

APPLICATION NUMBER: 24/01000/CAA

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Class AA – Upwards Extension

Application Number:	24/01000/CAA
Location:	163 Leander Drive, Rochdale, OL11 2XE
Proposal:	Prior approval for upwards extension through the addition of one additional storey, increasing maximum height from 4.6m to 7.1m
Applicant:	Mr & Mrs Awat & Sozyar Abdullah Salih
Case Officer:	Bob Melling
Recommendation:	Prior Approval Refused

CHECKED AND SIGNED OFF BY: RC

DATE: 19.12.24

Site Description

The application relates to no. 163 Leander Drive, a large detached bungalow located in a residential area of Castleton. The application property faces the highway to the north and is adjacent to no. 165 Leander Drive to the west. There is a densely vegetated area of green space to the east of the property, with a public footpath linking Leander Drive with Trows Lane to the south. The rear garden slopes down steeply towards the rear boundary of the curtilage. The application property is constructed in light brown brickwork, cream render and terracotta roof tiles.

Publicity	Neighbour letters expired?	Y	Responses received?	Y
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Neighbours Notified:

114 Leander Drive, Rochdale, OL11 2XE
116 Leander Drive, Rochdale, OL11 2XE
118 Leander Drive, Rochdale, OL11 2XE
120 Leander Drive, Rochdale, OL11 2XE
165 Leander Drive, Rochdale, OL11 2XE
9 Bates Close, Rochdale, OL11 2TU

Summary of Neighbour Responses:

3 objections were received in response to the proposed development. The objections raised the following concerns:

- Loss of light and privacy (overlooking).
- Overbearing impact.

Officer's response: These matters are considered under the 'Amenity' section of the report.

- Impact on transport and highways including lack of off-street parking.

Officer's response: Class AA does not enable the consideration of highways impacts including the provision of sufficient off-street parking.

- Not in keeping with the area.

Officer's response: This matter is considered under the 'Design' section of the report.

- The work done to the garden is not sufficient to support a bigger building – the property had subsidence.
- Unsafe without building reports on the land.

Officer's response: Criterion (k) of Class AA allows engineering works within the curtilage of the host dwelling to strengthen its existing walls and foundations. It does not allow for works outside the curtilage and there is no suggestion that such works would be required to facilitate the upwards extension. Matters pertaining to construction methods and building reports are not planning considerations and would be matters for the appointed building surveyor.

- The need to extend could be done by implementing a previous planning permission with less impact on surrounding area.

Officer's response: The Council cannot take the above into consideration in the determination of the current application.

A number of concerns were raised regarding the unauthorised re-profiling works around the site, namely the raising of land levels to the rear. While a previous planning application was refused on the grounds of insufficient information regarding the level changes around the property, the current application seeks to confirm the lawfulness of an upwards extension only, and is not connected to the wider works. It must be considered against Class AA of the General Permitted Development Order. The current application does not consider the unauthorised re-profiling works, which require planning permission.

Relevant History:

24/0158/EXTALT	Works in connection with pending application ref: 24/00408/HOUS. – Pending consideration
24/00408/HOUS	Alterations to existing roof including increase in ridge height and hip-to-gable roof conversion, erection of 2no pitched roof rear dormers and single-storey rear extension - Refused
22/00105/OUT	Outline application (all matters reserved) for the erection of 3 no. detached dwellings following demolition of existing bungalow – Refused (Appeal allowed)
86/D18928	Residential Development - One Dwellinghouse – Granted STC
79/D08784	Residential Development Amended House Types – Granted STC

Permitted Development Rights removed?	No
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Description of Proposed Development

The Host Dwelling is: Detached ☒ Other ☐

How many additional storeys are proposed?

What will be the additional increase in maximum height?

What will be the maximum height of the resultant dwelling measured externally from the natural ground level:

Is the proposal wholly within the curtilage of the dwellinghouse?	Yes
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Prior Notification of a Proposed Larger Home Extension – Town and Country Planning (General Permitted Development) Order 2020 (as amended) Schedule 2, Part 1 (Class AA).

Assessment (Class AA)

Class AA of Part 1 of Schedule 2 of the GPDO allows for the enlargement of a dwellinghouse by construction of:

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys;
- or
- (b) one additional storey, where the existing dwellinghouse consists of one storey,

Subject to the following criteria:

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

☒ **Complies**

☐ **Does Not Comply**

(b) the dwellinghouse is located on—

- a. article 2(3) land; or
- b. a site of special scientific interest;

☒ **Complies**

☐ **Does Not Comply**

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

☒ **Complies**

☐ **Does Not Comply**

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

☒ **Complies**

☐ **Does Not Comply**

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

☒ **Complies**

☐ **Does Not Comply**

(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

- a. 3.5 metres, where the existing dwellinghouse consists of one storey;
- b. 7 metres, where the existing dwellinghouse consists of more than one storey

☒ **Complies**

☐ **Does Not Comply**

(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

- (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
- (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

☒ **Complies**

☐ **Does Not Comply**

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

- (i) 3 metres; or
- (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

☒ **Complies**

☐ **Does Not Comply**

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;

☒ **Complies**

☐ **Does Not Comply**

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development;

☒ **Complies**

☐ **Does Not Comply**

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

☒ **Complies**

☐ **Does Not Comply**

Development is permitted by Class AA 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;
- (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;

- (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse
- (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Paragraph AA.2(3) states that before beginning the development, the developer must apply to the local planning authority for prior approval as to—

- (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
- (ii) the external appearance of the dwellinghouse, including the design and architectural features of—
 - (a) the principal elevation of the dwellinghouse, and
 - (b) any side elevation of the dwellinghouse that fronts a highway;
- (iii) air traffic and defence asset impacts of the development; and
- (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(a) issued by the Secretary of State;

Prior Approval Matters

As required by paragraph AA.2(3), the local authority is required to give regard to a number of matters in the determination of an application made under Class AA of part 1 of Schedule 2. Included in this are points (iii) *air traffic and defence asset impacts of the development* and (iv) *whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(a) issued by the Secretary of State*. No land contained within the borough of Rochdale benefits from the statutory designation of a Protected Vista. Further to this, the borough is absent of air traffic and defence assets.

Amenity

Protection of residential amenity is considered under Policy DM1 of the adopted Rochdale Core Strategy, which states development proposals should ensure they ‘do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.’

Policy JP-P1 of Places for Everyone requires new development to offer a high level of amenity and address microclimate issues such as sunlight and shade (inter alia).

There are no residential properties located to the rear of the application property, the facing properties on the opposite side of Leander Drive measure some 25m away and the nearest property to the east is approximately 65m away. The application property is close to the shared boundary with neighbouring dwelling np. 165 Leander

Drive. However, the proposed upward extension would affect the main part of dwelling only. The projection closest to the shared boundary would remain of single storey height and the existing separation distance between the buildings would be maintained. Moreover, there are no principal windows to habitable rooms within the facing side elevation of no. 165 Leander Drive.

In light of the above, it is considered that the proposals would satisfy the terms of condition AA.2(3)(a)(i) of the GPDO.

Design

The NPPF establishes that good design is a key aspect of sustainable development, whereby decisions should ensure developments are visually attractive and sympathetic to local character. This is also reflected in Policy JP-P1 of Places for Everyone and Policies DM1 and P3 of the adopted Rochdale Core Strategy, which require development to respect local context with regard to siting, size, scale, massing, height and materials. In addition, Section 5.1 of the 'Guidelines & Standards for Residential Development SPD' (2016) states development proposals should be in keeping with the host property and generally should be subservient to it.

Of note, Paragraph 139 of the NPPF is clear that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.'

The application property is a detached bungalow constructed of light brown brickwork, cream render and terracotta roof tiles. The dwelling has a simple built form and a low pitched roof.

The application property is the last in a continuous row of detached dwellings which front onto the southern side of Leander Drive. The street scene is generally suburban in character and comprised of two-storey dwellings with simple, uniform and modest proportions. In this respect there is a balanced form and regular rhythm of development to the street.

In the determination of such prior approval applications, decision makers must have regard to a High Court ruling in *Cab Housing & Others v Secretary of State for Levelling Up, Housing and Communities & Others 2022* that the conditional control of external appearance under Part 20 of the GPDO is not limited to impact on the subject property itself but also includes impact on neighbouring premises and the locality.

Although the Cab Housing judgment was challenged, in February 2023 the Court of Appeal upheld the decision of the High Court in finding that decision makers have a broad remit within the confines of the legislation to exercise their own planning judgment on such prior approval applications. The Court of Appeal concluded that the scale of the proposed development is a relevant consideration for the purposes of Class AA and a decision maker may determine that the scale of a proposed development (even within the specified parameters of the permitted development right) is inappropriate. The Court of Appeal also found that consideration of the external appearance of the dwellinghouse under Class AA should not be restricted to

its principal elevation or any side elevation that fronts a highway. Other elevations and the effects of its external appearance on the surrounding area may also be relevant.

The proposal would result in a substantial increase in scale and massing, particularly given the large footprint of the existing bungalow. Moreover, the curvature of the road means that the host dwelling is angled towards the highway, projecting forward of the main building line thus creating a heightened sense of exposure. This is exacerbated by the gradual increase in ground levels in an easterly direction, with the application site on slightly higher ground than neighbouring properties.

Given the existing orientation and positioning of the bungalow and its comparatively substantial footprint, it is considered that the proposed increase in height and volume would cause the dwelling to have a dominating and prominent effect on the surrounding housing layout. This would have a harmful and unacceptable impact on the surrounding street scene.

In addition, the installation of full height glazing to the principal elevation would not be in keeping with the existing principal elevation and would constitute an incongruous feature on the street scene. It would create an increased sense of verticality which is wholly at odds with the established character of the host dwelling.

Overall, it is considered that the proposal would cause material harm to the external appearance of the application property and the external appearance of the surrounding area. For the reasons given above, the development is not permitted development under the terms of condition AA.2(3)(a)(ii) of the GPDO.

Recommendation:

Prior Approval Refused

1. The proposed development is not permitted by Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the proposed dwelling would fail to be in keeping with the character and appearance of the street scene by virtue of its significant massing and scale. Moreover, the proposed window detailing to the principal elevation would fail to respect both the character of the host dwelling and the street scene. The proposed external appearance of the dwelling, including the design and architectural features of the principal elevation, fails to produce a suitably high standard of design and therefore fails to accord with policies DM1 and P3 of the adopted Rochdale Core Strategy, policy JP-P1 of Places for Everyone, the Guidelines and Standards for Residential Development SPD and the National Planning Policy Framework.

Informative:

For the avoidance of doubt, the decision relates to the following drawings:-

- Sheet: 0.01. Cover Sheet. Rev B
- Sheet: 1.01. Existing Floor Plans. Rev B
- Sheet: 1.02. Existing Elevations. Rev B
- Sheet: 2.01. Proposed Floor Plans. Rev B
- Sheet: 2.02. Proposed Elevations. Rev B

Report Author Bob Melling