

APPLICATION NUMBER: 25/00689/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.
25/00689/FUL

CASE OFFICER
Aimee Bovaird

DETERMINATION DATE 17.09.2025 **EXT OF TIME**

Address: Land To The Side Of 68 Kirkway Middleton M24 1EL

Proposal: Erection of 1no' 3 bedroom dwelling

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

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

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RK

DATE: 05/12/2025

SITE

The site relates a plot of land between no.68 and 70 Kirkway, Middleton. The plot of land is currently unused, the dwellings either side are semi-detached bungalows. There are mature trees on the site which is set back from the existing building line on Kirkway.

Opposite the site is St Peters Roman Catholic School. There is an informal pathway that runs behind the bungalows to Farmway Park, however this path has no status.

The application site is within the Defined Urban Area and within a Development High Risk Area.

PROPOSAL

The application seeks permission for the erection of a three-bedroom detached dwelling. Parking is proposed to the front of the dwelling and the garden is to the side.

The dwelling is proposed to be set back from the highway and further back than the existing building line.

RELEVANT PLANNING POLICY

National Guidance

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-S1 Sustainable Development
JP-G8 A Net Enhancement of Biodiversity and Geodiversity
JP-P1 Sustainable Places

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E1	Establishing thriving town, district and local centres
SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
SO3	Improving design, image and quality of place
P3	Improving design of new development
SO4	Promoting a greener environment
G6	Enhancing green infrastructure
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability

SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
DM1	General development requirements
SD1	Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

23/00875/FUL - Erection of 2 no. 3 bedroom detached dormer bungalows Refused

Planning Appeal 3342849 - The application was dismissed on appeal on the 16th August 2024.

24/01280/FUL - Erection of 2 no. 2 bedroom detached bungalows with associated parking and landscaping. Refused for the following reasons:

1. The proposed development, by reason of the layout and the siting of the proposed dwellings behind the established building line would appear cramped and poorly related to existing forms of development which would not be well-designed, giving rise to a harmful impact on the surrounding character and appearance of the area. On this basis the proposed development is contrary to policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.
2. The proposed development by reason of its cramped and contrived arrangement, would fail to provide a satisfactory rear garden space and would subsequently be harmful to the living conditions for the future occupiers of both Plots 1 and 2. Furthermore, owing to the arrangement of boundary treatments, the main living areas within each dwelling would be oppressed and deprived of access to natural light and outlook, with the first floor main bedrooms also deprived of natural light and outlook by only being served by a single roof light.

CONSULTATION RESPONSES

Highways And Engineering

No objections

Tree Officer

No comments received to date

The Coal Authority

No objections subject to conditions if approved.

Gtr Manchester Ecology Unit

No objections

United Utilities

No comments received to date

REPRESENTATIONS

Letters of representation have been sent out to surrounding properties and a site notice has been displayed in the vicinity. No comments have been received.

ANALYSIS

Principle of Development

The application seeks permission for the erection of one detached dwelling with three bedrooms.

The site lies within the defined Urban Area where Policy G/D/1 of the UDP seeks to concentrate development. New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside.

Places for Everyone establishes the need for at least 616 net additional dwellings per year in Rochdale to meet the housing needs of the borough. Policy C1 of The Core Strategy seeks to ensure that sites are sustainable with good access to local services, facilities, green infrastructure, shops, jobs, schools and public transport. In the south of the borough, the Council will seek to maximise the opportunities that exist to provide new housing in sustainable locations.

The principle of development has been established under previous application 24/01280/FUL and is considered acceptable.

Design

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

Paragraphs 131 and 135 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which is largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy, which requires development proposals to demonstrate high quality design.

CS Policy P1 sets out that high quality design will be required in all new developments, requiring that under-used land and buildings are re-used and creating people-friendly and safe environments. CS Policy C3 requires new development to adhere to high standards of design, respecting context (scale, density, massing, height, layout) and contributing positively to the townscape. CS Policy DM1 states that all development proposals should be of a high quality design and take the opportunity to enhance the quality of the area.

Recent revisions to the NPPF are clear that development that is not well designed should be refused, and conversely, significant weight should be given to

development which reflects local design policies and government guidance on design. In support of this, the Government have produced a suite of guidance documents including Building for a Healthy Life, the National Model Design Code and the National Design Guide which form a material consideration in the assessment of the design of development proposals, and aid Local Authorities and developers alike in understanding what 'good' and 'bad' design looks like.

The application site comprises well-established vegetation and therefore contributes positively to the verdant character of Alkrington, and is a welcome relief from the unbroken run of dwellings along the western side of Kirkway.

The proposed application reduces the number of dwellings on the plot from two to one compared to the previous refusal (24/01280/FUL). The proposed dwelling remains sited behind the building line towards the rear of the plot with the garden located to the side, which, through the removal of vegetation on site, would appear visible within the street scene and would be an irregular feature within an otherwise strong building line.

Parking remains proposed at the front of the dwelling, and this does not reflect the character of the surrounding properties, bungalows on either side benefit from front amenity space and are not pushed to the back of their plots. The proposed parking is inconsistent with the pattern of development and is considered poor design and conflicts with local and national design policy. This element has not changed from the previous application.

The elevational treatment of the dwelling remains simple and devoid of much visual interest. The use of small openings does not contribute positively to the appearance of the dwelling, and the limited use of fenestration overall results in both side elevations being blank, despite the east facing elevation facing onto the garden of the proposed dwelling. The addition of a dormer is the main visual difference of the dwelling itself, and given that it is entirely obscured from view, and generally complies with the guidance within paragraph 5.16 of the SPD, is deemed to be acceptable.

The dwellings are proposed to be finished in brickwork to match neighbouring properties and the roof is proposed to be finished in concrete tiles to match neighbouring properties.

The submitted Arboriculture Impact Assessment states there will be a new boundary fence, there are no details provided for this, the design cannot be commented on.

The proposal has only changed from the previous refusal (24/01280/FUL) by reducing the number of dwellings from two to one. This design of the bungalow is the same and does little to take into consideration the appearance of the surrounding area. As a result of this and the associated parking the proposed dwelling by reason of its siting, layout and design would be harmful to the character and appearance of the surrounding area. The proposal would have a detrimental impact on the appearance of the street scene and the development is not in accordance with requirements of CS Policies P2 and P3, and policy contained within the NPPF.

Occupier Amenity

Paragraph 135 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. Further to the above are the considerations of the Councils Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments *"should be carefully designed to protect the amenity of the occupants of adjoining properties."*

The SPD sets out minimum distance standards which new residential development should adhere to in order to ensure a satisfactory standard of amenity for surrounding, existing and future occupiers. The proposed development includes a rear facing dormer windows that would be approx. 4.5m from the facing rear boundary. This would fall well short of the requirement of the SPD, in which it sets out that there should be a distance of *'21m between directly facing principal windows of habitable rooms, at an upper floor level AND 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage'*. The proposed development would result in direct overlooking into rear gardens of nos.20 & 22 Birch Avenue that would be considered to give rise an adverse impact to the privacy of the occupiers of these dwellings.

The main living and dining areas are located at the rear of the dwelling, that would also face towards the same rear boundary at a distance of 4.2m. Paragraph 4.1(iii) of the SPD requires 10m between principal windows and any facing single storey elevation. Whilst a degree of leniency is applied given that the assessment applies to a boundary treatment rather than a full height elevation, such arrangement would clearly inhibit the penetration of natural light into the main living space of the dwelling, even more so when the northwest orientation of the windows are taken account of, which would also be devoid of any outlook. Such provision would not provide an adequate standard of amenity for its future occupiers and would therefore fail to comply with the relevant policies in this respect.

In terms of occupier amenity, the Nationally Described Space Standards (NDSS) is a technical standards document produced by the Government to ensure internal space within new dwellings is sufficient for future occupiers. The proposed bedrooms comply with the NDSS and are considered acceptable

Existing landscaping provision may influence both the impact upon the privacy of nos. 20 & 22 Birch Avenue, and upon the amenity of any future occupiers of the proposed dwelling, however, as outlined within the 'Trees' section of the report, the submitted information is inconsistent and unclear, and this assessment is made on the basis that landscaping is to be removed.

The garden space has increased since the previous application and it is now to the side of the property. This is not characteristic of the area however would provide sufficient outdoor space for future occupiers.

Overall the proposed development would not result in an acceptable standard of occupier amenity. It is considered that the proposal would have an unacceptable impact on occupier and neighbour amenity and not accord with Policy DM1 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Coal Mining

The proposed development falls within the defined Development High Risk Area. Core Strategy Policy G9 states that the Council will ensure that any risks arising from contaminated land or land instability are identified, and that any appropriate actions to address these risks are taken, prior to development taking place.

The Coal Authority have been consulted as part of the application, and they have confirmed that they have no objection subject to condition.

Accordingly, the scheme is considered acceptable in accordance with CS Policies G9 and the NPPF in this regard.

Drainage

Policy G8 requires that new development does not lead to any increased form of flooding locally or further downstream, does not impede natural water and flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk and is itself well protected from flood risk and ensures prudent use of water resources.

Policy JP-S4 (Flood Risk and the Water Environment) of PfE expects developments to manage surface water runoff through sustainable drainage systems and development should achieve greenfield run-off rates unless it is demonstrated to be impracticable.

The site is located within Flood Zone 1, having a less than 1 in 1,000 annual probability of flooding.

Subject to appropriately worded conditions, Officers consider that the development accords with Policy G8 of the adopted Rochdale Core Strategy, Policy JP-S4 of PfE and the NPPF.

Ecology

Core Policy G8 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

PfE Policy JP-G8 seeks to deliver a net enhancement of biodiversity resources through a collective of measures which are broadly aligned with the approach to BNG outlined within the Environment Act (2021), the NPPF and supporting guidance documents. The provisions of the Environment Act in respect of BNG are now a statutory requirement for planning applications and so the proposed development should achieve net gains for biodiversity via species enhancement as guided by the NPPF (paragraphs 187d and 192 b) to achieve demonstrable net gain for biodiversity.

When determining planning applications paragraph 193 of the NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Opportunities to improve biodiversity in and around developments should also be integrated as part of their design, especially where this can secure measurable.

As of 2nd April 2024, BNG of 10% for minor planning applications is mandatory for development in England under Schedule 7A of the Town and Country Planning Act 1990.

The same ecology and BNG information have been submitted for this application as the last application. In principle GMEU have stated this is acceptable however should be revised to reflect the current scheme.

Trees

The NPPF recognises the important contribution of trees to the character and quality of urban environments, and their role in mitigating and adapting to climate change. Policy JP-G2 of the adopted PfE identifies trees and woodland as vital elements of the green infrastructure network and key features of urban green spaces, which Policy JP-G8 seek to protect and enhance through conserving and managing existing trees of heritage and/or aesthetic value. Policy G6 of the adopted Rochdale Core Strategy sets out provision for enhancing green infrastructure and requires regard to local landscape character and contribute to its conservation or enhancement. Developments should avoid the loss of existing urban greenspace or features e.g. trees unless suitable alternative provision is made, it has limited value and its development or change of use will help meet other sustainability or local regeneration objectives.

CS Policy G6 requires a replacement planting ratio of at least 2:1 and Policy G7 requires developments to protect existing biodiversity including trees and vegetation.

The application is accompanied by an Arboricultural Report which sets out that a number of trees were surveyed on site with five trees proposed for removal either due to development (4) or due to condition (1). The Councils Tree Consultee has not provided comments on the application and Officers note that the proposed development does not include the provision of a soft landscaping scheme which demonstrates that adequate mitigation can be achieved to replace the trees needed to be lost.

Furthermore, whilst the submitted AIA only notes the removal of trees T3,4,5 & 9, the proposed site plan does not show the retention of any existing trees, instead showing hard landscaping at the rear of the property. In the presence of such conflicting information, the impact on trees cannot be fully ascertained.

Notwithstanding, replacement planting requirements for the scheme would comprise 8 individuals on the basis of the AIA, but possibly substantially more if retention is to be more limited than stated, as suggested by the proposed site plan. In acknowledging the garden area of the proposed dwelling, it is likely that such provision would be difficult to achieve initially, with the longevity of such planting unlikely given the competing pressures.

Any replacement planting would be set back from the street, behind a boundary treatment and to a degree, behind other dwellings on Kirkway, which, over the short and medium term, would obscure any planting and limit their contribution to the amenity of the area, such that the impact of the tree loss could be adversely harmful to the character and appearance of the area.

On the basis of the evidence supplied, it is not possible to determine that the arboricultural impacts would be acceptable and therefore, the proposals fail to comply with the requirements of Policies G6 and G7 of the adopted Core Strategy, PfE Policy JP-G6 and the NPPF.

Highways

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that

development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development is not considered to have an adverse impact on highway safety and would not generate a level of additional traffic which would have a detrimental impact on the safe and efficient operation of the immediate local highway network, or strategic routes. Highways Services have raised no objections subject to condition and the development is considered acceptable in accordance with CS Policies T1 and T2, Policy JP-C8 of PfE and the NPPF.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed development by reason of its layout, sitting behind the established building line, elevational treatment, arrangement of boundary treatments and parking, would not be well-designed, giving rise to a harmful impact on the surrounding character and appearance of the area. On this basis the proposed development is contrary to policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.
2. The proposed development includes a first floor rear facing dormer window which, by virtue of its close proximity to the facing common boundary, would have unacceptable views into the rear garden areas of nos. 20 and 22 Birch Avenue and would result in an unacceptable loss of privacy for the occupiers of these dwellings. Furthermore, the proposals would also position the principal windows serving the main living area facing towards the rear boundary treatment at very close proximity, which would not enable a satisfactory standard of amenity for any future occupiers as the living areas would not be served with adequate amounts of natural light and outlook. The proposed development therefore is contrary to Policy DM1 and P3 of the Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development', Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the requirements of the National Planning Policy Framework.
3. The application is not supported by information with sufficient precision and clarity to enable the Local Planning Authority to determine the arboricultural impacts of the development. Notwithstanding, the arboricultural impacts described within the submitted Arboricultural Impact Assessment are of a sufficient degree as to cause adverse harm to the character and appearance of the area. The application is not supported by landscaping proposals which may describe any mitigation of this impact, however, it is not clear whether replacement planting at a ratio of 2:1 could be accommodated within the site, and nevertheless, would for the short and medium term, have limited impact upon the amenity of the area due to obscuration by boundary treatments and properties on Kirkway. The proposals therefore fail to comply with Policies P3, G6 and G7 of the adopted Rochdale Core Strategy, Policies JP-G6 and JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

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.

For the avoidance of doubt the decision relates to the following plans and documents:

- Location Plan
- Proposed Site Plan
- Detached dwelling 3297 – 01
- Coal Mining Risk Assessment dated 27/03/2024
- Ecological Impact Assessment and Biodiversity Impact Assessment.
- Arboriculture Impact Assessment dated 10th September 2023
- Small Sites Metric dated February 2024

Report Author Aimee Bovaird