

**APPLICATION NUMBER: 24/00928/HOUS**

|                            |                                                                                                                                            |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | 24/00928/HOUS                                                                                                                              |
| <b>Location:</b>           | 34 Linnet Hill Rochdale OL11 4DA                                                                                                           |
| <b>Proposal:</b>           | Erection of rear outbuilding, together with engineering works to the rear garden and the erection of a retaining wall (part retrospective) |
| <b>Applicant:</b>          | Mr Solomon Melekwe                                                                                                                         |
| <b>Case Officer:</b>       | Hamish Rigg                                                                                                                                |
| <b>RECOMMENDATION:</b>     | <b>Grant subject to conditions</b>                                                                                                         |

|                   |                                               |          |
|-------------------|-----------------------------------------------|----------|
| <b>DELEGATION</b> | <b>Applicant a Council Member or officer?</b> | <b>N</b> |
|                   | <b>Contrary to previous decision?</b>         | <b>N</b> |
|                   | <b>Called in or Planning Panel objection?</b> | <b>N</b> |

|                 |                                          |          |
|-----------------|------------------------------------------|----------|
| <b>COMMENTS</b> | <b>Planning Panel comments received?</b> | <b>N</b> |
|                 | <b>Neighbour comments received?</b>      | <b>Y</b> |

|                   |                                                                             |          |
|-------------------|-----------------------------------------------------------------------------|----------|
| <b>CONDITIONS</b> | <b>Pre-commencement conditions proposed?</b>                                | <b>Y</b> |
|                   | <b>Pre-commencement conditions agreed (or notification period expired)?</b> | <b>Y</b> |

**Location**

The application relates to no. 34 Linnet Hill; a two-storey detached house in a residential area of Rochdale. Linnet Hill comprises detached houses of varying design and material palette, set amongst an abundance of trees and vegetation.

No. 34 sits elevated above street level, facing south-east, overlooking the front garden and adopted highway. No. 32 sits adjacent to the east, whilst no. 36 lies to the south-west. The rear boundary of the curtilage faces north-west, bordering the rear garden of no. 26.

**Description of Proposal**

Permission is sought for the erection of an outbuilding in the rear garden, comprising a pitched roof, bi-folding doors, and a roller shutter door. The proposed use is as a garden room and bar with kitchen and toilet facilities. Materials include beige brick, concrete roof tiles, a metal roller shutter and UPVC windows and doors to match the host dwelling. The outbuilding would measure 12.4m (width) X 5.4m (depth) X 4m (height).

Permission is sought, retrospectively, for engineering works to the rear garden to level the profile, and for the erection of a retaining wall along the border with nos. 26 and 32 Linnet Hill. The retaining wall comprises 2m (maximum) high Gabion Stone Baskets, with a 1.8m high grey composite panel fence atop.

### **Relevant History**

None

### **Township/Member comments**

None

### **Consultee responses**

Greater Manchester Ecology Unit were invited to comment but provided no response.

### **Representations**

Letters of notification were sent to surrounding properties 13/02/2025. One neutral representation was received but did raise the following concerns:

- Potentially harmful impact on trees;
- Excessive scale of the outbuilding and its impact on the public footpath adjacent to the site.

### **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 21<sup>st</sup> March 2024. The following policies are relevant:

|              |                    |
|--------------|--------------------|
| <b>JP-P1</b> | Sustainable places |
| <b>JP-G7</b> | Trees and Woodland |

#### **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 19<sup>th</sup> October 2016. The following policies are relevant:

|                   |                                                       |
|-------------------|-------------------------------------------------------|
| <b>P3</b>         | Improving Design of New Development                   |
| <b>G6</b>         | Enhancing Green Infrastructure                        |
| <b>G7</b>         | Increasing the value of biodiversity and geodiversity |
| <b>DM1</b>        | General Development Requirements                      |
| <b>T2</b>         | Improving Accessibility                               |
| <b>Appendix 5</b> | Schedule of Parking Standards                         |

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

### **Amendments**

None Applicable

### **Assessment**

**Design:** DM1 and P3

When read collectively, the NPPF, policies P3 and DM1 of the Core Strategy, and policy JP-P1 of Places for Everyone seek to achieve development of high quality design, 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. Development should function well and add to the overall quality of an area by being visually attractive as a result of effective architecture, layout and landscaping. Paragraph 5.1 of the SPD also states that housing extensions should be in keeping with the host property and generally should be subservient to it.

#### *Outbuilding:*

Permission is sought for the erection of an outbuilding in the rear garden. The proposed outbuilding would be a relatively large structure compared with similar outbuildings or garden rooms.

Given its size, it is acknowledged that the outbuilding would be appear relatively imposing when viewed from the public footpath adjacent to the southern boundary of the site. However, views from the public footpath are not considered to hold particular visual amenity value, and as such, the potentially imposing appearance would not be especially detrimental to the character and appearance of the area. In particular, it would not have a harmful impact on the street scene of Linnet Hill or Roch Valley Way and is therefore considered acceptable.

The proposed materials and fenestration would be in keeping with the host dwelling, and are therefore considered acceptable.

#### *Boundary treatments and engineering works:*

Development has been carried out to level the profile of the rear garden, including the removal of a tree, and to erect a 3.8m high boundary wall/ fence. Prior to the development, there was a sloped grass lawn, vegetation, and a timber boundary fence.

There are no issues in principle with the engineering works to level the garden profile, although the loss of vegetation and greenery is considered to be unfortunate. However, the LPA welcomes the proposed replacement planting scheme and grass lawn.

There are no issues with the design of the retaining wall, which comprises Gabion Stone Cages. The use of stone offers a relatively natural appearance.

However, the composite grey panel fence is considered to be an unattractive and incongruous feature. Standing at 1.8m atop the retaining wall, the fence appears imposing and excessive in height whilst the composite panels are a harsh juxtaposition to the trees behind.

Notwithstanding, whilst the fence is visible from the public footpath, it is hidden from key public vantage points on Linnet Hill and Roch Valley Way. As such, its appearance is not considered to be harmful to the street scene and is therefore deemed acceptable.

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

#### **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 internal amenity for all existing and future occupants of land and buildings.

The proposed location of the outbuilding offers a significant degree of separation from neighbouring properties so as not to impact on the amenity of occupants. Whilst it does measure 4m in height, the distance from neighbouring buildings (15m minimum) ensures that there would be no overshadowing or overbearing impact. Lastly, the proposed ground floor windows would have not reduce the privacy of neighbouring occupants.

There are no amenity issues relating to the engineering works or retaining wall. The height of the new fence matches the overall height of the pre-existing timber fence, and therefore would have a neutral impact on neighbouring occupants.

Overall, 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.

#### **Impact on trees: G6**

The NPPF recognises that trees make an important contribution to the character and quality of urban environments, can help mitigate climate change, and should be retained wherever possible. The potential effect of development on trees, whether statutorily protected or not, is a material consideration that is taken into account when dealing with planning applications. The LPA may attach conditions requiring the retention and protection of trees even if they are not statutorily protected, if the trees are considered to make a valuable amenity contribution. In addition, Policy G6 of Rochdale Council's Core Strategy expects development proposals to avoid the loss of trees, where possible, and to replace removed trees from a site at a ratio of 2:1.

Adjacent to the north-west boundary of the curtilage is a row of mature trees belonging to no. 26 Linnet Hill. These trees are considered to make a valuable contribution to the verdant character of the area and help to support a green network within the borough, and as such their retention and protection would be strongly supported.

For the avoidance of doubt, these trees do not fall under a Tree Preservation Order and are not within the application site boundary. Nonetheless, they are directly adjacent to the erected retaining wall and within falling distance of the proposed development, and as such the LPA requested that an Aboricultural Impact Assessment was carried out and submitted in writing.

The report found that due to the engineering works and erected retaining wall, three trees (T3, T4, T5) have been damaged and cannot be retained. A further three trees (G6, T8, T9) are at risk of failure, but could be retained with mitigation. All of these trees fall within the curtilage of no. 26 Linnet Hill.

The damage caused to these trees is regrettable and is considered harmful to the visual amenity of the local landscape. However, as these trees are not protected by a Tree Preservation Order, there has been no breach of planning control and therefore the damage to the trees is a civil matter.

Furthermore, given the trees are not owned by the applicant, the mitigation proposals recommended in Chapter 7 of the submitted Aboricultural Impact Assessment (2210\_AIA.01, 10/02/2025) are beyond the applicant's control and therefore cannot be dealt with via condition. Any future mitigation measures are again a civil matter and the applicant is advised to speak with the owners of no. 26 Linnet Hill.

Notwithstanding, the applicant has proposed replacement planting within their own rear garden in the form of fruit trees and ornamental planting. A condition will be attached requiring adherence to the proposed planting scheme, as per the Proposed Block Plan (D13REV1).

#### **Highways and Parking: DM1 and T2, Appendix 5**

The proposed development would have no bearing on the existing parking arrangements, in accordance with policies T2 and DM1.

#### **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:

- Proposed Block Plan: D13REV1
- Aboricultural Impact Assessment (Lally Tree Management, 2210\_AIA.01, 10/02/2025)
- Aboricultural Method Statement (Lally Tree Management, 2210\_AMS.01, 10/02/2025)
- Proposed Ground Floor Plan (D03)
- Proposed Roof Plan (D06)
- Proposed Elevations (D10)
- Existing Block Plan (D11)
- Existing Location Plan (D12)
- Proposed Site Location Plan (D14)
- 3D Plans

and the development shall be carried out in 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 saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy 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.

4. The replacement planting shall be carried out in accordance with the approved 'Proposed Block Plan: D13REV1' within the next planting season following final occupation of the development hereby approved.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Core Strategy Policies G6 and G7, Policies JP-G6 and JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

## **Article 35 Statement**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

|                         | <b>Date</b> | <b>Officer</b>       |
|-------------------------|-------------|----------------------|
| <b>Report Completed</b> | 22/04/2025  | Signed: Hamish Rigg  |
| <b>Authorisation</b>    | 24/04/2025  | Signed: Ryan Killeen |

Report Author Hamish Rigg