

APPLICATION NUMBER: 24/00065/HOUS

Application Number:	24/00065/HOUS
Location:	23 Foxglove Court, Rochdale, OL12 6XF
Proposal:	Single storey rear extension following demolition of existing conservatory
Applicant:	Mr & Mrs Larsen
Case Officer:	Sam Yuen
DETERMINATION DATE 28.03.2024	EXT OF TIME N/A
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
	Pre-commencement conditions agreed (or notification period expired)?	N/A

Location

The application relates to no. 23 Foxglove Court, a two-storey semi-detached dwelling located in a residential area in Shawclough. The dwelling is adjoined by no. 25 Foxglove Court to the south, adjacent to no. 21 Foxglove Court to the north, and faces the highway to the south-west. The rear boundary of the curtilage backs onto an adopted footpath to the east.

Description of Proposal

Planning permission is sought for a single-storey rear extension which projects 4m from the rear elevation of the dwelling to accommodate a sunroom, following the demolition of the existing rear conservatory. It is characterised by a gable-fronted roof form and has a ridge height of 3.25m and a height to eaves of 2.35m.

The proposal would be constructed from materials matching the host dwelling.

Relevant History

N/A

Township/Member comments

N/A

Consultee responses

N/A

Representations

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

Amendments were sought to reduce the rear projection to 3m, in accordance with the requirements of Section 5.6 of the SPD. The applicant has refused to accept the recommended changes.

Assessment

Design: DM1 and P3

- ☐ Paragraph 130 of the NPPF requires new development to be *“visually attractive as a result of good architecture, layout and appropriate and effective landscaping”* in addition to ensuring they are *“sympathetic to local character.”*
- ☐ Policy DM1 and P3 of the adopted Rochdale Core Strategy require development proposals to be *“of high quality design and take the opportunity to enhance the quality of the area”* and 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, materials and access of surrounding buildings and areas in general.”* In addition, Section 5.1 of the SPD states development proposals should be *“in keeping with the host property and generally should be subservient to it.”*
- ☐ The proposed rear extension is of a single-storey form which would appear subservient to the host dwelling. The use of a gable-fronted roof form would also be in keeping and raised no concern.
- ☐ Materials of the proposed development would match the host dwelling, and would be designed appropriately for this context.
- ☐ It is considered the proposed fenestration are sized and positioned appropriately with the existing fenestration.
- ☐ 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

- ☐ Policy DM1 of the adopted Rochdale Core Strategy 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.”*
- ☐ PfE Policy JP-P1 requires new development to provide *“Comfortable and inviting indoor and outdoor environments... Offering a high level of amenity... and Addressing microclimate issues such as sunlight and shade”*.
- ☐ Section 5.5 of the SPD states *“it is important that single storey extensions are not overbearing and do not result in undue loss of light or privacy for neighbouring occupiers.”* Section 5.6 states the following maximum standard:
 - ☐ *“For attached properties, a point 3 metres along the common boundary measured from the rear elevation of the adjoining or adjacent dwelling(s);*

- ❑ *For detached properties, a point 4 metres along the common boundary measured from the rear elevation of the adjoining or adjacent dwelling(s)."*
- ❑ In addition, Section 5.7 notes that *"if the new extension is set away from the boundary, the projection can be increased by the amount equal to the extra distance from the side boundary providing the extension does not project beyond a 45 degree line measured from the point along the common boundary."*
- ❑ The proposed rear extension projects 4m from the rear elevation of the dwelling and would exceed a 45 degree line measured from the 4m point along the common boundary from the rear elevation of adjoined no. 25. As such the proposal would fail to accord with the requirements of Section 5.6 and 5.7, and would therefore comprise an unduly overbearing feature on the rear garden area and rear facing windows of no. 25.
- ❑ Amendments were sought during the determination process to reduce the projection to 3m but the applicant was unwilling to amend the plans. It was also raised by the applicant that the requested projection would be equal to an extension which would could be considered under a prior approval application thus not requiring planning permission. It is noted however that this application was submitted as a householder application and would thus be subject to the relevant material considerations including national and local planning policies and guidance.
- ❑ For the avoidance of doubt, no concerns are had with the amenity impacts of the proposed extension to adjacent no. 12, which would comply with the Section 5.6.
- ❑ The submitted plans also indicate the provision of natural light to all habitable rooms and that sufficient garden space of a functional layout would be retained.
- ❑ Notwithstanding, the proposal would unduly impact on the amenity of the occupants of adjoined no. 25 Foxglove Court through overbearing impact and visual intrusion and would fail to accord with Policies DM1, PfE Policy JP-P1 the SPD and the NPPF.

Highways and Parking: DM1 and T2, Appendix 5

- ❑ Policy DM1 of the adopted Rochdale Core Strategy requires development proposals to *"provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location."*
- ❑ The proposed development would not impact on the provision of parking spaces for the host property. The proposed parking arrangements are therefore acceptable in accordance with Policies T2 and DM1.

Recommendation: Refuse

1. By virtue of its size and siting, the proposed single-storey rear extension would result in an undue overbearing impact to the rear facing windows and rear garden area of no. 25 Foxglove Court, to the detriment of the amenity of the neighbouring occupiers. The proposed development therefore fails to

accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy, PfE Policy JP-P1, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.

Article 35 Statement

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development.

INFORMATIVES

For the avoidance of doubt, this Decision Notice relates to the following submitted plans:

- ☐ Location Plan – received 22/01/2024
- ☐ Existing Site Plan – received 01/02/2024
- ☐ Proposed Site Plan – received 22/01/2024
- ☐ Existing Ground Floor Plan, Elevations and Roof Plan – received 22/01/2024
- ☐ Proposed Ground Floor Plan, Elevations and Roof Plan – received 22/01/2024

	Date	Officer
Report Completed	05/02/2024	Signed: SY
Authorisation	27/03/2024	Signed: RK

Report Author Sam Yuen