

Application Number:	24/00203/HOUS
Location:	258 Bury Road Rochdale OL11 4EE
Proposal:	Part two storey, part single storey rear extension with alterations to fenestration
Applicant:	Mr Liaqat Ali
Case Officer:	Chelsea Petrillo
DETERMINATION DATE 26.04.2024	EXT OF TIME 16.05.2024
RECOMMENDATION:	Grant subject to conditions

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?	NO

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

Location

258 Bury Road is a two-storey terraced property located in the Bamford ward of Rochdale. The property is sited between nos. 256 and 260 Bury Road and faces east onto the adjacent highway directly opposite Red Brook Mill, a non-designated heritage asset as identified by RBC. The property currently hosts a single storey outrigger, considered as part of the original build as well as approx. 13m² of garden space.

Description of Proposal

Permission is sought for a part single / part two storey rear extension projecting 3m at first floor and 3.5m at ground floor level. Alteration to fenestration on the existing rear first floor elevation is also proposed with the enlargement of the bathroom window.

Relevant History

03/D41520

Front and rear dormer extensions to dwelling
Granted Jun 2003

Township/Member comments

None applicable

Consultee responses

Conservation and Design

The application site is a red brick, mid-terrace property, which dates from the late 19th century. The site is opposite the surviving warehouses of the former Red Brook

Mill. This mill has been identified as a non-designated heritage for its architectural and historic interest and as an example of the borough's industrial heritage.

The proposal is for a part single, part two storey rear extension. The proposed extension would be seen in the context of the rear of the terrace and there are examples of other two storey additions within the terrace. Materials to match should be conditioned.

Given the distance of separation, the context and the nature of the development, the proposal would have a neutral impact on the significance of the nearby non-designated heritage asset.

Representations

Letters of notification were sent to surrounding properties and a site notice was posted. No representations were received.

Policy

National

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone (PfE) 2024

JP-P1 Sustainable Places

JP-P2 Heritage

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:

P2 Protecting and Enhancing Character, Landscape and Heritage

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 for the reduction of the first floor element of the development as well as the addition of internal bi-folding doors and a roof light to the ground floor extension to ensure a good standard of occupier amenity was retained post-development.

Assessment

Design and Heritage: JP-P1, JP-P2, DM1, P2 and P3

Policy DM1 of the Rochdale Core Strategy states that all new developments will be expected to demonstrate that they "are of high quality design and take the opportunity to enhance the quality of the area". Paragraph 126 of the NPPF states "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve." and "good design is a key aspect of sustainable development".

Policy P2 of the Council's adopted Core Strategy requires development to protect and enhance character, landscape and heritage. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The proposed development would demonstrate good design principles and has been constructed to principally respect the scale, form and design of the existing dwelling.

The overall general massing of the terrace will be noticeably increased towards the rear elevation however, the development is not so large that it would contribute to disproportionate additions in relation to the size of existing dwelling.

Paragraph 5.1 of the SPD requires new development to be subservient to the parent dwelling and to be in keeping with it.

The plans indicate the extension would host an approx. 1.2m set down from the existing roof ridge to be visually subservient to the main house. The extension projects a sensible distance relative to the overall width of the host dwelling and is considered proportionate in its overall nature. The extension is also not considered to negatively impact upon the existing character of the house given the visual aspect of the extension is not considered to significantly differ from the original design.

The material palette of the extension would visually respect the external appearance of the host property and would utilize existing roof forms to be visually sympathetic to existing elements.

Where the extension will be readily visible from public viewpoints, particularly from vehicles and pedestrians emerging from the south of Mellor Street as well as the passage way which abuts the rear curtilage boundary, there is not considered to be any visual harm to the street scene which would raise any concern.

The design of the proposal is therefore acceptable and accords with policies DM1, P2 and P3 of the adopted Rochdale Core Strategy, the SPD, PfE and the NPPF.

Amenity: DM1 and SPD

Residential amenity is considered under policy DM1 of the Core Strategy and the SPD.

Paragraph 5.6 of the SPD sets out the following guidance for single storey rear extensions;

- 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).

The development is considered to be in accordance with the above guideline where the adjacent property, no. 260 Bury Road, hosts a single storey outrigger sited along the common boundary. Aforementioned above, the property hosts a single storey outrigger along the common boundary between the application property and no.256 Bury Road which is to remain unchanged post-development. The proposal is not considered to impact no.256 in this regard.

The SPD acknowledges that two storey and first floor extensions to the rear can have a much greater impact on adjoining and adjacent neighbours therefore paragraph 5.9 and 5.10 sets out guidance as to suitable projection distances and are therefore relevant to the context of this application;

5.9 Planning permission will not normally be granted for two storey or first floor extensions to detached, semi-detached or terraced dwellings that project beyond a 30 degree line drawn from a point 2.4m along the common boundary from the rear elevation of the adjoining or adjacent dwelling(s)

5.10 Where there is a single storey extension at the rear of the neighbouring property which is close to the common boundary, the 2.4m distance will be taken from a point 3m along the common boundary from the nearest point of the first floor of the rear elevation of the adjoining or adjacent dwelling(s).

Where the first floor extension exceeds the limits set out in paragraph 5.9 of the SPD, it is concluded the projection distances when assessed in relation to no.260 Bury Road, would be in accordance with the relevant guidelines of the SPD. It is noted the first floor extension would be in exceedance of the above guideline in reference to no.256 Bury Road, however, the rear habitable room window is set enough away from the boundary that any concern is lessened by virtue of this. Outlook and light provision to this room is considered to be suitably retained post development and the first floor habitable room window to the rear of no.260 is considered to be a sensible distance away from the proposed development that no overbearing concerns would arise. The planning balance is further assessed in the "Personal Circumstances" section of the report.

Section 4.1 of the SPD sets out minimum separation distances for habitable room windows when directly facing another dwelling which the development has been constructed in accordance with.

Occupier amenity is to be retained to an adequate standard in relation to adequate light and outlook to habitable rooms.

Post-development, the existing rear amenity space would be reduced down to approx. 2m² to accommodate an additional room at ground floor level. The SPD states although sufficient garden space should be retained for the enjoyment of the occupiers, where personal circumstances are present, and guidelines may be interpreted flexibly. The planning balance of the circumstances presented are assessed under the "Personal Circumstances" section of this report.

The proposal would not unduly impact on the amenity of the occupants of neighbouring properties in accordance with policies DM1, the SPD and the NPPF.

Highways and Parking: DM1 and T2, Appendix 5

The property is to increase to a 2-bed property, post-development. The property is a terrace therefore cannot accommodate any on-site parking therefore any existing arrangements are considered to remain unchanged.

The proposed parking arrangements are therefore acceptable in accordance with policies T2 and DM1

Personal Circumstances

Paragraph 5.22 – 5.25 of the SPD set out guidelines as to when personal circumstances may be present in the context of a planning application and states "Personal circumstances, such as a disability, may make it difficult to provide necessary facilities within the standards set out in this document. The Council may

interpret these standards flexibly in such circumstances, but proposals that significantly exceed the standards set out in this document are unlikely to be appropriate. The more general planning considerations, such as the impact of a development on the character of an area and its impact on the amenity of neighbouring occupiers, are still the principal considerations by which the planning application will be judged; the needs of a person may exist for only a few years whereas built development is likely to last for decades.”

Paragraph 5.23 states that where a proposal is clearly contrary to Council policy, the development will only be accepted where clear justification has been presented which demonstrates that all the additional space, beyond that supported by policies, is necessary.

As part of the documents submitted for review, a Special Circumstances Statement has been provided and notes the current circumstances of the residing occupiers, including the outline of the disabilities present. A private doctor's note has also been submitted in confidence that evidences the applicant's circumstances.

In respect of the above, the submitted documents are considered to form planning material considerations for the assessment of the proposal.

In consideration of the above, regard must be given to The Equality Act 2010 and this establishes under Part 1, that there is a public sector duty to have due regard to the desirability of exercising decisions in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. Chapter 1 then lists protected characteristics which include disability and age.

The Act requires that those with protected characteristics should be protected from direct and indirect discrimination. Indirect discrimination under Chapter 2 Part 19, establishes that a practice etc is discriminatory if it puts, or would put, a person with a protected characteristic at a particular disadvantage compared to someone who does not share it.

Section 149 of the Equality Act 2010 requires public authorities to have due regard in respect of three 'needs' in the exercise of public powers and the delivery of public services. The needs are to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

By due regard, it has been held that this means a 'conscious directing of the mind to the obligations'. In a planning context, it is for the decision maker to decide what weight to give to the equalities implications of the decision.

In respect of the three needs set out above further consideration needs to be given to the requirement to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, The Equality Act 2010, explains that having due regard for advancing equality involves:

- ❑ Removing or minimising disadvantages suffered by people due to their protected characteristic
- ❑ Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people

- ☐ Encouraging people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

In respect of this application, the Equality Act is engaged because the decision will have an impact on a person with a protected characteristic. In this case, it is noted two severely disabled adults are residing at the property. Disability is a protected characteristic (as is age) and consideration needs to be given as to whether, in particular, the occupiers will be disproportionately affected by the decision than someone who does not have that particular characteristic.

It is accepted that the circumstances outlined in the Special Circumstances Statement and the supporting evidence indicate that two adults at the property have a disability and have needs which are different to those who do not share the disability and are material considerations and weight given to them accordingly.

Consideration must first be given to the development proposed, which the statement provided outlines is necessary to cater for the disabilities by both occupiers of the dwellings. In this regard, the main requirements of the applicants, and as referenced in the supporting information evidence that an additional bedroom is required to accommodate a carer and family who visit the property as well as slightly larger living spaces throughout at both ground and first floor level. Reference to the benefits of enlarged living areas and an additional bedroom is also made in the Special Circumstances Statement.

The application seeks the addition of 1no additional bedroom to the rear of the first floor and an enlarged kitchen space at ground floor. It is stated the house has already been internally altered to accommodate the required needs of the applicants however, given this is now at maximum capacity, the dwelling is no longer suitable. The statement states although alternative options have been explored however, all would require adaption at considerable expense.

Aforementioned above, the development is in exceedance of the permitted projection distances outlined under the SPD for two-storey and first floor extensions to the rear. However, where the submitted documents demonstrate that personal circumstances are present, the Local Planning authority fully accepts that the applicants have complex medical issues and that the close-by assistance of a carer and/or family members would be beneficial to the occupiers. It is therefore the case, that given the marginal projection distance over that outlined in the SPD, and for the assessment set out in the “amenity” section of the report, the development would be in exceedance of that permitted but has however, been designed as to not unacceptably impact on the amenity of adjoining occupiers.

Further to this, as mentioned in the “amenity” section of the report, the plot would host an approx. 2m² of garden space to the rear, post-development. Given the weight of the circumstances present, greater regard is given to this applicant’s circumstances to provide an enlarged living space in the interest of enhanced living quality.

The Equalities Act is engaged because the decision will have an impact on a person with a protected characteristic.

When considering planning applications, it is for the decision maker to decide what weight to give to the equalities implications of the decision. With all contributing factors in mind, it is considered that great weight is given to the applicant’s circumstances however, planning material considerations still form the main basis of which the application has been assessed. As such, it is concluded that given the

context of the application and the marginal projection distance above that set out in policy, residential amenity is to be retained to an adequate standard once implementation is complete. Whilst a larger private garden space is preferable, it is clear this cannot be accommodated by virtue of the size of the existing plot against the needs of the existing occupiers.

By virtue of the above assessment, it is considered that concerns are to be weighed against the personal circumstances present, which form a planning material consideration. The application is therefore considered acceptable in regard to the above merits and the application therefore merits approval.

Recommendation: Grant subject to the following conditions

1. The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans:-
 - Location Plan
 - Proposed Site Plan
 - A102.B Proposed (Received on email 03.05.2024)and the development shall be carried out in complete accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. The materials used in the construction of the exterior of the development hereby permitted shall match those used in the construction of the exterior of the existing building in colour, form, type, size and texture.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Article 35 Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

	Date	Officer
Report Completed	09.05.2024	Signed: CPetrillo
Authorisation	15.05.2024	Signed: TH

Report Author Chelsea Petrillo