

Application Number:	23/00399/HOUS
Location:	277 Bury Road Rochdale OL11 4EE
Proposal:	Installation of balcony and insertion of 1no door to first floor side elevation
Applicant:	Mr Darren Buckley
Case Officer:	Chelsea Petrillo
Recommendation:	Refuse

DELEGATION	Applicant a Council Member or officer?	No
	Contrary to previous decision?	No
	Called in or Planning Panel objection?	No

COMMENTS	Planning Panel comments received?	No
	Neighbour comments received?	Yes

CONDITIONS	Pre-commencement conditions proposed?	No
	Pre-commencement conditions agreed (or notification period expired)?	N/A

Location

277 Bury Road is an end terrace property located in the Bamford ward of Rochdale adjoining to 275 Bury Road and adjacent to a detached property, 279a Bury Road, sited further back than the application property. The dwelling benefits from generous rear garden space, a single storey rear extension and a detached outbuilding sited along the rear boundary. The rear curtilage borders vacant land sited between Bury Road and Dove Street to the rear.

Description of Proposal

Permission is sought for the addition of 1no door to the first floor west side elevation along with a 1.2m x 1.2m balcony also projecting from the west side elevation, positioned to the front corner of the building. The balcony would be enclosed by galvanised steel railings.

Relevant History

None Applicable

Township/Member comments

None Applicable

Consultee responses

None Applicable

Representations

In line with Council policy for this type of application, notification letters were sent to surrounding neighbours to which one letter of objection was received:

Objection Letter

Inaccuracy between description of development and proposed plans

Officer Response *Case officer amended description of development and resent neighbour notification letters to reflect proposed works*

Loss and intrusion of privacy and overlooking of front garden

Officer Response *See 'Amenity' section of report*

Potential use of balcony

Officer Response *Not a planning material consideration*

Policy

National

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

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

Amendments

None Applicable

Assessment

Design: DM1 and P3

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 134 of the NPPF also states “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 document”. Core Strategy policy P3 requires all new developments to enhance the borough’s identity and sense of place and ensure that buildings contribute positively to the townscape.

With reference to the placement of the balcony and its contribution to the overall street scene, it is thought the addition of a 1.2m protruding balcony would appear at odds within the immediate and wider settings. It is acknowledged along the row of adjacent terraces, no.334 Bury Road currently hosts a first floor Juliette balcony to the front elevation however, whilst balcony features are not common along this portion of Bury Road, the balcony itself is modest in its overall appearance and does not detract from the character of the house. Furthermore, the balcony is of Juliette style therefore considered purposely intended not to be used as a functioning outdoor space for occupiers.

The 1.2m projection along with the insertion of a door suggests the proposed balcony is to be used as a functional space for occupiers however, the 1.2m width is deemed restricted in its intended overall use however, not unacceptable.

It is considered the proposed works would not be sympathetic to the existing dwelling. Whilst it is acknowledged the proportion of the door would match that of the one used as a primary entrance to the dwelling, given its placement on the first floor, a proportion matching the fenestration on the first floor would be deemed to better respect the host dwelling. Additionally, when viewed from the front elevation, the placement of the balcony would appear at odds with existing fenestration. In the instance of an approval, the reconfiguration of the balcony placement would be required in order to visually respect the proportions and placement of elements on the existing build.

In view of the above assessment, the design of the proposal is therefore unacceptable and would not accord with policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF

Amenity: DM1 and SPD

Protection of residential amenity is considered under Policy DM1 of the Council’s adopted Core Strategy which sets out that proposals do not adversely affect the amenity of residents through overshadowing or loss of privacy and that extensions and alterations should be carefully designed to protect the amenity of the occupants of adjoining properties.

Paragraph 4.4 of the SPD states “Balconies and elevated terraces can result in adverse overlooking of neighbouring private garden areas or habitable room windows if they are located in close proximity to the boundary of the

curtilage. They should be carefully designed to prevent unreasonable overlooking of neighbouring properties.”

The balcony is considered to pose a harmful and unacceptable overlooking impact to the front garden of 279a Bury Road. It should be noted the front elevation of 279a Bury Road is sited approx. 7m back of the front elevation at the application property. However, the front garden of 279a would fall flush with that at 277 Bury Road. The front garden at 279a as existing hosts enough screening to be described as a private and functional space enjoyed by the occupiers given the extent of vegetation to the front and side boundaries of the front garden therefore in order to retain such level of privacy, a balcony addition is considered to pose an adverse overlooking effect and would not be appropriate in this location.

Furthermore, the first floor window of 279a serves a bedroom therefore is considered a principal window to a habitable room. Whilst the proposed door would be considered secondary outlook for the bedroom, the first being the principal windows on the first floor front elevation, the close proximity (approx. 7m) of the door and balcony to the first floor front window at 279a is considered to pose a harmful loss of privacy. Section 4 Space Standards sets out guidance for minimum standards to which it requires “14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room”. Whilst this standard would not directly apply in this case as the door and window would not directly align, the 14m requirement would guide and support the case of a 7m separation distance falling short of being a sufficient distance away to not pose any loss of privacy concern.

In view of the above assessment, the proposed works be unacceptable in terms of residential amenity and not in accordance with policies DM1, the SPD and NPPF.

Recommendation: Refuse

1. By virtue of its design, scale and siting, the proposed balcony addition together with the insertion of 1no door to the existing side elevation would appear at odds with the wider street scene and would not appear to respect the existing proportions and placement of fenestration on the existing dwelling. As such, the proposal would not accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development' and the National Planning Policy Framework.
2. By virtue of its siting, the proposed balcony addition would present a harmful overlooking impact to the front garden of 279a Bury Road and a loss of privacy to the upper floor front elevation window of the same property. As such, the proposed development would fail to accord with the residential amenity

aims of policies DM1 and P3 of the adopted Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.

Article 35 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.

	Date	Officer
Report Completed	07.06.2023	Signed: CPetrillo
Authorisation	03.07.2023	Signed: TH

Notes for Applicant:

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

- TUE20 – SP SITE PLAN (*Location Plan*)
- TUE20 SP - SITE PLAN
- TUE20 - 2 PROPOSED PLANS & ELEVATIONS

Report Author Chelsea Petrillo