APPLICATION NUMBER: 22/00290/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/00290/FUL	Rosalind Gralton	20 May 2022

Address: Land To The Side Of 5 Kingsley Road, Middleton M24 2PE

Proposal: Erection of one 3 storey detached dwelling

PUBLICITY	**Weekly list expired?**	Y	**Site notice expired?**	Y
	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?	Y

EIA	**Screening opinion completed and saved to Onbase?**	N/A

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

RECOMMENDATION	**REFUSE**

CHECKED AND SIGNED OFF BY: EH **DATE: 26 May 2022**

SITE

The application site consists of land located to the west of No 5 Kingsley Road, Middleton, facing onto Kingsley Road, on the corner plot with Chaucer Road.

The area is characterised by two storey semi-detached properties of a 1920s-1940s design with hipped roofs, pebble dash render and painted red brickwork. Various alterations have been made to the properties over the years. The plot is currently overgrown with mesh fencing dividing the plot.

PROPOSAL

The site is circa 247sqm in size and proposes two parking spaces, one located to the rear with access onto Chaucer Road and one located on hardstanding created at the front of the property with access onto Kingsley Road. The property would have four bedrooms with both front and rear gable roof dormers with apex heights in line with the ridge height of the main dwellinghouse. One bay window is proposed at the front elevation.

The proposed dwelling would have a pitched roof with a pitch height of 9m and an eaves height of 5m at the front elevation. Given the topography of the site sloping lower to the south, the ground floor rear elevation door would open onto decking and staircase access to the lower levels of the site and rear garden area. From the rear elevation, the property would therefore read as four storeys, and therefore would have a pitch height of 10.6m, and an eaves height of 6.8m.

The proposed dormers would be cladded with hung tiles to match the main dwellingroof. The proposed brickwork is stated to match adjacent properties.

Bin storage is proposed within the rear garden.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):
SO2 Creating successful and healthy communities
C1 Delivering the right amount of housing in the right places
C3 Delivering the right type of housing
SO3 Improving design, image and quality of place
P3 Improving design of new development

SO4 Promoting a greener environment
G6 Enhancing green infrastructure
G8 Managing water resources and flood risk
G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport
T2 Improving accessibility

DM1 General Development requirements
SD1 Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

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

RELEVANT SITE HISTORY
None

CONSULTATION RESPONSES

United Utilities
Summary: Standard guidance issued in respect of Surface Water Drainage design.

Highways And Engineering
The application includes the provision of two car parking spaces therefore it meets the Councils parking standards.

Access to one of the parking spaces is via an unadopted track and the applicant should ensure that they have access rights along and it may be that the access track should have been included within the submitted site edged red plan.

Servicing of the proposed dwelling should not be an issue.

'The development is not likely to have any detrimental impact on highway capacity or road safety … Highways raise no objection to this application and request no specific planning conditions.'

Env Health - Noise/Odours
No objections. Given the residential area, condition requested to limit hours of construction to 08:00-18:00 Monday to Friday 09:00-14:00 on Saturdays and no work on Sundays or back holidays.

Lead Local Flood Authority/Drainage
No formal comments.

GM Fire Service:
Summary: This proposal should meet the requirements for Fire Service access.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties, a notice posted in the vicinity of the site.

32 representations have been received. 0 in support. 32 in objection. Comments are summarised below:

The location would be unsuitable for a detached dwelling
Existing parking and traffic issues within the area would be pressured further as a result of the development
Additional vehicles would put more pressure on highways impacts
Overlooking would cause lack of privacy to neighbouring properties
The proposed driveway access would have limited visibility to the highway
Design of the house would be out of character
The proposed dormer would be out of keeping with the neighbouring properties

The positioning of the proposed property is not in accordance with RMBC guidelines and standards for residential development
The proposed development would overshadow neighbouring properties and habitable room windows
The neighbouring houses have their principal windows on the back and sides rather than the front due to their corner plots.
Required 14m distances from principal windows of neighbouring properties cannot be met, and as 3 storey house this distance should be in excess of 14m.
Negative impact on appearance of the streetscene
The building would effectively sit in front of the 2 neighbouring properties as they are corner houses. The neighbouring houses have their principal windows on the back and sides rather than the front due to their corner plots.
The plans are very vague and there are other documents missing and incorrectly completed.
Additional homes on Stanycliffe Lane in addition to the proposed would cause overbearing on existing houses
Impact on quality of life and health as a result of extra traffic
Impact on quality of life due to overshadowing reducing light to the property and could induce serious health problems such as seasonal affective disorder (SAD).
Overcrowding in the streetscene
Property would not meet the minimum space standards
Devaluing neighbours properties as a result of poor neighbouring development
Would remove greenfield site in wake of the climate crisis

Comments regarding value of property is not a material planning consideration.

ANALYSIS

The proposed application site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (UDP). New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside.

Policy C1 of the Core Strategy outlines that the Council will promote the reuse and regeneration of vacant and underused previously developed sites and focus only on sustainable greenfield sites which provide the best access to a range of services, jobs and facilities and have limited impact on green infrastructure and amenity. The application is well located in respect of public transport provision and access to jobs and services and the impacts on green infrastructure are limited.

The latest published information suggests that the Council can demonstrate more than a six year supply of housing land based on the Core Strategy target; however this does not preclude the promotion of sustainable development where this can assist in delivering additional housing to meet local needs.

As such, the principle of development of a greenfield site such as this in the urban area for residential purposes need not be unacceptable; however, this factor must be balanced against all other material considerations, as outlined below. The development of under-used greenfield and backland sites can help to make more efficient use of land within the urban area, however, proposals involving the development of residential gardens require careful consideration to ensure the development is appropriate, there is no loss of amenity for existing residents, that there are proper means of access and parking and that adequate space can be retained between new and existing dwellings. Sensitive design and good landscaping are also key considerations, to ensure that new buildings fit successfully into existing sites

On the basis that the proposal would make a valuable contribution to housing supply within the Borough, whilst being in a sustainable location within reasonable proximity to local amenities and public transport facilities, it is considered that the principle of development is therefore acceptable in accordance with Core Strategy polies C1, C3 and SD1, saved UDP policy G/D/1 and the NPPF.

Design and Visual Appearance

Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design. In addition, paragraphs 126 and 130 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Further to this, paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The revisions to the NPPF in July 2021 are clear that development that is not well designed should be refused, and conversely, significant weight should be given to development which reflects local design policies and government guidance on design. In support of this, the Government have produced a suite of guidance documents including Building for a Healthy Life, the National Model Design Code and the National Design Guide which form a material consideration in the assessment of the design of development proposals, and aid Local Authorities and developers alike in understanding what 'good' and 'bad' design looks like.

The proposed dwelling encompasses a three storey property including large roof slopes accommodating dormer windows on the front and rear roofslope. It would be located on the land to the side of the corner property at No 5 Kingsley Road, Middleton. The area is characterised by two storey semi-detached dwellings, and on this corner plot, the properties at 3 and 5 Kingsley, are at a 45 degree angle, facing the crossroads with Kingsley Road and Chaucer Road. The existing arrangement of dwellings facing the crossroads, is well planned, incorporating a pleasant central widening of the highway. This arrangement of the four pairs of semi detached properties, has a positive visual impact on the streetscene, and enhances the sense of spaciousness, ensuring gaps within the streetscene. The ground slopes downward towards the south of the site, and therefore properties located on Boarshaw Road are located at a lower level than those on Kingsley Road.

The proposed layout, and dwelling design scale and massing would not be in keeping with the surrounding well-planned arrangement of properties, or be reflective of the existing building lines or building styles. The property would be located facing north, at a 45 degree angle with No 5 Kingsley, and would appear at odds not only with No 5 and 3 Kingsley, but with the other surrounding dwellings within the cul de sac. The well planned arranagement is characterised by large gaps within the streetscene and the crossroads acting as a focal point. The proposed development would work against this, and disrupt this rhythm of development and sense of spaciousness.

Given the application site is located on a corner plot, as stated in the SPD (2016), the proposed separation distances to the neighbouring property (no 5 in this instance) must be a minimum of 1m. The proposed 600mm distance is substandard,

and would erode the space between the buildings, and additionally, given the 640mm distance to the highway of Chaucer Road, would present a hard edge to the public highway, and present a cramped form of development incongruous with that of the streetscene.

The scale of the dwelling, would result in a three storey elevation at the front but also a four storey elevation from the rear, given the drop in ground level presenting a balcony terrace at the rear and down to the ground garden level. This again, is at odds with the scale and form of the modest semi-detached pairs of dwellings in the surrounding area.

The proposed dormers would not appear subordinate to the main roof ridge and the proposed height of the dwelling would be much taller and over dominating within the streetscene when compared to neighbouring two storey dwellings, typically designed with hipped roofs. The proposed development would not reflect positively on the materials pallet of neighbouring dwelling and would not be designed in keeping with the rhythm of the existing streetscene.

To the rear of the site, on the site of the previously demolished St Margarets Church Hall, permission was granted in 2016 (16/00361/FUL) for the erection of six three storey dwellings (including two pairs of semi-detached dwellings and two detached dwellings) of a similar appearance and design. It is noted however due to the difference in ground level and the context of the streetscene, the approved dwellings, currently under construction, are of a significantly different context to that proposed within this current application and do not present a relevant precedent in this instance.

The car parking arrangement to the front would appear visually inappropriate within the streetscene, and emphasises the cramped form of development of the plot. The proposed parking to the rear would be considered acceptable, subject to a landscaping condition of planning approval. No indication has been made on the submitted plans as to bin storage proposals and in the instance of an approval the Council would request details of this prior to occupation of the dwelling. Boundary treatment would be concrete base panels, a minimum height of 900mm and a maximum height of 1.8m towards the rear. The height of the boundary treatment would be considered acceptable in this instance, however the details of all the materials would be subject to condition of any planning approval.

Ultimately, the proposal would fail to produce a satisfactory standard of design creating disharmony with the existing street scene. The issues raised which relate to both the appearance and scale of the dwelling and the layout of the site are also considered to amount to overdevelopment. As such, in light of the above assessment, it is considered that the proposal would fail to accord with the requirements of Policy DM1 and P3 of the adopted Rochdale Core Strategy, the Guidelines and Standards for Residential Development SPD and Paragraphs 127 and 130 of the National Planning Policy Framework.

Impact on Residential Amenity

Neighbouring amenity
Paragraph 130 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. Further to the above are the considerations of the Councils Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments "should be carefully designed to protect the amenity of the occupants of adjoining properties."

Policy DM1 of the Core Strategy requires that proposals do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Also, impacts including noise, air, dust, light and odour pollution are required to be mitigated where necessary. The "Guidelines and Standards for Residential Development" SPD contains a number of guidance parameters for the design and layout of new housing in order to preserve the amenity standards for surrounding residents.

The SPD requires a distance of 21m between directly facing principal windows of habitable rooms, at an upper floor level, 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage and 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room. Section 4.3 of the SPD does state that exceptions to this guidance may be made where the character and density of the surrounding area would be best preserved by reduced distances and this would not detract from the general levels of privacy and amenity typical in the area.

The SPD guidance in paragraph 4.1 refers to new residential development; *'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 scale of the proposed dwelling, and the minimal (4.5m) distance to the side elevation of the proposed dwelling with No 5 Kingsley would lead to an overbearing impact of the dwelling upon No 5. As stated within the paragraph of the SPD above, the scale of the dwelling at 10m high, and the blank gable wall projecting beyond No 5 Kingsley, would have an unacceptable overbearing impact on the amenity of the rear principal windows, and rear amenity space of No 5 Kingsley, causing a sense of enclosure.

Additionally, the proposed height of the dwelling would have a significant overshadowing impact to both the rear amenity space, and rear principal windows of No 5 Kingsley. Given the above, and the above SPD paragraph 4.1, it is not considered the proposal would be acceptable given the reduction to light to the main windows to the rear of the property, and reduction in light to the rear amenity space of No 5. As such, the proposal would have an unacceptable amenity impact by reason of overshadowing on No 5.

The proposed dwelling would have an acceptable amenity impact upon properties to the north of Chaucer Road and at No 1, 6, 2 and 4 Kingsley Road, retaining distances in excess of 21m to principal habitable room windows. The proposed dwelling would not have an impact on No 5 Kingsley Road in relation to privacy or overlooking.
To the south of the site is St John Fisher Church, a two-storey building which is located over 39m downhill, south east of the application site. The proposal would be visible from the rear of the church, however given the prominence of all the properties located uphill on Kingsley Road, it is not considered this would have any undue overshadowing, overbearing impact, loss of privacy, noise and disturbance, over and above that of the level of amenity the church can reasonably expect within this location.

No 7 Kingsley Road would retain an 8.1m distance to the blank side gable elevation of the property, with the proposed dwelling forward of No 7 Kingsley by 3.5m. Given the distances and the obscure angle in which the proposal would be visible from No 7, it is not considered the proposal would have any unacceptable privacy or overshadowing impact on No 7.

In summary, it is considered that the proposal would fail to adequately preserve the amenity currently enjoyed by the occupants of No.5 Kingsley Road, as a result of the overbearing and overshadowing impact on No 5. The proposal would therefore fail to satisfy the aims of policy DM1 of the Adopted Core Strategy and the National Planning Policy Framework.

Occupier amenity
The proposed dwelling would have four habitable bedrooms with a minimum floorspace of 10.4sqm and would comply with the National Space Standards. Given the windows to these bedrooms would be on the front and rear elevations, it is considered adequate light would be sufficient into these rooms and would be acceptable. It is considered that the proposed garden area would be suitable for the proposed 4 bedroom, family dwelling in this regard. In light of the above, the proposed dwelling would provide an adequate standard of amenity for occupants the proposed dwelling.

Highways, Access and Refuse Collection

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that 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.

The Council's Highways Officer has stated that the proposed arrangements satisfy the minimum requirements at this location. Further to this they have not identified any issues relating to refuse collection, emergency access or highways safety. The proposed parking and access arrangements are therefore considered to be acceptable and in accordance with the relevant parts of adopted Rochdale Core Strategy policies T2 and DM1, the SPD and the NPPF.

Drainage and Flood Risk

The NPPF establishes that inappropriate development in areas at risk at flooding should be avoided and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

No objection has been raised by United Utilities, or by the Council's drainage engineer.

RECOMMENDATION

Refuse:

1. As a result of its siting, scale design and layout, the proposed dwelling would be an intrusive, addition to the character and appearance of the surrounding street scene. The proposed dwelling would harm the prevailing residential character of the area by disrupting established building lines and styles. Taken as a whole, the proposal would constitute

a cramped addition, that fails to produce a satisfactory standard of design and does not take the opportunity to improve the character and quality of the area. The application is therefore contrary to the requirements of Policies DM1 and P3 of the adopted Rochdale Core Strategy, the Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016) and the National Planning Policy Framework.

2. By virtue of its siting, size and design, the proposed two-storey rear extension would result in an overbearing impact and an unacceptable degree of overshadowing to the rear amenity area and rear principal windows of No 5 Kingsley Road, to the detriment of the amenity of the occupiers. The application therefore fails to accord with the policy DM1 of the adopted Rochdale Core Strategy, 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:

Report Author Rosalind Gralton