

APPLICATION NUMBER: 24/01040/HOUS

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Location:	34 Elliott Street Rochdale OL12 0HF
Proposal:	Part two, part single-storey rear extension including additional window to first floor side elevation
Applicant:	Mr Tasadiq Naveed
Case Officer:	Hamish Rigg
RECOMMENDATION:	Refuse

DELEGATION	Applicant a Council Member or officer?	N
	Contrary to previous decision?	N
	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

CONDITIONS	Pre-commencement conditions proposed?	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

Location

The application to 34 Elliott Street, a two-storey semi-detached property on the outskirts of Rochdale town centre. The applicant property is one of short row of semis which follow a corresponding design and material palette. The surrounding area is typically urban, comprising a mix of uses including residential, industrial, and commercial, and containing a large concentration of warehouses.

No. 34 faces west, overlooking a driveway and the adopted public highway. It adjoins no. 32 to the south, and sits adjacent to no. 36 to the north, and is slightly set back from the latter. The rear boundary faces east, bordering the curtilage of 25 Regent Street, a medium-sized commercial building.

Description of Proposal

Permission is sought for a part two-storey, part-single-storey rear extension, comprising a lean-to roof at ground floor and a hipped roof at first-floor, rear windows at ground floor and first floor, a rear door, and an additional side window at first floor. Proposed materials include red brick, concrete tiles, and UPVC fenestration.

The extension would measure 4.35m in width and would project 3m at ground floor and 2.4m at first floor. The eaves height at ground floor would measure 2.3m, whilst at first floor the eaves height would measure 4.7m and the maximum height 6.2m.

Relevant History

None

Township/Member comments

None

Consultee responses

None

Representations

Letters of notification were sent to surrounding properties 04/11/2024; no objections were raised.

Policy

National

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-P1 Sustainable places

Local

Saved Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Area

Adopted Rochdale Core Strategy (CS) 2016:

The Rochdale Core Strategy was adopted on 19th October 2016. The following policies are relevant:

P3 Improving Design of New Development
DM1 General Development Requirements
T2 Improving Accessibility
Appendix 5 Schedule of Parking Standards

Supplementary Planning Documents (SPD): Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016).

Amendments

None Applicable

Assessment

Design: DM1 and P3

When read collectively, the NPPF, policies P3 and DM1 of the Core Strategy, and JP-P1 of Places for Everyone seek to achieve development of high quality design, 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. Development should function well and add to the overall quality of an area by being visually attractive as a result of effective architecture, layout and landscaping.

The proposed extension follows a uniform and modest design which is typical for such development as this. It uses a subordinate hipped roof form and does not project excessively from the rear elevation, and therefore appears subservient to the host dwelling. In addition the fenestration is well-proportioned and vertically aligned, whilst the materials match the host dwelling. Overall, the design of the proposal is therefore acceptable and accords with policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Amenity: DM1 and SPD

The Council's adopted Core Strategy policy DM1 states that proposals need to demonstrate that they do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Furthermore, policy DM1 of the Core Strategy requires development proposals to demonstrate that they will not have a negative impact upon the amenities of future residents and occupiers. Paragraph 5.1 of the SPD states that extensions 'should be carefully designed to protect the amenity of the occupants of adjoining properties.' Additionally, the National Planning Policy Framework (NPPF) advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

In light of the above, paragraphs 5.6 and 5.9 of the SPD establish maximum standards for how far single-storey and two-storey rear extensions can project from the existing rear elevation, in order to protect the amenity of neighbouring occupants. The proposed rear extension projects 2.4m at first floor and 3m at ground floor, and therefore complies with the SPD both in terms of its impact towards no. 32 and no. 36 Elliott Street.

Notwithstanding its compliance with paragraphs 5.6 and 5.9, the proposed extension would result in an undue loss of privacy for occupants of no. 36 due to the proposed first-floor side window. The window would directly overlook the most intensively used parts of the rear garden of no. 36, and to a lesser extent no. 38, and considering the neighbouring property is set forward from the applicant property, it would also overlook their rear windows.

In similar instances, it might be prudent to suggest a condition requiring the window to be obscurely glazed, especially given the SPD does not include studies in its definition of habitable rooms. Instead it states that *"a habitable room is a well-*

established term and relates to spaces within a home where the occupants are likely to spend significant amounts of time.” However since the adoption of the SPD, the COVID-19 pandemic has brought about significantly increased home-working and thus a study is a room which people would spend significant time within and should therefore be considered as a habitable room, as noted within appeal ref. APP/P4225/D/20/3260659.

However, the SPD also states that *“the Council may take into account the future likely use of proposed and existing rooms in determining whether they should be considered ‘habitable’”*. It may be reasonable to assume that the proposed study could be used as a bedroom for a significant period of time over the lifetime of the development.

It is therefore reasonable to require that a study or a bedroom, where an occupant would spend long periods of time, is afforded an acceptable level of natural light and outlook. As such, a condition requiring the window to be obscurely glazed would not afford sufficient outlook to a habitable room, thus the undue impact on the privacy of neighbouring occupants remains an issue.

In addition, given the study’s potential future use as a bedroom it would need to meet the Nationally Described Space Standards in terms of its total floor space, in order to provide an acceptable level of amenity. The NDDS requires a single bedroom to have a minimum floor space of 7.5m². The proposed study has a floor space of 6.1m², and therefore would not provide adequate space were it to be converted into a bedroom at some point in the future.

In summary, the proposed development would result in an undue loss of privacy for neighboring occupants due to the proposed first floor side window. The reduction in privacy would be exacerbated by the fact that future occupants may spend prolonged periods of time in the study served by said window. It would not be feasible to include an obscurely glazed window as this would provide insufficient natural light and outlook to a room which it would be reasonable to determine as a habitable room. On this latter, were the study to be converted into a bedroom in the future, it would not meet the NDDS for a single bedroom, therefore failing to offer adequate amenity space. The proposal therefore fails to comply with the NPPF, PpE policy JP-P1, Core Strategy policy DM1 and the SPD.

Highways and Parking: DM1 and T2, Appendix 5

The proposed development would have no bearing on the current parking arrangements and is therefore considered acceptable in accordance with policies T2 and DM1.

Recommendation: Refuse

1. The development would result in an undue loss of privacy for neighbouring occupants due to the proposed side floor window overlooking the rear garden and windows of no. 36 Elliott Street. This issue could not be resolved through the requirement for obscure glazing to be installed as it would lead to unacceptable levels of outlook to a habitable room. Furthermore, the proposed 'study', if it were to be used as a bedroom would be insufficiently sized and cramped and would not promote a satisfactory standard of amenity for its future occupants. The proposal is therefore unacceptable in terms of its impact on amenity and fails to comply with the National Planning Policy Framework, policy JP-P1 of the Places for Everyone Joint Development Plan,

policy DM1 of the Rochdale Council Core Strategy, and the Guidelines and Standards for Residential Development SPD.

Procedure statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for the applicant

For the avoidance of doubt, this decision relates to the following plans:

- Proposed floor plans and site plan: 2221/2
- Proposed elevations 2221/3
- Location plan

	Date	Officer
Report Completed	13/12/2024	Signed: Hamish Rigg
Authorisation	18/12/2024	Signed: Ryan Killeen

Report Author Hamish Rigg