

1.1 This appeal is against the Local Planning Authority's refusal to issue Planning Permission under Section 78 of the Town and Country Planning Act 1990 under application reference 20/01517/FUL – '*Outline application (including access and layout) for the erection of two two-storey dwellings - Resubmission of 20/00089/OUT'* which was refused by notice dated 4th February 2021.

1.2 The application was considered to have an unacceptable impact on the character of the area due to the proposed development forming a dense cluster of buildings that would not be typical of the surrounding urban fabric. It is considered that the close proximity of the proposed buildings to the existing dwelling, and the disparity in scale, would present a confused juxtaposition that would comprise a visually harmful form of development and a poor standard of design. On this basis the proposal fails to accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

1.3 The application was refused by notice dated 4th February 2021 for the following reasons:

1 The proposed layout would result in a dense cluster of development which would fail to preserve or enhance the local character. The lack of cohesion in the siting of additional built form at the site, and the siting and design of the proposed attached garages to the front of the dwellings would exacerbate the visual harm in this location, notably as the area of siting would be that most exposed from Spring Bank Lane. The close relationship between the existing and proposed dwellings and the contrasting scale of existing and proposed built form would result in a confused juxtaposition of built form that would represent a visually harmful form of development and a poor standard of design generally. The application therefore fails to accord with the requirements of adopted Rochdale Core Strategy policies P3 and DM1 and the National Planning Policy Framework.

SITE DESCRIPTION

2.1 This application relates to a substantial garden area of approximately 0.4ha which surrounds a large detached dwelling in the residential area of Norden within the Defined Urban Area as allocated under saved Policy G/D/1 of the Unitary Development Plan. The existing access is provided from a single track private road which serves a number of dwellings on Spring Bank Lane. The site adjoins to nos.20-36 (evens only) Norford Way to the south and east, with

no.31 Spring Bank Lane to the southeast. An apartment block known as Norden Lodge stands to the north of the site. The site is largely surrounded by tall, mature hedges and trees. A Beech tree protected by TPO167 is growing within the grounds of Norden Lodge immediately to the most northerly corner of the site.

RELEVANT PLANNING HISTORY

3.1 20/01567/CPE Application for a certificate of lawfulness for an existing single storey side extension. Granted Unconditionally, January 2021

3.2 20/00089/OUT Outline application including Access and Layout for the erection of two two-storey dwellings and one single storey granny annexe to No. 27 Spring Bank Lane. Refused April 2020

Reasons:

1 The proposed layout would result in a dense cluster of development which would fail to preserve or enhance the local character. The siting of additional built form in respect of the proposed detached garages to the front of the dwellings would exacerbate the visual harm in this location, notably as the area of siting would be that most exposed from Spring Bank Lane. The close relationship between the proposed main dwelling of Plot 1, the existing garage and the proposed annexe would result in a confused juxtaposition of built form that would represent a visually harmful form of development and a poor standard of design generally. The application therefore fails to accord with the requirements of adopted Rochdale Core Strategy policies P3 and DM1 and the National Planning Policy Framework.

2 The proposed layout would result in undue overlooking and loss of privacy for the occupants of Nos. 36 Norford Way and 31 Spring Bank Lane through failure to accord with the required minimum separation distances for first floor level habitable room windows to the boundary and directly facing habitable rooms. As such, the application is contrary to requirements of adopted Rochdale Core Strategy policy DM1, the Supplementary Planning Document ‘Guidelines and Standards for Residential Development (2016) and the National Planning Policy Framework.

3.3 117/01251/CPL Application for a Lawful Development Certificate for a proposed single storey side extension to existing dwelling (re-submission 17/00999/CPL). Withdrawn

3.4 17/00999/CPL Application for a certificate of lawfulness for a proposed single storey side extension. Withdrawn

3.5 14/00079/FUL Demolition of existing dwelling and erection of new dwelling including the erection of detached double garage. Granted STC March 2014

3.6 13/01009/HOUS Demolition of side extension and erection of two storey front extension, single storey rear extension, first floor side/rear extension together with balcony, remodelling of the external elevations and the erection of a detached double garage (Resubmission 13/00071/HOUS Granted STC October 2013

3.7 13/00071/HOUS Demolition of side extension and erection of two storey front extension, single storey rear extension, first floor side/rear extension together with balcony, remodelling of the external elevations and the erection of a detached double garage (Resubmission 13/00071/HOUS. Granted STC May 2013

3.8 81/D13086 Outline Application for one Dwelling House. Granted STC December 1981

POLICY BACKGROUND

4.1 The relevant parts of the Development Plan are the adopted Rochdale Core Strategy which was adopted on the 19th October 2016; and 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 RCS.

4.2 The relevant policies contained within the adopted Rochdale Core Strategy 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 Increasing the value of biodiversity and geodiversity

G8 Increasing the value of biodiversity and geodiversity

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 UDP policies are:

G/D/1 Defined Urban Area

EM/7 Development and Flood Risk

EM/8 Protection of Surface and Ground

Supplementary Planning Documents (SPD):

'Guidelines and Standards for Residential Development' (June 2016).

Oldham and Rochdale Urban Design Guide

4.4 The National Planning Policy Framework is also a material consideration in respect of the appeal, as is the supplementary planning document 'Guidelines and Standards for Residential Development (2016).

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.

Reason 1 – Design, Character and Density of Development

5.2 The Appellant argues that the proposal would not result in a "*Dense cluster of development,"* arbitrarily stating that the resultant density of development would equate to 8 dwellings per hectare. Notwithstanding, this objective form of measuring density gives no regard to the siting, or size of the existing and proposed buildings. The LPA's reasoning relates to a 'cluster' of buildings which inherently refers to the close proximity in the siting and scale of the buildings, rather than the number of dwellings in relation to the size of the plot. The Appellant's assertion that the proposal achieves a low density is realised through the provision of a vast garden area for the use of the existing dwelling. It is considered that such feature serves only to further highlight the irregularity in the urban grain that the development would cause.

5.3 The Appellant has also stated that the layout "*Would be expected in the street scene."* It is considered that the proposal remains of a poor standard of urban design that is uncharacteristic of the surrounding built environment. Whilst the approach to development along Spring Bank Lane is generally piecemeal, it is recognised that the approach to development generally incorporates standard urban design principles. Dwellings in the surrounding area generally face towards the highway, maintaining building orientation and lines, and benefitting from dedicated access provisions. This application is considered to ignore such principles, with the resultant development causing detrimental harm to the urban grain and the density and layout of the street scene.

5.4 It is acknowledged that the application dwelling does not conform to the aforementioned urban design principles, being sited centrally in a large plot facing across the driveway. It is considered that the generous plot size accommodates this siting without detriment to the character and appearance of the street scene as it is complementary of the significant scale of the dwelling. The introduction of 2 additional dwellings within the plot would undermine the siting of the existing dwelling, eroding the spacing between the existing building and the boundary of the curtilage, contributing to a cramped appearance, compounded through a disparity in the scale between the existing and proposed buildings. Where this would be visible from public vantage points in the area, the development would be unduly harmful to the character and appearance of the area.

5.5 In paragraph 31 of the Appellant's supporting statement, it is referenced that the use of a suitable landscaping scheme would restrict views into the site from the common observer. It is not considered that a landscaping scheme of any quality could fulfil the aspirations of Policy P3 of the adopted Rochdale Core Strategy, which seeks to "*Enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape*," instead attempting to mitigate harm through restricting the views into and across the site. Whilst not a subject of this appeal, a landscaping scheme would not be sufficient to mitigate the harm to the street scene.

5.6 The LPA acknowledges that the proposal would contribute to the supply of housing in the borough, of which Core Strategy Policy C1 seeks to deliver at least 460 net additional dwellings per year up to 2028, however given the scale of the scheme, and net provision of 2 additional dwellings, only limited weight can be given. The LPA further acknowledge the minor economic benefit of the scheme, delivered through the construction period of the scheme and addition of 2 additional families. However, it is not considered that such weight is substantial enough to overcome the harm identified to the urban grain, density and layout of the area and to the character and appearance of the immediate street scene.

CONCLUSION

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

6.2 Should the Inspectorate be minded to allow the appeal, a list of suggested conditions is provided in a separate document.