

APPLICATION NUMBER: 24/00436/HOUS

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Location:	15 Broadhalgh Avenue Rochdale OL11 5LW
Proposal:	Demolition of existing garage and erection of new garage/outbuilding with solar panels above
Applicant:	MR A MARSH
Case Officer:	Hamish Rigg
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?	Y

CONDITIONS	Pre-commencement conditions proposed?	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

Location

The application relates to 15 Broadhalgh Avenue, a large detached property in Bamford, Rochdale. More specifically it concerns the demolition and replacement of a separate garage building to the west of the main dwelling. The host dwelling, known as Whirriestone, is a Grade II listed building dating back to the early 20th Century, and designed by renowned architects Parker and Unwin in the 'Arts and Crafts' style. The garage was built much later, and therefore does not contribute to the house's heritage value.

The site lies within Moorgate Conservation Area (CA) which is comprised of mainly inter-war semi-detached houses. The relevance of no. 15 and no. 13 Broadhalgh (both listed) is that they are much larger compared to other properties in the CA, built in the arts and crafts style.

Broadhalgh Avenue is in a residential area made up of detached and semi-detached houses, mature trees, green space, and quiet roads. No. 15 faces north, overlooking a gated driveway and the public highway. It is flanked by no. 17 to the west and no. 13 to the east. The rear boundary of the curtilage faces south, bordering the rear gardens of 'Woodlands, no. 6, & no. 8 Canterbury Close.

Description of Proposal

Permission is sought for the demolition of the existing pitched-roof garage building on the western border of the site, and the erection of a larger replacement garage.

The replacement garage would have a mono-pitch roof, with the lower end closer to the host dwelling, measuring approx. 2.5m above ground level, and the highest end approx. 4.2m. It would measure approx. 6.5m wide and 7.5m in length.

The maximum height of the existing garage is 3.5m, the width approx. 3.3m, and the length 6m. Therefore the replacement garage would be considerably larger. The floor area would increase from 18 sqm to 46 sqm.

The replacement garage would include 24x 1.8m X 1m solar panels embedded into the roof. It will have an aluminum glazed door to the front with graphite grey cladding above, as well as rendered walls on the side and rear.

Relevant History

95/D31803 - Demolition Of Attached Greenhouses And Construction Of Single Garage To Side Of Existing Garage – Approved 1995

95/D31804 (LBC) - Demolition Of Attached Greenhouses And Construction Of Single Garage To Side Of Existing Garage – Approved 1995

Township/Member comments

None

Consultee responses

Tree Officer

Comments 14/06/2024:

Currently the available tree information is a bit lacking – the document which has been provided refers to a Tree Survey prepared in accord with BS 5837, but I couldn't find this more complete survey in the application documentation (what has been provided is more of a summary). If the applicant does have a more comprehensive survey it would be good to have sight of this.

Currently I would have an issue with the loss of the four mature, established broadleaved trees which would be required to facilitate the proposals. The tree line is well established, mature and the trees do make a notable contribution to the local landscape; the loss of the trees would have a significant landscape impact.

I do note that there is space within the curtilage to accommodate new tree planting, but new planting is unlikely to properly replace the landscape value of the established tree line.

Objection following site visit 01/07/2024

The trees to be lost (semi-mature Lime trees) make a significant contribution to the local landscape character as part of a row of established trees, and their loss should be avoided. The trees could benefit from some pruning to avoid encroachment on nearby properties, but not removal. I would therefore advise refusal of the application because of the impact on

trees. To overcome this recommendation, the applicant would need to demonstrate that compensatory tree planting could be undertaken nearby.

Officer's response:

Since the Tree Officer's response, the scheme has been amended to reduce the size of the garage and the impact on the trees. The updated scheme still requires the removal of two mature trees, and as per the above, the applicant has not provided a more comprehensive tree survey in accordance with BS 5837. A more detailed assessment of the impact on trees is detailed below in the 'trees' section of this report.

Gtr Manchester Ecology Unit

Comments 02/07/2024:

The preliminary roost survey was completed in March 2023 (Miranda Cowan Ecology Ltd). The surveying ecologist stated in the report "Where the works are delayed until 2024, it will be required to undertake an update of the Preliminary Bat Roost Assessment and report the findings with relevant planning documents."

There is no evidence on the planning portal that this update to the preliminary roost assessment has been completed. We would need to see this update before commenting on the application.

Conservation And Design

Objection 21/06/2024:

As it stands, I am not able to support the proposal. Insufficient information has been provided regarding the age of the existing garage, and the design and scale of the proposed garage are not considered to be appropriate to the site. It would result in less than substantial to the significance of the listed building and the surrounding Moorgate Avenue Conservation Area. The harm has not been adequately justified and there do not appear to be any public benefits stemming from the proposal.

The proposal would fail to comply with sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is a matter which carries considerable weight in the planning balance.

Objection following amended scheme:

The amended scheme does not successfully mitigate the impact on the adjacent listed building as the width and height would remain the same. Information is still lacking with regards to the age of the existing garage.

Officer's response:

The impact on heritage will be assessed in the 'heritage' section of this report. Full details of the Conservation Officer's response can be found on the Planning Portal.

Highways and Engineering

No objections – 31/05/2024

Lead Local Flood Authority/Drainage

No objections – 17/05/2024

Representations

A press notice was published 22/05/2024 and neighbour letters were sent 17/05/2024; no objections were raised, and one general letter of support was received.

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:

SO3	Improving design, image and quality of place
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

Garage reduced in length by 4m and fewer trees felled.

Assessment

Design and heritage: SO3, DM1, P2 and P3

Policies P3 and DM1 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 131 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. Paragraph 139 states that development that is not well designed should be refused.

In addition, Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, including listed buildings, great weight should be given to the asset's conservation. Paragraph 206 states that any harm to, or loss of, the significance of a listed building should require clear and convincing justification. Paragraph 208 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' Similarly, PpE Policy JP-P2 seeks to positively conserve, sustain and enhance our historic environment and heritage assets and their settings; Setting out a clear vision that recognises and embeds the role of heritage in place-making and ensuring that the heritage significance of a site or area is considered in accordance with national planning policy. Policy P2 of the Core Strategy promotes the protection and enhancement of key heritage assets and their visual amenity.

The affected asset is the adjacent host dwelling, 15 Broadhalgh Avenue, known as Whirriestone; a grade II listed detached house designed by eminent Arts and Crafts architects and planners, Parker and Unwin. The site also falls within Moorgate Avenue Conservation Area which is characterised by inter-war semi-detached housing. The host dwelling, and adjacent property 13 Broadhalgh, are significant due to their Arts and Craft design, and because they are not characteristic of the Conservation Area, and are instead much larger and set within a larger curtilage

The application includes a heritage assessment (MacMarshalls, 18/11/2023). The statement claims that as a later addition, the existing garage does not contribute to the heritage value of the site, and its removal would not be considered harmful. It goes on to state that the proposed garage follows a modern design, deliberately in contrast to the listed building, so as not to appear pastiche. Its contrasting design is said to highlight the garage as a standalone structure, with the separation being important in retaining the significance of the listed building. It also argues that due to the slope of the mono pitch roof down to the scale of the host dwelling, the garage would appear subservient.

The proposed justification for the impact of the development on the listed building states that any harm would be outweighed by the public benefit of the solar panels in

reducing greenhouse emissions, which is said to be important in small scale projects as stated in paragraph 163 (a) of the NPPF.

Siting and scale:

The proposed garage includes a mono-pitch roof which reduces in height as it slopes towards the listed building. The replacement garage is considerably larger than the existing garage, measuring 4.2m (maximum height) X 6.5m (width) X 7.5m (length), compared to the existing 3.5m (height) X 3.3m (width) X 6m (length). The total floor space would increase from 18m² to 46m².

The increase in scale would result in the proposed garage appearing less subservient to the listed host dwelling. This is predominantly due to the 3.2m increase in width, as the main public vantage point of the garage is of its front elevation from the road, which is viewed directly adjacent to the listed building. The increase in width would also bring the garage closer to the listed building, therefore encroaching on its setting and reducing the distinction between buildings. As such, the siting and scale of the proposed garage would detract from the listed building and would appear intrusive.

Whilst it is understood that the mono-pitch roof design is intended to reduce the visual impact of the increased scale on the listed building, it would not prevent the garage from appearing overly conspicuous and dominant.

It is noted that the scheme was amended to reduce the length of the garage from 11.5m to 7.5m. Whilst this was welcomed, it did not reduce the visual harm towards the listed building, as the main impact is the width of the front elevation when seen from the roadside.

Materials:

The proposed garage includes 24x 1.8m X 1m solar panels embedded into the roof, an aluminum glazed door to the front with graphite grey cladding above, and rendered walls on the side and rear.

It is understood that the proposed materials are intended to create a modern finish, deliberately in contrast to the listed building, so as to avoid a pastiche appearance. However, the deliberate contrast is considered to go too far, in that it would conflict with the Arts and Crafts style of the listed host property and appear incongruous. The proposed modern design would appear out of context and would draw attention away from the listed building through visual competition. A more subtle finish which blends into its surroundings and allows the adjacent listed building to take precedence would be more appropriate.

Justification/ public benefit:

Paragraph 208 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The application centres its justification on the public benefit of installing solar panels in order to reduce the carbon footprint of the host dwelling.

Paragraph 160 of the NPPF states that decisions should help increase the use and supply of renewable and low carbon energy. Furthermore, PfE policy JP-S3 focuses on the delivery of renewable and low carbon energy schemes, and Core Strategy

policy SO4 seeks to promote a greener future through energy efficient development and carbon reduction.

The proposed installation of 24 solar panels to the roof of the garage is not considered to be an issue, and the council welcomes the use of renewable energy schemes. Furthermore, embedding the solar panels into the roof is seen to improve the design of the garage.

Notwithstanding, the solar panels, and the public benefit of reduced greenhouse emissions, are not seen as justification for the design and scale of the proposed garage, and the harm that this would have on the listed building. The installation of solar panels and associated public benefit could be achieved through a reduced scheme with a more subtle design. Furthermore, the application does not determine whether the proposed garage would be an ideal location for the solar panels. The panels would be overshadowed by mature trees which surround the garage to the south and west, therefore hindering their efficiency and intended purpose. There are more exposed areas within the curtilage of the dwelling, including the flat roof front extension, providing more suitable locations for solar panels.

As such, whilst the council supports measures to reduce carbon emissions at any scale, the application fails to reason why the proposed scale and design of the garage is necessary to achieve the same public benefit which could be achieved through a more modest scheme, or elsewhere on site. Therefore, the application fails to provide justification for the less than substantial harm on the listed building.

Other matters:

The application states that the existing garage building was built much later than the listed building, under application 95/D31803 (1995), and therefore does not hold any heritage value. However, application 95/D31803 sought to extend an existing garage building rather than build a new one. An assessment of the plans for application 95/D31803 indicates that the extension to the garage was not carried out, which suggests that the existing garage predates 1995. As per the Conservation Officer's comments, whilst it is clear that the existing garage was built after the original listed building, it is essential to clarify when the existing garage was built in order to establish the extent of any harm to the listed building following the development.

Conclusion:

Overall, the design of the proposal is considered to be unacceptable, through its lack of subservience and incongruous design relative to the host dwelling. As such, the proposed garage would adversely affect the heritage value of the listed host dwelling, through visual competition and conflicting style. This would result in less than substantial harm, which has not been reasonably justified in terms of its public benefit. The proposal does not therefore accord with policies SO3, DM1, P2 and P3 of the Core Strategy, PfE policy JP-P2, nor the NPPF.

Impact on trees:

Paragraph 136 states that trees make an important contribution to the character and quality of an environment, and that existing trees are retained wherever possible or replace in an appropriate location. In addition, PfE policy JP-G7 seeks to encourage the protection of trees that are of a heritage, cultural and/or aesthetic value, whilst

policy G7 of the Core Strategy expects development proposals to protect and enhance trees in the interests of promoting biodiversity and green infrastructure.

The application includes an aboricultural impact assessment and method statement based on a tree survey conducted by MMA Tree Consultancy (BS 5837). The report included the removal of 4 mature Lime Trees to the rear of the garage. Mitigation for the loss of the trees would be undertaken at a ratio of 2:1 by planting 8 X new trees within the grounds of the site.

The Council's Tree Officer was consulted on the application and found the information provided to be lacking. The applicant's tree report refers to a more comprehensive tree survey, BS 5837, without which the aboricultural impact of the development has not fully been assessed. Furthermore, the Tree Officer considered the loss of four mature trees to be detrimental as they make a well-established contribution to the local landscape. The Tree Officer noted that whilst there is space to plant new trees within the curtilage, new planting is unlikely to properly replace the amenity value of the established tree line to the street.

It should be noted that the applicant survey and Tree Officer response relate to the original proposal for a larger garage. As such, the current reduced scheme is likely to have a lesser impact on the trees on site. Notwithstanding, the updated scheme does not include an updated aboricultural impact assessment and method statement. It is therefore difficult to fully assess the impact of the proposed scheme on the surrounding trees, and thus the report can only be based on the information provided.

Overall, the development is considered to be unacceptable due to the loss of four mature trees which currently contribute significant value to the character and amenity of the local landscape. Owing to a lack of detail, and in the absence of any updated measures, the supporting aboricultural impact and method statement does not adequately prove that the loss of these trees can be mitigated. The proposal therefore fails to comply with PfE policy JP-G7, Core Strategy policy G7, and the NPPF.

Bats and birds:

The application includes a preliminary roost survey, completed in March 2023 (Miranda Cowan Ecology Ltd), which states that "where the works are delayed until 2024, it will be required to undertake an update of the Preliminary Bat Roost Assessment and report the findings with relevant planning documents." There is no evidence that this update to the preliminary roost assessment has been completed, and therefore the applicant has failed to carry out a comprehensive bat survey to the building to be demolished.

Bats are protected species under the Wildlife and Countryside Act. Regulation 9 of the Conservation of Habitats and Species Regulation 2017 requires a LPA to exercise their functions as a competent body, including part 1 of the WCA 1981 which states that it is an offence to intentionally or recklessly destroy a building which

contains a protected species as identified under Schedule 5. Without evidence to disregard the presence of bats, planning permission cannot be granted.

Amenity: DM1 and SPD

The Council's adopted Core Strategy policy DM1 states that proposals need to demonstrate that they do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Paragraph 5.1 of the SPD states that extensions 'should be carefully designed to protect the amenity of the occupants of adjoining properties.' Additionally, the National Planning Policy Framework (NPPF) advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed garage building is considered to be of a siting and scale so that it would not adversely affect the amenity of residents or neighbouring occupants through visual intrusion, overbearing impact, overshadowing or loss of privacy. As such, it is considered acceptable in accordance with policies DM1, the SPD and the NPPF.

Highways and Parking: DM1 and T2, Appendix 5

The proposed scheme would have no impact on the existing off-street parking arrangements and is therefore considered acceptable in accordance with policies DM1 and T2.

Recommendation:

Refuse

The proposal is refused based on the following reasons:

1. By virtue of its unacceptable design, through which the proposed garage would lack subservience and appear incongruous relative to the host dwelling. As such, the proposed garage would adversely affect the heritage value of the listed host dwelling, through visual competition and conflicting style. This would result in less than substantial harm, which has not been reasonably justified in terms of its public benefit. The proposal does not therefore accord with policies SO3, DM1, P2 and P3 of the Rochdale Adopted Core Strategy, The Places for Everyone Joint Development Plan policy JP-P2, nor the National Planning Policy Framework.
2. By virtue of its negative impact on the local landscape, due to the loss of four mature trees which currently contribute significant value to the character and amenity of the street scene. Owing to a lack of detail, the supporting arboricultural impact and method statement does not adequately prove that the loss of these trees can be mitigated. The proposal therefore fails to comply with The Places for Everyone Joint Development Plan policy JP-G7,

The Rochdale Adopted Core Strategy policy G7, and the National Planning Policy Framework.

3. The applicant has failed to provide an updated comprehensive bat survey of the building to be demolished. Bats are protected species under the Wildlife and Countryside Act. Regulation 9 of the Conservation of Habitats and Species Regulation 2017 requires a LPA to exercise their functions as a competent body, including part 1 of the WCA 1981 which states that it is an offence to intentionally or recklessly destroy a building which contains a protected species as identified under Schedule 5. Without evidence to disregard the presence of bats, prior approval is refused.

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 the applicant

This decision relates to the following plans:

- Proposed plans: 0.02a
- Existing floor plans, elevations, and site plan: 0.01A
- Preliminary Bat Roost and Breeding Bird Assessment (Miranda Cowan Ecology Ltd., 14/03/2023)
- Supporting Statement and Heritage Statement (MacMarshalls, 18/11/2023)
- Aboricultural Impact Assessment
- Tree constraints plan (MMA Tree Consultancy)

	Date	Officer
Report Completed	09/09/2024	Signed: Hamish Rigg
Authorisation	14/10/2024	Signed: Ryan Killeen

Report Author Hamish Rigg