

APPLICATION NUMBER: 23/00580/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00580/FUL	Rosalind Gralton	30 November 2023

Address: 73 Kellett Street Rochdale OL16 2JU

Proposal: Change of use from dwelling to 2no' (1no' 1bedroom and 1no' 2 bedroom) self-contained flats together with loft conversion including demolition of existing rear extension and erection of new single storey rear extension

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	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
-----	--	---

CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	REFUSE
----------------	--------

CHECKED AND SIGNED OFF BY: LA DATE: 07.05.24

SITE

The site relates to a two storey mid-terrace property on Kellett Street, with an existing rear single storey extension. The site is located within a predominantly residential area within a row of similarly designed two storey terraced properties. The site is located within the Defined Urban Area and is not adjacent to any listed building.

The property is currently in use as a single dwellinghouse (Use Class C3) and benefits from three bedrooms.

PROPOSAL

The proposal seeks to change the use of the single dwellinghouse to create two self contained 1 and 2 bedroom flats. A one bedroom flat would be located across the ground floor and the two bedroom flat would encompass the first floor and the converted loft.

As part of the proposals, a single storey rear extension is proposed (following demolition of the existing extension) and a single rooflight is proposed to the east facing roofslope of the property.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework December 2023 (NPPF)

National Planning Practice Guidance (NPPG)

Technical housing standards – nationally described space standard (published March 2015)

Places for Everyone Joint Development Plan (PfE)

7. Places for Homes

- | | |
|--------|--------------------------------------|
| JP-H 3 | Type, Size and Design of New Housing |
| JP-H 4 | Density of New Housing |

9. Places for People

- | | |
|--------|--------------------|
| JP-P 1 | Sustainable Places |
|--------|--------------------|

Adopted Rochdale Core Strategy (CS):

SO1 – To deliver a more prosperous economy

SO2 – To create successful and healthy communities

C1 – Delivering the right amount of housing in the right places

C3 – Delivering the right type of housing

C6 – Improving health and wellbeing

SO3 – To improve design, image and quality of place

P1 – Improving image

P2 – Protecting and enhancing character, landscape and heritage

P3 – Improving design of new development

G9 – Reducing the impact of pollution, contamination and land instability

SO5 – To improve accessibility and deliver sustainable transport

T2 – Improving accessibility

DM1 – General Development Requirements

Unitary Development Plan (UDP):

G/D/1 – Defined Urban Area

EM/7 – Development and Flood Risk

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Highways And Engineering

‘The main highway consideration for this application is parking provision.

Although the creation of an additional dwelling is likely to increase parking demand the level of that demand is not likely to create issues on the surrounding residential streets.

The current servicing arrangements for these dwellings would be unaffected by the proposed development.

If approved the development should not have any impact on road safety or highways capacity.

Highways would raise no objection to this application, and request no specific planning conditions.’

Env Health - Noise/Odours

‘This section cannot support the application, the proposed first floor living and kitchen area will likely give rise to complaints of noise nuisance and general disturbance to the bedrooms of the neighbouring properties’

When the Planning Officer asked for confirmation regarding if the noise levels would be able to be controlled via a planning condition, the Environmental Health Officer stated:

‘Given the nature of the properties I don’t think a condition could suitable control potential noise transfer from the new unit to the existing property.’

Environmental Control (Landfill Gas)

No objections

Lead Local Flood Authority/Drainage

No objections

REPRESENTATIONS

The application was advertised by way of neighbour notification. No responses were received.

ANALYSIS

Principle of development

The application site is within the Defined Urban Area under the Rochdale Unitary Development Plan. Policy G/D/1 is therefore relevant to any applications on the site and in the supporting text to this policy it is established that new development should be located in the urban area, so as to support urban regeneration and to protect the countryside.

Policy C2 of the Rochdale Core Strategy states the Council will focus on regeneration and delivery of new homes, specifically in Rochdale town centre, where the council will maximise opportunities for new residential development in and around the town centre. Additionally, Policy C1 states in the south of the borough the council will 'deliver a majority of new homes to reflect its accessibility to the core of the city region, and the opportunities that exist for new housing' and this will be done by 'deliver new homes in regeneration areas ... and focus new housing in or close to key economic growth corridors/ areas and town centres'.

Accordingly, subject to an assessment of other development management requirements, the principle of development of the proposed change of use is acceptable and in accordance with Policy C2 of the adopted Core Strategy and the National Planning Policy Framework.

Residential Amenity

Paragraph 135 of the NPPF states '*Planning policies and decisions should ensure that developments: 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 users*'. Core Strategy Policy G9 requires new development to not have unacceptable increases in air, water, noise, light or other pollution.

The Council's 'Guidelines & Standards for Residential Development SPD' in Section 4.10 discusses Changes of Use.

'When considering applications for the change of use of a building or part of a building to residential use, the Council will take into account the impact of residential use on the area and will also seek to secure a good standard of amenity for the future occupants. For example, residential uses may not be appropriate in certain commercial areas or above hot food take away shops as future residents could suffer from noise and smells nuisance or disturbance from activity late into the evening and early morning and this could affect the operations of the existing businesses.'

The proposal would convert the existing two storey dwellinghouse into two separate flats, with the ground floor of the property as one single flat, and a second flat encompassing the first floor and the converted loft.

The National Technical housing standards (also known as nationally described space standards) are taken into consideration when assessing the size of the dwellings proposed. The ground floor flat would measure internally 36.7sqm, and the first floor flat would measure 51.3sqm. The ground floor flat would fail to meet the

minimum internal floor area of a 1 bedroom 1 storey dwelling (technical guidance requirement being 39sqm), and for a two bedroom flat, the proposed first floor flat would fail to meet the internal floorspace requirements also (where technical guidance requirements are for 61sqm). While the shortfall on the ground floor flat is minor, the first floor is a larger shortfall and altogether the proposal would provide a poor standard of living for the occupants. Furthermore, the space standards form part of adopted policy, in Policy JP-H3 of PfE.

In relation to the bedroom sizes, the ground floor flat bedroom would be 19.2sqm in size and meet the required floorspace size for a double bedroom. The first floor flat would meet one bedspace bedroom on the first floor (8.58sqm). However, the size of the bedroom within the loft conversion is unable to be determined as no sections were provided, and thereby the head height within the room not shown.

Section 4.1 of the Council's Guideline's and Standards for Residential Development SPD states

'Although it is expected that most new development will have some impact on neighbours, it is important to ensure that the impact is not so significant that it results in unacceptable harm. All new developments should avoid causing a significant loss of privacy and/or light for occupiers of new neighbouring dwellings and existing dwellings. The following minimum space standards will be applied to all new residential developments and developments which affect existing residential properties:

- (i) 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 (Figure 2);*
- (ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room (Figure 3);*
- (iii) 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room (Figure 4).'*

In relation to outlook of the flats, both would have sufficient outlook from the western side of the property, serving both living room/kitchen/dining areas. Relating to the ground floor flat only, the bedroom would only be served by one window at the rear elevation of the proposed rear extension. The proposed ground floor bedroom would have a 1.8m distance to the rear yard wall, with direct views of all waste receptacles. This would not provide an acceptable level of outlook for a bedroom. This also fails to meet the guidance stated within Section 4.1 (iii) of the relevant SPD guidance as stated above. The standard of amenity that would be experienced by the occupant would not be considered high, and would be unacceptable and contrary to Paragraph 135 of the NPPF.

The first floor rear bedroom (and the single bedspace bedroom) would have a 10.1m distance to the nearest directly facing window, however it is acknowledged this is an outlook in line with the existing terrace row and established urban grain. The proposed second bedroom of the first floor flat, located in the loft conversion, would have outlook via a single rooflight window only. Without the benefit of section drawings, it is not clear what height this window would be located at, with external elevations suggesting this would be estimated at 1600mm above floor level. As such, while the window would provide light into the bedroom, the window would provide limited outlook by reason of the height and positioning of the window. The level of amenity that would be experienced by the occupant of this room would not be high, contrary to the requirements of Paragraph 130 of the NPPF.

The Council's Environmental Health Officer was consulted on the application regarding noise, to ensure a high standard of amenity can be ensured for occupiers and that the development does not cause unacceptable harm to neighbours by reason of noise. The Environmental Health Officer was unable to support the application, given the proposed kitchen and living area at first floor would give rise to noise disturbance of bedrooms of neighbouring properties. No noise impact assessment has been submitted with the application, and no details of any proposed acoustic works are provided. The Council's Environmental Health Officer confirmed that given the nature of properties, a planning condition would not provide suitable level of control regarding the potential of noise transfer from the application property to the existing neighbouring properties. As such, no acoustic works or control would be able to be secured via planning condition in order for the proposal to be compatible in this sensitive location.

In respect of amenity in regard to odour, it is noted bins would be located in the rear yard immediately adjacent to the bedroom window at ground floor. While the number of bins does not propose an issue and is not raised by Environmental Health nor Highways, this arrangement in close proximity to a habitable bedroom window further adds to the poor and unacceptable level of amenity the ground floor occupier would experience. In the instance the application was approved a condition regarding details and specification of a bin store would be attached to the decision notice.

Of the Council's 'Guidelines and Standards for Residential Development SPD (Adopted June 2016)' in relation to single store rear extensions, paragraph 5.6 is relevant:

'The following maximum standard will apply for single storey extensions:

- For attached properties, a point 3 metres along the common boundary measured from the rear elevation of the adjoining or adjacent dwelling(s);'*

The proposed extension is 0.7m projection below the 3m maximum adjacent to the boundary. The adjacent neighbour at No 75 benefits from an existing extension which is built adjacent to the shared boundary with No 73. It is noted by officers No 71 do not benefit from a rear outrigger or extension, however, given the existing situation on site, it is not considered the 2.3m projection of the proposal extension will exacerbate the current arrangement, nor result in an unacceptable impact over and above already experienced by No 71. As such, the proposed rear extension would comply with local guidance, and would have no unacceptable impact upon the adjacent residential properties.

In conclusion, the proposed development, by reason of poor outlook and inadequate size, would result in an unacceptable level of amenity to the occupants of the proposed flats. Additionally, the subdivision of the dwelling would result in an unacceptable impact upon neighbouring properties by reason of noise disturbance. As such, the proposals would fail to comply with Policies G9, C2, P1, P3 and DM1 of the Rochdale CS, Policy JP-H3 of PFE and policies contained within the NPPF.

Visual Amenity

Policies DM1, P1, P2 and P3 of the Council's adopted Core Strategy requires development proposals to adhere to high quality design and 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, paragraphs 136 of the National Planning Policy Framework (NPPF) state that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

The proposal includes the erection of a single storey rear extension, to replace the existing extension on the property. No details of materials other than brick are proposed on the application form; in the instance this application would be approved, details of materials would be secured by planning condition.

The proposed rear extension will measure 2.3m in projection from the rear elevation of the property, would be 4.6m in width; the same as the existing dwellinghouse, would have a pitch height of 3.5m and an eaves height of 2.4m. The proposed roof design is a lean to roof, with a rear door and two windows on the rear elevation of the extension. No side windows are proposed.

The proposed rooflight at the front elevation appears to be acceptable in regards to its design.

Subject to details relating to materials, the proposal is acceptable in design terms.

Highways

Relating to sustainable transport, Paragraph 111 of the NPPF states '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.'

Policy DM1 sets out the general development requirements and establishes that proposals should demonstrate they 'mitigate against any impacts due to noise, air, dust, light and odour pollution, traffic generation or inadequate access, where such mitigation is identified as being necessary' and 'provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location'.

The Rochdale Core Strategy's Parking Standards for a single bedroom apartments, 1.25 spaces per dwelling is the maximum parking standard, for two bedroomed (or above) properties outside town centres, the maximum parking standard is 2 spaces. The property is not served by any dedicated car parking and none is proposed.

The Council's Highways Officers were consulted on the application, and raised no concerns. The proposal is considered likely to increase parking demand on the adjacent residential streets however, Highways consider that this will not result in parking issues in this particular case due to capacity available on the surrounding residential streets. As such, Highways raise no objection to the application and hold no concerns regarding servicing, and request no specific planning conditions.

Nevertheless, the proposal would still raise concerns of how the number bins would be managed in tandem with commercial waste without impeding the amenity of

adjacent residents, and for that reason a waste management condition is secured to the permission, in the event the application is approved.

On balance, the development would not have any impact on road safety or highway capacity, and as such, the proposal, subject to conditions, would meet the requirements of Policies DM1 (d) and T2 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION: Refuse

1. The proposed development will result in an unacceptable level of harm to the amenity of adjacent neighbouring properties by reason of noise, with close proximity of residents and potential for noise transfer. It has not been demonstrated that the level of harm to residents could be adequately addressed by acoustic measures or controls through planning condition. The proposal would fail to secure a high level of amenity for adjacent occupiers and would be contrary to policies DM1, G9 and C6 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
2. The proposed development will result in habitable rooms which would have a substandard level of amenity, by reason of outlook, natural daylight, and close proximity to adjacent buildings. The level of residential amenity experienced by the occupants would be lower than what they would reasonably expect to enjoy, by way of poor outlook, overbearing impact, visual intrusion and loss of light. As such the proposal is contrary to policies C3, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-H 3 of Places for Everyone, the Council's Guidelines and Standards for Residential Development SPD 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.

Notes for Applicant:

None

Report Author Rosalind Gralton