

**DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF
A REPLACEMENT DWELLING**

**WHITTLE BUNGALOW, WHITTLE LANE,
HEYWOOD OL10 2RD**

PLANNING, DESIGN AND ACCESS STATEMENT

THE SITE

Whittle Bungalow is a detached property located off Whittle Lane in Heywood, on the northern side of the M62. The dwelling is a true bungalow set in an extensive curtilage. There is a small field adjoining the site to the north, which also lies within the applicants' ownership.

There are two existing substantial sized outbuildings within the curtilage of the dwelling, a stable block and a garage, both of which are currently used for domestic storage purposes. There are also two storage containers within the curtilage which have been in situ for several years.

The site is located within the Green Belt, but the surrounding area is semi-urban in character, with the Birch Service Area, Birch Industrial Estate and the motorway itself lying in close proximity.

The site is not within a conservation area or within the setting of any listed buildings. The Environment Agency Flood Map indicates that the site is within Flood Zone 1 and is, therefore, only at low risk of flooding.

THE PROPOSAL

This application proposes the demolition of the existing bungalow and the construction of a replacement dwelling. The new dwelling would be sited on the same footprint as the existing bungalow and would provide living space and an en suite bedroom on the ground floor, with further bedrooms on the first floor and within the roof space.

The dwelling would be constructed in brick with stone detailing, with the pitched roof laid in blue slate.

No alterations to the existing access arrangements are proposed.

PLANNING HISTORY

22/01130/HOUS Erection of two storey outbuilding ancillary to existing dwelling with front and rear dormers and front porch, alteration to fenestration to front elevation following demolition of existing stables, garage and removal 2No cabins. Refused.

23/00235/CAA Prior approval for upwards extension through the addition of one additional storey, increasing maximum height from 5.7m to 7.9m. Approved.

PLANNING POLICY CONTEXT

The Planning and Compulsory Purchase Act 2004 reformed the development planning system in England. Section 38(6) of the Act requires that all planning applications be determined in accordance with the development plan, provided the policies or proposals it contains are relevant and unless 'material considerations' indicate otherwise.

The development must therefore be assessed against national planning policy contained within the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG), together with the local planning policies as set out in the Rochdale Local Plan.

National Planning Policy

The National Planning Policy Framework (NPPF) first came into effect in March 2012 and a revised version was published in July 2021. Paragraphs 10 and 11 of the revised NPPF set out that a presumption in favour of sustainable development is at the heart of the Framework. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should endeavour to approve applications for sustainable development. Section 13 – ‘Protecting Green Belt land’ are of particular relevance to this application.

The Local Development Plan

The relevant local planning policy documents are the Adopted Rochdale Core Strategy and the saved policies of the Rochdale Unitary Development Plan (UDP). The Core Strategy, adopted in 2016, provides an overview of the Council’s objectives for the whole of the borough and all other plans and policies must accord with the provisions of the Core Strategy. The 2006 UDP remains in place until the Allocations Development Plan is adopted.

The Supplementary Planning Document (SPD) ‘Guidelines and Standards for Residential Development’ (2016) is also relevant.

In this policy context the main issues relevant to the proposed development are addressed below.

PLANNING CONSIDERATIONS

Green Belt

The site lies within the Green Belt as designated under policy G/D/2 of the UDP and policy G4 of the Core Strategy. Core Strategy policy G4, ‘Protecting the Green Belt’, states that development will be restricted to those limited types of development which are deemed not to be inappropriate by national planning policies contained within the NPPF unless very special circumstances can be demonstrated.

Section 13 – ‘Protecting Green Belt Land’ of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Development must not conflict with the main purposes of including land within the Green Belt, which are: -

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns from merging into one another

- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns and villages
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Paragraph 147 of the Framework states that ‘inappropriate development’ is, by definition, harmful to the Green Belt and should not be approved except in ‘very special circumstances’. Paragraph 148 goes on to explain that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that local planning authorities should generally regard the construction of new buildings in the Green Belt as inappropriate. There are some exceptions to this restriction, including: -

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

The main considerations in assessing the principle of the development in the Green Belt are whether the proposed scheme constitutes inappropriate development in the context of exception d), whether there is other harm to the Green Belt, and if harm exists, whether very special circumstances can be demonstrated which outweigh the presumption against development.

The proposed development would replace the existing bungalow with a new dwelling and is, therefore, appropriate in principle, providing that any impact on openness is considered acceptable.

In assessing impact on openness it is not sufficient to simply calculate any actual increase in built volume or floorspace, but to assess whether such an increase would have a greater impact on the openness of the Green Belt in the particular site circumstances. The concept of ‘openness’ has both a spatial and visual component.

In volumetric terms the existing dwelling measures 826 cubic metres and the proposed dwelling measures approximately 1208 cubic metres, representing an increase of approximately 40%. Whilst the term ‘*materially larger*’ is not defined within the NPPF or the Local Plan, it is accepted that the proposal will result in a significant increase in built form over and above that of the existing bungalow.

In these particular site circumstances the impact of this additional built form is mitigated to a large extent. The new dwelling would be sited on the existing footprint and thus set well back from the site boundaries. The boundaries are defined by mature trees and shrubs, providing an excellent level of visual screening from the public realm. No long distance views of the building will be available from any direction. Nevertheless, it is acknowledged that the proposed replacement dwelling is substantially higher than the existing bungalow and will inevitably impact to some extent on openness from within the site itself.

However, the applicants consider that very special circumstances exist which are sufficient to outweigh any harm perceived by the local planning authority, which should be taken into account in the assessment of the proposed scheme.

Very Special Circumstances

The site benefits from an extant permission for the upwards extension of the existing bungalow, granted by virtue of the provisions of Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Within the assessment of this prior approval application the visual appearance and impact on the openness of the Green Belt could not be considered.

In the case of *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, the Court of Appeal sought to clarify the concept of “fallback” as a material consideration in planning decision making. The concept of “fallback” refers to what development could take place if planning permission for a proposal is not granted. In his judgment Lindblom LJ confirmed that the legal considerations in determining the materiality of a fallback position as a planning judgement were:

- the basic principle is that for a prospect to be a “real prospect”, it does not have to be probable or likely: a possibility will suffice;
- There is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgment in the particular circumstances of the case in hand.

The planning history of the site demonstrates that the applicants are intent on increasing both the value of the property and the amount of accommodation available to their family. They have expended a considerable amount of time and money in pursuing two alternative schemes to seek to clarify the amount of accommodation that could be achieved on the site. The implementation of the scheme allowed under Class AA permitted development rights would considerably increase both the value of the existing property and the amount of living accommodation. The applicants’ Building Surveyor has confirmed that the scheme could be implemented fully in compliance with Building Regulations and quotes for the necessary work have been acquired. In these circumstances, it is considered that there is a “real prospect” of the approved scheme being implemented and the established “fallback” position of being able and likely to lawfully extend the property upwards is a material consideration which should be afforded significant weight in the determination of this application

There are numerous examples of appeal decisions and case law establishing that a “fallback” position can represent a material planning consideration and, therefore, be given considerable weight in decision making. In fact, the Council have recently taken this view in the determination of an application for a very

similar proposal for a replacement dwelling at Hesketh Villa on Whittle Lane, approximately 100 metres from the application site (Ref 21/01078/FUL). We would request that the Council take a similarly pragmatic approach in this case.

In terms of openness, although the replacement dwelling would be approximately 10% larger in volume than the “fallback” scheme, given the siting on the existing footprint and overall height in the context of the site and its wider surroundings, it is considered that the proposed replacement dwelling would not be materially larger than the one that could be constructed under permitted development rights. This view is supported by the conclusions drawn in appeal ref. APP/R0660/W/20/3259305, which considered a replacement dwelling set within a generous plot similar to that which is proposed within this application to not be materially larger, despite being over 25% larger in footprint and 14.7% in volume than the building it would replace.

Whilst the applicants will have to implement the prior approval if consent is not granted for the replacement dwelling, it should be noted that the scheme now proposed presents an opportunity to achieve a much better development than the approved proposals and is the preferred option. By increasing the ridge height of the proposed dwelling additional living accommodation within the roof space can be provided for the applicant and his extended family. The eaves height will remain as approved.

In the light of the above, it is evident that the proposed replacement dwelling will have no greater impact on openness than the approved scheme and will provide a more modern, sustainable and coherent living space than both the existing bungalow and the “fallback” scheme.

Residential Amenity

Paragraph 17 of the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The Council’s Residential Development SPD sets out guidelines and requirements for the design and layout of new housing in order to preserve amenity standards for surrounding residents.

There are no neighbouring dwellings which would be affected by the proposed development. The design of the scheme means that excellent levels of amenity in terms of natural light, outlook, and privacy would be provided for the occupiers of the dwelling.

Design and Visual Amenity

One of the core planning principles contained within the NPPF is to always seek to secure high quality design. Policy DM1 of the Rochdale Core Strategy requires “development to be of high quality design taking opportunity to enhance the quality of the area.” Furthermore, policy P3 of the Core Strategy requires all new developments, including associated landscaping, to adhere to high standards of design.

The submitted plans indicate an attractive individually designed replacement dwelling, using high quality materials and architectural detailing. The existing dwelling is somewhat outdated, both in external appearance and internal layout and its replacement with the proposed scheme will enhance the

appearance of the site and provide high quality accommodation for the applicants and their extended family. There are no other residential properties within the vicinity of the site that would be affected by the development.

Overall, the proposed dwelling is appropriate to its setting and has been designed to be sensitive to its context, in accordance with Policies DM1 and P3.

CONCLUSION

The refusal of the proposed development would not assist in serving any of the five purposes of including land within the Green Belt as set out above. The proposed replacement dwelling will have no greater impact on openness than the approved scheme and will provide a more modern, visually attractive, sustainable, and coherent living space than both the existing bungalow and the “fallback” scheme.