

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01184/FUL

CASE OFFICER

Sam Yuen

DETERMINATION DATE 09.01.2024 EXT OF TIME 12.04.2024

Address: Land Adjacent 7 Raleigh Gardens Littleborough Rochdale OL15 9PX

Proposal: Erection of one single storey 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
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION

REFUSE

CHECKED AND SIGNED OFF BY: RK

DATE: 12/04/2024

SITE

The application relates to the side curtilage of no. 7 Raleigh Gardens, an end terrace residential property located to the end of a small cul-de-sac in Calderbrook. The host property and other dwellings along Raleigh Gardens are two-storey, redbrick dwellings and others in the immediate vicinity comprise semi-detached bungalows and similar terraced properties. The site is adjacent to no. 8 Raleigh Gardens to the east, adjacent to no. 54 Drake Road to the west, adjacent to no. 9 Frobisher Road to the north, and faces the highway to the east. Directing adjoining the site to the north lies a footpath connecting the two ends of Drake Road.

PROPOSAL

Planning permission is sought for the construction of a single-storey dwelling adjoined to no. 7 Raleigh Gardens to accommodate one bedroom. The dwelling comprises a single-storey rear extension with a maximum projection of 4.5m. Apart from the single-storey form, the roof form, roof pitch, fenestration and materiality would be largely in line with one of the adjoined terraced dwellings.

The submitted plans indicate a front driveway comprising block paving and space for one off-street parking space. The rear curtilage would comprise concrete paving, lawn and refuse bin store.

The proposed plans also indicate the blocking up on the existing side openings of no. 7 which would share a party wall with the proposed dwelling.

RELEVANT PLANNING POLICY

National Guidance

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:

Policy JP-S1: Sustainable Development
Policy JP-S4: Flood Risk and the Water Environment
Policy JP-H1: Scale, Distribution and Phasing of New Housing Development
Policy JP-H2: Affordability of New Building
Policy JP-H3: Type, Size and Design of New Housing
Policy JP-H4: Density of New Housing
Policy JP-P1: Sustainable Places

Adopted Rochdale Core Strategy (CS):

- C1 Delivering the right amount of housing in the right places
- P1 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development
- G8 Managing water resources and flood risk
- G9 Reducing the impact of pollution, contamination and land instability
- T2 Improving accessibility
- DM1 General development requirements

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

21/00490/PIP - Permission in principle for the erection of one dwelling – Grant

22/00146/TDC1 - Submission of technical details pursuant to permission in principle application 21/00490/PIP for the erection of one dwelling – Refuse

Officer's Comment:

1. By virtue of its height and siting, the proposed dwelling would result in an unacceptable loss of outlook and overshadowing of the rear windows and external amenity space of nos. 9 and 11 Frobisher Road, adversely impacting on the living environment of the occupiers and detrimental to residential amenity, contrary to the Council's Guidelines and Standards for Residential Development SPD, policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
2. The development would fail to provide any off street parking provision. This would likely result in vehicles parking on the highway, causing obstruction of the highway access to existing private driveways. This would be contrary to the free and safe use of the highway and contrary policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

22/01050/TDC1 - Submission of technical details pursuant to permission in principle application 21/00490/PIP for the erection of one dwelling - Resubmission of 22/00146/TD1 – Refuse

Officer's Comment:

1. By virtue of its design, height and siting, the proposed single storey dwelling would sit at odds to the existing street scene along Raleigh Gardens, which comprises entirely of two storey, terraced dwellings. The provision of a bungalow would detract from this existing character and the appearance of the street scene, to the detriment of visual amenity and contrary to policies P1, P2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
2. The proposed dwelling would be substandard in terms of its overall internal floor area and bedroom size and fail to meet the nationally described space standards as set out in the Statutory Guidance – Technical housing standards. The application would therefore fail to provide an acceptable living environment for future residents and would provide an unacceptable level of residential amenity contrary to policy DM1 of the Rochdale Unitary Development Plan and Technical housing standards – national described space standard.

CONSULTATION RESPONSES

Environmental Control (Landfill Gas)

The site has had a previous use so an intrusive investigation is necessary. The Environmental Health Officer has recommended a pre-commencement condition for an investigation and risk assessment to assess the nature and extent of any contamination on the site.

Highways and Engineering

Parking provision for the size of dwelling proposed is in line with Council standards.

The servicing arrangements for the proposed dwelling would seem to be appropriate.

If approved the development should not have any impact on road safety or highways capacity.

Highways would raise no objection to this application, and request no specific planning conditions.

Env Health - Noise/Odours

This section has no objections in principle to the proposal. Given the close proximity to existing residential properties we would recommend restricting the site hours to 08:00-18:00 Monday - Friday 09:00-14:00 Saturdays and no work on Sundays or Bank holidays

Lead Local Flood Authority/Drainage

The proposed plans show:-

- a new driveway but have not provided any details as to whether this driveway will be constructed in Permeable Paving with open graded sub-base or not;
- soakaway for roof drainage in the rear garden
- soakaway for roof drainage in the front grassed area

The driveway must be permeable paving and details need to be provided.

The soakaway in the rear may work, but no testing has been undertaken, nor have any details of the soakaway been provided.

The soakaway in the front grassed area does not meet UK Building Regs Part H (section 3.25) as it will be within 5m of a building and a road.

Sustainable Urban Drainage System is preferred to connection to combined public sewer, but infiltration would need to be carried out to demonstrate its feasibility, before United Utilities can accept connection of surface water. There are different methods of infiltration testing, and references provided in Building Regs Part H. A simple methodology can also be found on <https://www.pavingexpert.com/drain08>.

United Utilities

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

REPRESENTATIONS

Neighbour notifications via letters were sent to surrounding properties and a site notice posted within the immediate vicinity of the host property. One objection letter was received with the following concerns:

- ☐ The proposal would result in loss of light and view from the adjacent property
- ☐ The size of the plot is not sufficient for the proposed dwelling

Officer's Comments:

- ☐ Concerns relating to overshadowing impacts are addressed under the 'Residential Amenity' heading of the report.
- ☐ Loss of view is not a material consideration in the determination of planning applications.
- ☐ The suitability of the proposed dwelling on the site is addressed under the 'Principle of Development' and 'Residential Amenity' headings of the report.

ANALYSIS

Principle of Development

The site is located within the Defined Urban Area where the surrounding area is characterised by residential development and is served by a local school and a small parade of shops. A regular bus service is available from Todmorden Road, which is within walking distance of the site, and a less regular service is available from Barnes Meadows. The site is as such considered to be well located in terms of access to jobs, shops and services by modes of transport other than the private car. As such, the proposal would make efficient use of land within the Defined Urban Area and would contribute to the supply of housing in a sustainable location within the borough.

Annexe 2 of the National Planning Policy Framework defines 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes, amongst others, land in built-up areas such as private residential gardens. Based on available evidence, the application site previously existed as an amenity space associated with no. 7 Raleigh Gardens. On this basis, it is of the view of the Council that the site would be considered to comprise previously undeveloped, or greenfield, land. 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 sustainably located in an established

residential context and is served by a classified road with good public transport provision, and access to jobs and services. Given this site context, the impacts on green infrastructure are limited.

On this basis, the principle of development of this site as a greenfield site within the Defined Urban Area for residential purposes would be acceptable, subject to the scheme being acceptable against all other material considerations.

Design and Appearance

Paragraph 135 of the NPPF requires new development to be *“visually attractive as a result of good architecture, layout and appropriate and effective landscaping”* in addition to ensuring they are *“sympathetic to local character.”* Paragraph 139 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 documents such as design guides and codes.”*

Policy JP-P1 of the Places for Everyone Joint Development Plan states development should, wherever appropriate, be consistent with distinctive places with a clear identity that respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.

Policy DM1 and P3 of the adopted Rochdale Core Strategy require development proposals to be *“of high quality design and take the opportunity to enhance the quality of the area”* and to *“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.”*

The application site is located on an established building line of exclusively two-storey redbrick terraced dwelling. The wider locality beyond Raleigh Gardens consist of a small development of semi-detached and detached bungalows to the north of the site. It is noted however, by virtue of its siting and layout, the group of bungalows is clearly defined under a different site context to dwellings on Raleigh Gardens.

The proposal seeks to construct a single-storey dwelling which would adjoin no. 7 Raleigh Gardens, thereby forming an end terrace dwelling to the existing row of terraced properties comprising nos. 1, 3, 5, 7 Raleigh Gardens. The proposed dwelling comprises a dual-pitched roof form which would be in keeping with the adjoined terraced dwellings. The proposals would be constructed from materials matching the adjoined dwellings, the suitability of which can be secured via condition. The proposed fenestration, lintels and sills would also be sized and positioned appropriately with the existing fenestration of the adjoined dwellings.

However, considering the existing context of two-storey terraced dwellings, the single-storey form of the proposed dwelling would fail to respect the form and layout of properties on Raleigh Gardens and would appear awkward and unresolved within the street scene. Regards have been had to the nearby development of bungalows along Frobisher Road and Drake Road. Notwithstanding, such bungalows are

viewed and understood under a different context to the application site and would ultimately carry little weight in the consideration of this application.

For this reason, the design of the proposed dwelling would detract from the character and appearance of the immediate street scene and would not be acceptable. The proposal would therefore fail to accord with Policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Residential Amenity

Protection of residential amenity is considered under Policy DM1 of the adopted Rochdale Core Strategy, which states development proposals should ensure they “*do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.*” The Council’s adopted Supplementary Planning Document ‘*Guidelines and Standards for Residential Development*’ (2016) contains a number of guidelines and requirements for the design and layout of new housing in order to preserve the amenity standards for surrounding residents. Included within the above document are the expected space standards for new residential development.

The proposed single-storey dwelling would be sited 10.94m from the rear elevation habitable room windows of nos. 9 and 11 Frobisher Road which would satisfy Section 4.1 of the SPD. The proposal would also replicate the existing relationships to the front and the rear of the site. A separation distance of 18m would be retained with front-facing no. 8 Raleigh Gardens and a separation distance of 22m with rear-facing no. 54 Drake Road which is consistent with the existing distances between properties on Raleigh Gardens and Drake Road. As such, no additional undue overlooking harm has been identified in this regard.

No concerns are had with the amenity impacts of the proposed single-storey rear extension on the rear habitable rooms windows of adjoined no. 7, which would comply with maximum standards stated in Section 5.6 and 5.7 of the SPD.

The submitted plans indicate a one bedroom dwelling providing two bedspaces with a gross internal floor area of 50m² and a bedroom floor area of 11.52m² and width of 3.25m which would comply with the requirements stated under the *Technical housing standards – nationally described space standard*. As such, the proposed plans would ensure a satisfactory standard of residential amenity for the occupiers.

Taken as a whole, the proposal would not result in undue harm to the amenities of the occupiers of the host dwelling and neighbouring properties and would be acceptable in accordance with Policy DM1 of the adopted Core Strategy, the SPD and the NPPF.

Highways, Parking and Access

Policy DM1 of the adopted Rochdale Core Strategy requires development proposals to “*provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.*”

The submitted plans indicate one off-street parking spaces to the rear curtilage space, which would comply with the maximum car parking space standard of Appendix 5 and comply with the minimum dimensions as stated in Section 3.15 of the SPD. The Council's Highways Officer was consulted for this application and raised no objections.

The proposed parking arrangements are therefore acceptable, in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy.

Land Contamination

Core Strategy Policy G9 states that the Council will ensure that any risks arising from contaminated land or land instability are identified, and that any appropriate actions to address these risks are taken, prior to development taking place.

Consultation has been carried out with the Council's Environmental Health Officer who noted the site has had a previous use and thus an intrusive investigation is necessary. The pre-commencement condition could be attached to any permission to ensure that any potential contamination is identified through the submission of an investigation and risk assessment. Subject to the suggested condition and the carrying out of any subsequent actions in respect of the outcome of the investigation, the requirements of Core Strategy Policy G9 and the NPPF will have been met.

Drainage and Flood Risk

The submitted plans comprises a front driveway of block paving as well as soakaway in the front and rear curtilage. The Council's Drainage Officer was consulted on the proposal and noted that no details have been submitted regarding the permeability of the hardstanding and details of the subbase and soakaways. United Utilities was also consulted and advised using sustainable urban drainage systems to reduce surface water into the public sewer. In the event the application was approved, preliminary details of the above would be requested from the applicant prior to determination. Notwithstanding, the Drainage Officer has recommended a pre-commencement condition requiring details of a drainage scheme to be submitted and approved by the LPA. Subject to the suggested condition and appropriate submitted details, the drainage impact of the site would be acceptable, in accordance with Policy G8 of the adopted Core Strategy.

RECOMMENDATION: REFUSE

1. By virtue of its single-storey form, siting and design, the proposed dwelling would sit at odds to the existing street scene along Raleigh Gardens, which comprises exclusively of two-storey terraced dwellings. The provision of a bungalow would therefore detract from the character and appearance of the existing street scene, to the detriment of its visual amenity. The proposal would not be well-designed and would be contrary to Policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development', the Places for Everyone Joint Development Plan, 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:

INFORMATIVES

For the avoidance of doubt, this Decision Notice relates to the following submitted plans:

- ☐ Location Plan – Drawing No. 2315.02 received 14/11/2023
- ☐ Existing Site Plan – Drawing No. 2315.03 received 27/10/2023
- ☐ Proposed Site Plan – Drawing No. 2315.04 received 27/10/2023
- ☐ Existing and Proposed Floor Plans, Elevations – Drawing No. 2315.01 Rev. A received 14/11/2023

Report Author Sam Yuen