

APPLICATION NUMBER: 23/00053/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00053/FUL	Aimee Bovaird	9 February 2023

Address: 18 Eastfield Avenue Middleton M24 1DP

Proposal: Erection of detached dwelling, new off street parking provision and formation of new vehicular access

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	Y

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?	Y by Cllr Williams if minded to grant

COMMENTS	Planning Panel comments received?	Y
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA

DATE: 03.05.23

SITE AND SURROUNDINGS

The site is located at 18 Eastfield Avenue which is an end terrace property adjacent to 16 Eastfield Avenue. No.18 Eastfield Avenue has a large garden to the rear and this is where the proposal dwelling would be located. The location plan shows that the application site extends down to Sunk Lane to the west which is accessed via an informal track leading from the rear garden.

The site is surrounded by residential properties and their gardens on Farmway to the south east and south (which sit at a lower level than the application site), and adjacent to dwellings on Eastfield Avenue to the south west and west. To the north of the site is an area of dense woodland and none of these trees are designated TPO's, beyond which and to the east of Sunk Lane is Farmway Park.

This is a residential area within the Defined Urban Area.

The site has a varied planning history including an application in 2020 for the change of use of the land to domestic curtilage, erection of detached building for use as granny annex and formation of new vehicular access from Sunk Lane. This application was refused.

PROPOSAL

Full planning permission is sought to erect a two storey detached dwelling, new off street parking provision and formation of new vehicular access. The dwelling will be sited in the majority of the rear garden of 18 Eastfield Avenue, resulting in a much-reduced garden curtilage to serve the existing dwelling.

The proposal will have a utility room, bathroom and store bunker and large garage on the ground floor and two bedrooms, a bathroom and lounge / kitchen area on the first floor. The roof will have four skylights, the front elevation proposed two dormers, a front door with an adjacent window and the garage entrance.

The access to the proposal will be off Sunk Lane and four parking spaces are proposed, two in front of the proposed dwelling and two north west of the proposed dwelling, in addition to a further 2 spaces within the garage

This site has different levels and the topography of the site is shown on the submitted plans. This would necessitate engineering works to cut and fill the land and the land surrounding the proposed dwelling will need to be retained as shown on the section drawing.

The proposed house will be accessed from Sunk Lane. A site visit revealed that the construction of the driveway has already begun, the provisional access is made up of gravel and this appears to be a new driveway. Officers note that the plans do not make clear what works are proposed in relation to the access from the site to Sunk Lane. This is considered in more detail in the assessment section of this report.

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
 C2 Focusing on regeneration areas and economic growth corridors/areas
 C3 Delivering the right type of housing
 C4 Providing affordable homes
 C6 Improving health and well being

G9 Reducing the impact of pollution, contamination and land instability

SO3 Improving design, image and quality of place
 P3 Improving design of new development

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

19/01097/HOUS - Two storey side extension with rear dormer (re-submission of 19/00639/HOUS) – Approved

19/00325/HOUS - Enlargement of roof from hip to gable – Approved

19/00639/HOUS - Two storey side and rear extension with dormer window within rear roof slope following removal of existing side extension – Refuse

20/00922/FUL - Change of use of land to domestic curtilage, erection of detached building for use as granny annex and formation of new vehicular access from Sunk Lane – Refuse

Reasons for refusal:

1. *Due to its disproportionate size and the location of the annex in relation to the host dwelling and the number and types of rooms used to facilitate independent living, the proposed works are not recognised to be an annex that is ancillary and subservient to the host dwelling and therefore is not acceptable in principle. The proposal therefore constitutes a development that is contrary to the aims of policies DM1 and P3 of the adopted Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' Supplementary Planning Document and the National Planning Policy Framework.*
2. *By virtue of its excessive scale and siting, the proposed building would appear incongruous in its setting within the rear garden of the applicant dwelling, and would negatively impact the overall visual amenity of the area. This harm would be compounded through the accumulation of multiple poor design choices*

relating to fenestration size and placement, blank elevations, roof pitch and built form and proportions which appear unresolved and ultimately create a disharmony between the proposed building and surrounding dwellings. This harm would further negatively impact upon the visual amenity of the area and as such, the proposal would fail to accord with Policies P3 and DM1 of the Adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. *By virtue of its siting and two-storey design, the proposed building would result in an unacceptable degree of overshadowing and overbearing impact on the rear gardens of no.69 & 71 Farmway and the rear garden area of no.16 Eastfield Avenue, 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.*

20/00583/HOUS - Two storey side extension with rear dormer -part retrospective –
Approve

Planning Panel Comments

The following comments were received:

'Members offer an objection to the proposals. Whilst they acknowledge an improvement of the design of the proposals over the previous, the current area is already densely built up, the proposals would not fit in with the character of the area. Members are conscious of the concerns of nearby residents and there are no public benefits to the proposals.'

CONSULTATION RESPONSES

Highways And Engineering

The following comments were received:

'There are a number of highway issues arising from this application that will need discussion.

Access to the proposed dwelling is from a roughly surfaced single track access road which links onto Sunk Lane which itself is a roughly surfaced single track road which is unadopted. Although vehicular rights appear to exist along the access it would appear that it currently does not meet Council standards for residential development. The application itself does not include any details of potential improvements to the proposed access for consideration which is a concern.

In addition as the proposed dwelling is remote from the adopted highway network it is unclear how it will be serviced, especially in regards to refuse collection. It would appear that the dwelling is not accessible to a refuse collection vehicle and it too far away from existing collection points on the adopted highway. This issue will have to be resolved before highways can support this application.

Parking provision for the proposed development is adequate.

It would appear at this stage that the proposed development would have no detrimental impact on road safety or highways capacity.'

Further queries were raised with Highways and a second response was received on 25/04/23:

'We did raise concerns regarding bin storage and collection in our original comments and could support this as a reason for refusal.'

Bins stored on the highway reduce the effective width and pose a hazard for blind or partially sighted people and may prevent wheelchair and pushchair access.

For residents collection points must be within the required distance, to comply with building regulations and be easy to access so if the collection point is remote and the access to it is unsurfaced or unlit residents are likely to leave their bins at the collection point on the highway creating a permanent obstruction.'

Env Health - Noise/Odours

No comments received to date.

Lead Local Flood Authority/Drainage

The following comments were received:

'The new house will be at a lower level than nearby public sewers. Therefore, to service the new dwelling, the applicant will need to assess their sewer options, which are likely to result in the need for a small sewage pumping unit and a rising main connection. The Applicant will need to consider their options regarding a suitable route for a rising (pumping main) as there may be other land-ownerships to consider. It should be noted that Sunk Lane is not a public maintained highway, and the land of the lane is not owned by the Council.'

The Applicant would need to check how they can get electric cable and water and media cable connections to the new dwelling. This is mentioned, because it may be practical to route all infrastructure through the same 'easement'.'

Strategic Housing - HMO

No comments received to date.

REPRESENTATIONS

Letters of notification were sent out to all surrounding properties, tow site notices have been displayed in the area. Ten letters of objection have been received, the main concerns raised were:

- ☐ Privacy- Concerns over overlooking and loss of privacy.
- ☐ Traffic – Concerns over an increase in traffic on Sunk Lane.
- ☐ Overcrowding – Concerns there is overcrowding in a small area of land.
- ☐ Refuse – Concerns over increased waste.

ANALYSIS

Principle of Development

The proposed dwelling is 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.

The principle of constructing a new dwelling on a site within the urban area is therefore acceptable and in accordance with the adopted Core Strategy, saved policies within the Unitary Development Plan and the NPPF.

Design and character and appearance

Policy P3 of the adopted Core Strategy requires all new developments, regardless of location in the borough, to adhere to high standards of design. Policy DM1 of the Core Strategy states that all development proposals will be expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area, in addition to requiring a number of other basic planning considerations. 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, which is largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy, which requires development proposals to demonstrate high quality design.

The proposed dwelling will be 5.5m high and 6.6m wide, the roof will be tiled. The finished windows and doors will be UPVC. The hard standing ground will be gravel/stone and permeable resin. The dwelling will be finished in a mixture of red brick and resin.

The proposed materials of the dwelling are not considered acceptable, the surrounding houses are all finished in red brick with no render. The finished render would not be compatible with the surrounding character and houses of the area. The finished render would be visually prominent from the rear of the houses on Farmway.

The proposed two bedroom development would be a large addition to the rear of no.18 Eastfield Avenue and is considered overdevelopment of the plot due to its size. The proposed development would not fit in with the surrounding character of the area as it would be squeezed in the site between no.18 Eastfield Avenue, the access off Sunk Lane and the rear of the properties on Farmway. The proposal would appear dominant from the rear outlook of the properties from Farmway, in particular it is 2.3m from the rear boundary of no.69 Farmway, on balance this proposal will be considered a dominant and overbearing feature. This is not considered to comply with the NPPF.

The proposed house takes up the majority of the plot, this is not a characteristic of the surrounding dwellings as other properties in the area have large gardens. This demonstrates that the plot is cramped and will have a negative effect on the character of the surrounding area.

The site is at the rear of no.18 Eastfield Avenue and would take up the majority of the plot and is surrounded by residential properties, these properties will be lower down than the proposed development and this again relates to the topography of the land. This means the proposed development will appear higher and become a dominant feature of the land and change the character of the area.

Land Stability

Policy DM1 also states proposals should demonstrate that they have assessed whether the development may be affected by ground instability and Policy G9 states appropriate remedial measures must be set out and implemented to address any issues of unstable land and ensure safety and stability of new development.

Paragraph 183 of the NPPF states that planning decisions should ensure a site is suitable for its proposed use taking account of any risks arising from land instability and paragraph 174 further states new development should not be put at risk of unacceptable levels of land instability.

The submitted plans demonstrate the land needs to be cut and retained to construct the dwelling as the land is steep. The section drawings demonstrate the north west elevation and south west will be set against retaining walls.

No information has been submitted in relation to the stability of the ground. In the event that this application was to be approved, a land stability report would have been requested either prior to determination or as a pre-commencement planning condition.

Occupier and neighbour amenity

Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers. Policy G9 requires that sensitive new developments such as housing are not adversely affected by existing sources of pollution, including noise, from certain types of industry. Paragraph 130 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.

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.

Privacy

Section 4.1 of the Guidelines and Standards for Residential Development SPD sets out minimum distance standards which all new residential developments should adhere to in order to ensure a satisfactory standard of amenity for surrounding, existing and future occupiers.

The SPD sets out the following minimum space standard *‘21m between directly facing principal windows of habitable rooms, at an upper floor level AND 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage (ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room (iii) 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room’*

There are no principal windows that will face each other and there is 17.5m between the proposed secondary window on the south east elevation and no.71 Farmway. There are two dormers proposed on the north east elevation, these will not overlook neighbouring properties and are considered subservient to the host property. On balance the proposed dormers are considered acceptable.

A window is proposed on the south east elevation of the development, this is proposed to be obscured to reduce the loss of neighbour amenity by reason of overlooking no. 71 Farmway.

In light of the above assessment, it is considered that the proposal would provide a satisfactory standard of privacy for neighbours. The proposal would comply with

policy DM1 of the adopted Rochdale Core Strategy, and the National Planning Policy Framework.

Occupier Amenity

One of the proposed bedrooms on the first floor does not have any windows, this bedroom only contains a skylight. This does not provide sufficient outlook for the occupier.

The second bedroom and kitchen/lounge will all receive a sufficient amount of light and outlook that is considered acceptable.

The proposed dwelling will have a small garden to the side of the house, there is a small area of land at the rear of the garden which will be unusable. This is unacceptable for future occupiers as the house as they will not be able to have a garden to sit out in or dry clothes in. This is not in line with the SPD which states '*It is important that sufficient garden space is retained for purposes of sitting out, drying clothes and for children to play. An amount of garden area should be retained to meet the reasonable needs of existing and future occupiers*'

The proposed single bedroom does not meet the minimum requirements set out in the Technical Housing Standards, a single bedroom must be at least 2.15m wide. This proposed bedroom is 1.75m. Whilst the Council has not adopted the Standards within its development plan, it does serve to demonstrate that the proposed development fails to meet the minimum requirements and provide a satisfactory level standard of amenity.

In light of the above assessment, it is considered that the proposal would not provide a satisfactory standard of residential amenity for future occupiers. The proposal would not comply with policy DM1 of the adopted Rochdale Core Strategy, and the National Planning Policy Framework.

Highways and Parking

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 department have been consulted and have concerns over the access lane off Sunk Lane not meeting council standards for residential development, and the application does not contain any details for improvement.

There are also concerns regarding bin storage and collection as it is unclear how this development will be serviced. Highways have also raised the issue of the likelihood of bins being left on the adopted highways at a distance away from the proposal. This may pose a hazard for blind or partially sighted people and may prevent wheelchair and pushchair access. The bins would need to be taken down by the occupier to the adopted road on Farmway, this is approximately 60m. This is

because the bin services will not collect from the unadopted road. Officers agree with the concerns highways have raised regarding the bins being left on the adopted highway as the distance from the proposal is too great.

In light of the above, the proposal would not be accessed and serviced by a safe or suitable route and therefore fails to comply with Policy T2 or Policy DM1 of the adopted Rochdale Core Strategy, and the National Planning Policy Framework.

Drainage

The Council's drainage officer has been consulted and a number of concerns have been raised with the proposal. These relate to sewer options as the new house will be at a lower level than nearby public sewers.

In the event this application was to be approved a condition would be imposed to secure details of the drainage of the development prior to commencement to ensure proper drainage management and prevent an increased risk of flooding, in order to comply with Policy G8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

Trees and Ecology

There are currently no Tree Protection Orders on the site however there are a number of trees immediately adjacent to the site and within the blue edge on the location plan. No tree survey was submitted with the application. In the event that this application was approved, a condition would be imposed to secure the protection of the adjacent trees during construction.

No landscaping plan was submitted with the application. Again in the event that the application was to be approved a landscaping plan would have been requested to ensure appropriate landscaping would be delivered.

RECOMMENDATION

Refused for the following reasons:

1. By reason of its size and siting, the proposed dwelling would appear incongruous in its setting within the rear garden of the host dwelling, and would negatively impact the overall visual amenity of the area. This is compounded by the necessary engineering works to change land levels, and the use of retaining walls and will ultimately create a disharmony between the proposed building and surrounding dwellings. The resultant small garden size to serve the proposed dwelling is not characteristic of the locality where dwellings are served by large rear gardens. Overall the development comprises poor design that fails to comply with policies DM1 and C3 of the adopted Rochdale Core Strategy, the guidelines and standards for Residential Development (June 2016) and the National Planning Policy Framework.
2. By reason of its siting, size and design, the dwelling will have an overbearing impact on the rear of no.69 and no.71 Farmway, due to it being a dominant feature. The future occupants of the proposed dwelling will suffer a poor standard of amenity due to a bedroom being too small to provide adequate living standards, and the proposed garden is too small to provide a good standard of outdoor amenity space. 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.

3. The proposed dwelling takes access via an unsuitable unadopted road that is not suited to serve a residential development. In addition, waste receptacles will not be collected from the unadopted road, meaning they need to be taken to the nearest adopted highway for collection. Given the distance, it is likely that receptacles will be stored on the highway or footway. This will result in highway safety concerns for pedestrians particularly for blind, partially sighted or disabled persons. Therefore the proposed access for the dwellinghouse is not safe or suitable. Accordingly the proposal fails to comply with Policy T2 and Policy DM1 of the Core Strategy 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:

For the avoidance of doubt, the decision notice refers to the listed documents:

Location Plan
Site Plans 21.2757.SC1.4
Existing Site Layout Plan 21.2757.1
Proposed Site Layout 21.2757.SC1.1A
Proposed Elevations 21.2757.SC1.3A
Proposed Floor Plans 21.2757.SC1.2B

Report Author Aimee Bovaird