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HEAL
PLANNING & DEVELOPMENTS

Proposal Description: Retrospective application for a dormer on the south elevation

Applicant: Michael Dupelycz

Site Address: 4 Oulder Mount, Oulder Hill, Rochdale, OL11 5LL

Introduction:

The application is a retrospective householder application for a dormer on the south elevation' of the dwelling house 4 Oulder Mount, Oulder Hill, Rochdale, OL11 5LL. The application is submitted to Rochdale Borough Council.

Permission is sought for a flat roof dormer to the side roof slope of the host dwelling. It measures approximately 3.38m in length, 1.31m in height and 0.85m in depth. It is finished in grey uPVC cladding, as shown below:



The dwelling is a detached, split-level dwelling on a corner plot, as shown below:



The site is abutted by a variety of dwellings including terraced and detached houses of a traditional and modern form, with the land through the site sloping upwards from east to west which allows for a lower-level garage to be incorporated into the existing property which

is accessed from the front (east) of the property. The dwelling to the south (no. 2) has a similar lower-level garage.

The property is not listed, it does not sit within a Conservation Area or any other designated land.

Previously, the dwelling had 2 Velux windows in place of the current dormer, which were fully opening with views into the neighbour's property. The applicant replaced these windows with the dormer in 2022. The neighbouring property has no objection to the dormer being in place.

An application for a certificate of lawfulness was refused by the LPA on 13th March 2025 for the following reason:

'The proposal does not constitute permitted development by virtue of non-compliance with the requirements of Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the plans indicate that materials used in the exterior of the proposed rear dormer would not be of a similar appearance to those used in the roof of the host dwelling and the dormer window would form a side elevation of the dwellinghouse and would not be obscurely glazed or non-opening to the required standard.'

This will be considered below.

The same plans as previously submitted under application reference 24/01265/CPL are relied upon within this application as the subject matter is the same.

Planning History of the Site:

- 19/00334/HOUS Single storey side extension - Granted STC (June 2019) – Implemented.
- 14/01057/HOUS First floor extension to rear of dwelling – Granted STC (November 2014) - Not implemented.
- 04/D44670 First Floor Side Extension To Dwelling And Alterations To Roof – Granted STC (January 2005) - Not implemented.
- 83/D16155 Residential Development One Dwellinghouse With Detached Garage - Granted STC (February 1984)
- 83/D15193 Residential Development For One Detached Dwellinghouse - Refused (July 1983)

Application Assessment:

Whilst it is noted that, as a house holder application, the proposal does not need to conform to permitted development conditions, the same is considered within this application as the proposal complied with the majority of the requirements and can be amended and conditioned in the other regards to comply in full.

However, the starting point within the application is that of a householder application and the fall back suggestions of conditions are to be considered only if the LPA do not consider the application can be passed on the merits of the application alone. It is the applicant's consideration that this proposal is acceptable in principle.

Within the officer's report, the assessment noted that the application fully complied the assessment of class B parts a – f, as follows:

Class B of Part 1 of the Schedule to the GPDO allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof subject to it not being contrary to any of the following criteria:

- (a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M,N,P, PA or Q of Part 3 of the GPDO

☒ **Complies**

☐ **Does Not Comply**

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

☒ **Complies**

☐ **Does Not Comply**

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and front a highway;

☒ **Complies**

☐ **Does Not Comply**

- (d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-
- (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;

☒ **Complies**

☐ **Does Not Comply**

Note: The host dwelling comprises an existing side extension which contributes to the roof space of the original dwelling. Therefore, the following volume calculations will take into consideration the volume of the roof space of the existing extension, which is approximately 12.23m³.

Dormer Volume Calculation

Height (m)	1.31
Depth (m)	0.85
Length (m)	3.38
Total (m³)	1.88

Total volume (approx.) = 14.11m³

- (e) It would consist of or include –
- (i) The construction or provision of a veranda, balcony or raised platform, or
 - (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

☒ **Complies**

☐ **Does Not Comply**

- (f) The dwellinghouse is on article 2(3) land.

☒ **Complies**

Therefore, the proposal complies with the first part of the assessment.

Within the conditions assessment of class B, the officer found that the application complied with part B, but failed parts A and C, as follows:

Conditions (Class B)

Development is permitted by Class B subject to the following conditions –

- (a) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

- ☐ **Complies**
- ☒ **Does Not Comply**
- ☐ **Details Not Provided**

Note: The Permitted Development Rights for Householders: Technical Guidance (2019) sets out that the materials used for facing a dormer should appear to be of a similar colour and design to the materials used in the main roof of the house when viewed from ground level. The proposals show the use of grey uPVC cladding which would not comply.

- (b) The enlargement must be constructed so that –
- (i) Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension
- (aa) The eaves of the original roof are maintained or reinstated; and
- (bb) The edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
- (ii) Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

- ☒ **Complies**
- ☐ **Does Not Comply**
- ☐ **Details Not Provided**

- (c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –
- (i) Obscure-glazed, and
- (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

☐ **Complies**

☒ **Does Not Comply**

☐ **Details Not Provided**

Note: The proposed dormer window would form a side elevation of the dwellinghouse and would not be obscurely glazed or non-opening to the required standard.

Therefore, the proposal complies with Park B.

Parts A and C will be considered below, along with a general assessment of these planning issues.

Appearance:

Impact on appearance should be assessed only from public viewpoints.

Due to the surrounding development and substantial vegetation, there are no public views of the dormer, as shown in the below images:





The second two images show the appeal site from the surrounding street scene; neither of these positions show the dormer from a public viewpoint.

The first image demonstrates that the dwellinghouse cannot be seen from the public road Fieldhead Avenue to the east of the site.

The dormer has been constructed in dark grey cladding to match the existing roof colour, and although the materials differ from the roof, it has been designed to fit and integrate seamlessly with the same, and match the existing materials to a similar standard. The same is demonstrated on the below images:



As there are no public viewpoints of the dormer, and the dormer has been sensitively designed to integrate seamlessly into the existing development, it is considered that the appearance of the dormer is acceptable.

In comparison, other dormers in the local area which have been permitted and do not so comprehensibly respect the character and appearance of it's host dwelling and surrounding area include:

31 Fieldhead Avenue



18 Chester Avenue





2 Woodlands Avenue



4 Woodlands Avenue



45 and 47 Marland Fold



It is considered these nearby additions are far less complementary to their host dwelling than the subject proposed within this application.

In contrast, the dormer was deemed acceptable at 8 Midge Hall Drive which does match it's host dwelling, as below:



It is therefore considered that the proposal which the subject of this application is acceptable, as this development was deemed so.

The image below demonstrates these dwellings relationship to the dwelling the subject of this application:



Part A - Fall Back Position

With regards to the conditions test, part A of the condition's considerations set out:

Development is permitted by Class B subject to the following conditions –

- (a) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

- ☐ **Complies**
- ☒ **Does Not Comply**
- ☐ **Details Not Provided**

The test here is the materials must be of a 'similar appearance' to the rest of the dwellinghouse, not an exact match.

The dormer has been constructed in an industry standard cladding type of dark grey to match the existing roof colour, and although the materials differ from the roof, it has been designed to fit and integrate seamlessly with the same, and match the existing materials to a similar standard, as defined in PD. The same is demonstrated in the below images:





It is considered that the proposal complies with this element of the class B conditions assessment, and the dormer both reflects and respects the appearance and materials of the existing dwellinghouse.

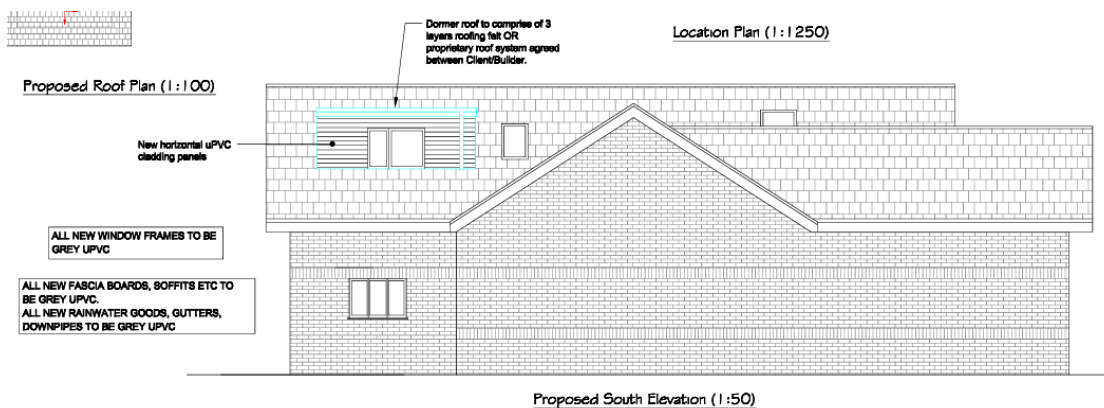
Should the LPA disagree with this conclusion, then the applicant is reluctantly willing to tile the dormer addition to match the roof tiles to ensure compliance is met with the LPA's standards. This can be secured by way of a suitably worded condition. This is however considered unreasonable given the number of other examples of dormer's in the locality which do not match the roofs.

Amenity:

Previously, the house hosted 2 Velux windows, which fully opened, in place of where the dormer now sits. These windows would have provided for the same view point, giving potential views into the neighbouring property, as shown on the plan below:



The dormer allows the applicant to make full use of the space within their house, and as the Velux windows were previously in place, it does not provide for any additional amenity harm. This is also demonstrated on the plan showing the addition of the dormer:



The google earth image also shows the Velux windows in situ previously:



In so far as the applicant is aware, the neighboring property potentially overlooked has no objections to the dormer being in place.

Given the replacement of existing windows in the same location, it is considered that no harm is caused by the implementation of the dormer.

Additionally, the applicant would like to draw the LPA's attention to the following properties who host dormers which create views into neighbouring properties:

26 Links View



50 Marland Fold



560 Bury Road



As far as the applicant is aware, none of these dormers have been required to be constructed in obscure glass.

Part C - Fall Back Position

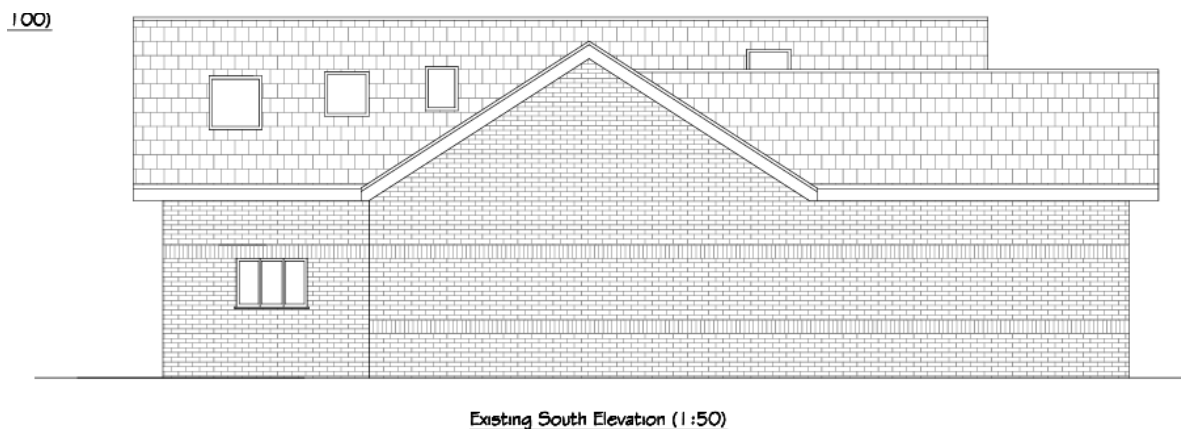
Part C of the condition's considerations set out:

- (c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –
 - (i) Obscure-glazed, and
 - (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

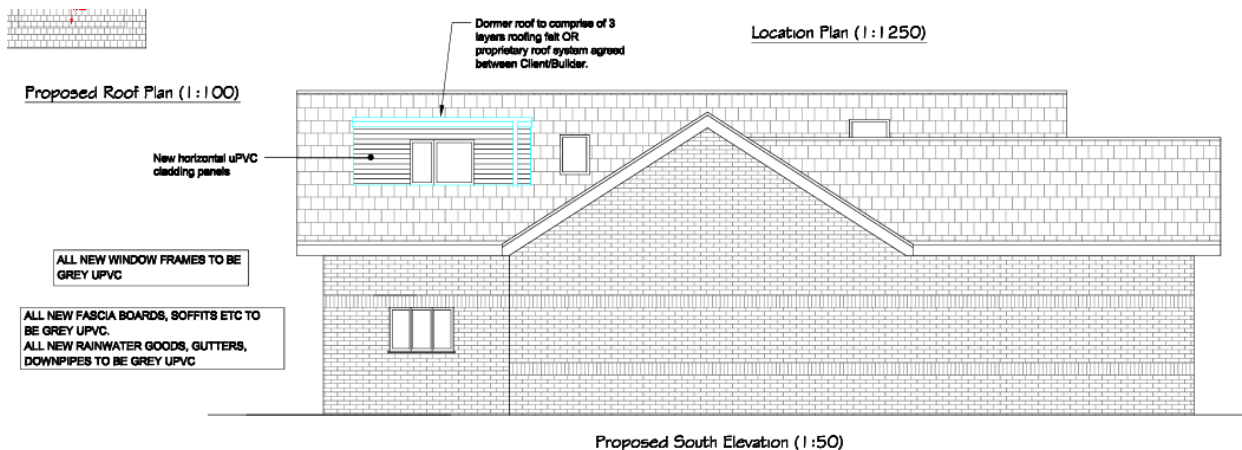
- ☐ Complies
- ☒ Does Not Comply
- ☐ Details Not Provided

Note: The proposed dormer window would form a side elevation of the dwellinghouse and would not be obscurely glazed or non-opening to the required standard.

Whilst the dormer is not constructed in obscure glazing and is a side elevation, the dormer replaces 2 Velux windows which fully opened and afforded views into the neighbouring property. There is no material change through allowing the dormer, which provides for no change in amenity standards and no additional harm is therefore accrued by the dormer. The dwelling prior to the implementation of the dormer is shown in the plan below:



The implementation of the dormer is shown below in the proposed plan:



It is considered that no harm is raised through the replacement of the Velux windows with the dormer.

If the LPA disagree with this position, then it is proposed that the applicant replace the glass with obscure glazing, which will ensure the development will confirm with the permitted development conditions. Given that clear glass has been accepted since 1985, it would seem unreasonable to impose this requirement, and at great cost to the applicant.

National Planning Policy Framework:

It is important to respectfully draw attention to relevant sections of the NPPF that have either been overlooked, misinterpreted or not given due weight and consideration within the decision-making process. The following sections in particular are highlighted as requiring attention.

There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development and approve all individual proposals wherever possible.

Paragraph 38 relates to decision-making of Local Planning Authorities and all other levels. It states that decision-takers at every level should seek to approve applications for sustainable development where possible.

Paragraphs 48 and 49 set out how weight should be attributed to Development Plan policies.

Paragraph 132: Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers. **There is no clear direction in local policy for design guidance in extensions or amendments, and the applicant considered they were adhering to PD when constructing the dormer, given they used similar materials to complement the existing building and replaced two windows with the same viewpoint.**

Paragraph 135 which states:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal fully accords with this paragraph. The proposal will function well for longevity and be visually attractive. The proposal has been designed to ensure that it is in-keeping with the host dwelling and surrounding area in respect of design, character and appearance and it does not create significant additional built form.

Local Policy:

The relevant parts from the Council's Local Plan with commentaries under each are set out below:

In line with paragraph 11 of the NPPF, the most important policies for determining the appeal need to be identified. It is clear from the *judgement Wavendon Properties Ltd v SoSoHCLG & Milton Keynes Council* [2019] EWHC 1424 (Admin), that the collection of most important policies should be considered in the round.

Most important policies should only be those that govern the development proposed in a particular area. More generic policies that can apply to multiple types of development should not logically be considered as most important policies. This approach is adopted in the below assessment of the refusal policies.

The LPA's main policy document is their Core Strategy, adopted in October 2016. They also rely on Rochdale Borough Unitary Development Plan and Policies which was adopted in 2006. The Unitary Development Plan from our 1996-2016 Local Plan is still in place until the LPA's Allocations Development Plan is adopted, which is currently anticipated to be adopted in 2027.

There are currently no neighbour plans adopted.

Policy P3 from the Core Strategy sets out:

P3 - Improving design of new development

We will require all new developments, including associated landscaping, regardless of location in the borough, to adhere to high standards of design. The following design principles should be adhered to wherever relevant:

- 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, materials and access of surrounding buildings and areas in general;
- Ensure that buildings contribute positively to the townscape, and are well proportioned;
- Incorporating design measures that design out crime and ensure developments and spaces are safe to use and access (including lighting as appropriate);
- Provide an appropriate mix of uses and consider the needs of all sections of society;
- Ensure a development is easy to move through and get around, especially for pedestrians, cyclists, public transport, disabled people and emergency service vehicles;
- Provide a hierarchy of routes, streets and spaces, relating positively to visual connections between the development and its surroundings;
- Ensure that the intended functions of buildings and spaces are easily understood, and their entrances appropriately located and visible;
- Ensure buildings can be easily adapted to meet future/alternative needs of occupants;
- Minimise impact upon the environment, and help adapt to the impacts of climate change, including by re-using existing buildings and materials (maximising the benefits of existing embodied energy) and utilising sustainable drainage (Policies G1 and G2);
- Design buildings and spaces so that quality and appearance can be maintained over time; and
- Reduce the monotony and visual impact of car parking areas by using substantial and well integrated landscaping.

All developments should have regard to the principles outlined in the following documents (or equivalent documents which replace them), which set out in detail the Council's design expectations for new development:

- Urban Design Guides SPDs, September 2007
 - Urban Design Guide SPD, September 2007;
 - Residential Design Guide SPD, September 2007;
 - Public Realm Design Guide SPD, September 2007;
- Littleborough Town Design Statement SPG, 2005;
- Shopfronts and Security Shutters SPD, 2012; and
- Guidelines and Standards for Residential Development SPD, 2016.

Design and access statements and design briefs must include demonstration of how these design principles have been taken into account in the design of development proposals.

Whilst the development isn't new, this is the most relevant policy within the document.

The dormer allows the adaptation of the host dwelling to meet the current and future needs of the occupiers, creates good design to maximise capacity of the building and incorporates attractive design which compliments the existing dwelling.

The proposal complies with policy P3.

Policy BE2 of the Rochdale Borough Unitary Development Plan sets out:

BE/2 DESIGN CRITERIA FOR NEW DEVELOPMENT

Development proposals will be required to demonstrate good design by:

- a) Ensuring that they are compatible with or improve their surroundings by virtue of their scale, density, height, massing, layout, materials, architectural style and detail and means of enclosure;
- b) Creating visual interest in areas or buildings lacking character;
- c) Taking opportunities to retain, enhance or create views, landmarks and other townscape features which make a material contribution to the character of the area and reveal such features to public view;
- d) Retaining and enhancing the architectural or historic qualities and features of buildings of character;
- e) Appropriate treatment of open spaces between and around buildings, including the provision of landscaping as an integral part of the development layout;
- f) Retaining key natural features, including trees, as part of the landscaping of the site;
- g) Providing for safe and convenient access and circulation;

- h) Minimising opportunities for crime against people or property;
- i) Making adequate provision for natural light within and between buildings;
- j) Minimising the potential environmental impact of and on the development, including noise, air and water pollution.

Again, this policy is focused on new development, which is not strictly applicable to this application, however this is the most relevant policy within the document.

The dormer compliments and character and appearance of the host dwelling and surrounding developments; the proposal complies with this policy where relevant.

Conclusions:

The application is a retrospective householder application for a dormer on the south elevation' of the dwelling house 4 Oulder Mount, Oulder Hill, Rochdale, OL11 5LL. The application is submitted to Rochdale Borough Council.

Permission is sought for a flat roof dormer to the side roof slope of the host dwelling. It measures approximately 3.38m in length, 1.31m in height and 0.85m in depth. It is finished in grey uPVC cladding.

Previously, the dwelling had 2 Velux windows in place of the current dormer, which were fully opening with views into the neighbour's property. The applicant replaced these windows with the dormer in 2022. The neighbouring property has no objection to the dormer being in place. Whilst it is noted that, as a house holder application, the proposal does not need to conform to permitted development conditions, the same is considered within this application as the proposal complied with the majority of the requirements, and can be amended and conditioned in the other regards to comply in full.

Impact on appearance should be assessed only from public viewpoints.

Due to the surrounding development and substantial vegetation, there are no public views of the dormer.

The dormer has been constructed in dark grey cladding to match the existing roof colour, and although the materials differ from the roof, it has been designed to fit and integrate seamlessly with the same, and match the existing materials to a similar standard.

As there are no public viewpoints of the dormer, and the dormer has been sensitively designed to integrate seamlessly into the existing development, it is considered that the appearance of the dormer is acceptable.

Should the LPA disagree with this conclusion, then the applicant is willing to tile the dormer addition to match the roof tiles to ensure compliance is met with the LPA's standards. This can be secured by way of a suitably worded condition.

Previously, the house hosted 2 Velux windows, which fully opened, in place of where the dormer now sits. These windows would have provided for the same view point, giving potential views into the neighbouring property.

Given the replacement of existing windows in the same location, it is considered that no harm is caused by the implementation of the dormer.

If the LPA disagree with this position, then it is proposed that the applicant replace the glass with obscure glazing, which will ensure the development will confirm with the permitted development conditions.

In line with paragraph 11 c) of the NPPF and policy PE3, planning permission should then be granted.

Recommendation:

The Council are respectfully requested to allow this application.

9th April 2025

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