

Application Number:	24/00953/HOUS
Location:	40 Summit Street, Heywood, OL10 4RH
Proposal:	Single storey rear extension, rear dormer and alterations to fenestration to front elevation including 2no. roof lights
Applicant:	Brandon Tobin
Case Officer:	Bob Melling
DETERMINATION DATE 09.12.2024	EXT OF TIME N/A
RECOMMENDATION:	Grant subject to conditions

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?	N

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

Location

The application relates to no. 40 Summit Street, a two-storey, mid-terrace dwelling located in a residential area of Heywood. The dwelling faces the highway to the west and adjoins no. 42 Summit Street to the north and no. 38 Summit Street to the south. The rear boundary of curtilage borders an alleyway, beyond which lies a recent residential development comprising two pairs of semi-detached dwellings (application ref: 20/00239/FUL). The application property is constructed in red brick with slate roof tiles and white uPVC fenestration.

Description of Proposal

Permission is sought for a single-storey rear extension, a rear dormer extension, two roof lights within the front roof slope and a 0.3m reduction in the width of an existing first floor window within the front elevation. The proposals would be constructed in brickwork, roof tiles and window frames to match those used in the exterior of the existing dwellinghouse, including hung tiles for the dormer face and sides.

Relevant History

N/A

Township/Member comments

N/A

Consultee responses

N/A

Representations

Letters of notification were sent to surrounding properties and three objections were received in response to the proposed development. The letters raised the following concerns:

Impact on character and appearance.

Officer's response: This matter will be considered in the 'Design' section of the report.

Loss of light.

Loss of privacy.

Overbearing impact.

Officer's response: These matters will be considered in the 'Amenity' section of the report.

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:

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

An amendment was sought to remove the proposed front dormers in the interests of visual amenity.

Assessment

Design: DM1 and P3

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 that development is “sympathetic to local character.”

Policy JP-P1 of the Places for Everyone Joint Development Plan (PfE) requires new development to be distinctive with a clear identify that: “Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.”

Policies 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.”

In addition, Section 5.1 of the SPD states development proposals should be “in keeping with the host property and generally should be subservient to it.”

The host dwelling is an interwar terraced dwelling with a simple front elevation design. The street scene comprises four groups of similar terraced dwellings and dormer windows are not a characteristic of dwellings along the street.

Section 5.16 of the SPD notes “dormer extensions can be visually prominent, particularly where they can be seen from the public highway, and therefore it is important they are carefully designed and sited ... Rear dormers should be modest in size and not occupy a disproportionately large portion of the roof.” Section 5.17 expands on this with the following principles:

- (i) *“They should not exceed the height of the ridge and where possible, should be sited below the ridge line of dwelling;*
- (ii) *They should be set back from the eaves line;*
- (iii) *They should be set in from the party/side walls of the house;*
- (iv) *Dormers with flat roofs should be avoided, unless they are considered to better respect the design of the host building and character of the area;*
- (v) *Dormers which wrap around the side of a hipped roof are not acceptable;*

- (vi) *Dormer windows should normally line up vertically with existing windows and/or be smaller than existing openings and the window design should match the existing window style;*
- (vii) *The materials used in the construction of dormers should match those of the existing roof; and*
- (viii) *Dormer extensions should protect the amenity of neighbouring occupants and should achieve the minimum space standards set out in Section 4. Side facing windows should be obscurely glazed."*

Whilst the proposed dormer would generally conflict with the guidance outlined above, it is important to be mindful of what can be constructed under permitted development. Following an assessment of the proposed rear dormer against Class B of the GPDO, it was determined that the proposal would comply with the limits and conditions of Class B, including the choice of materials. The proposed dormer has a volume of approximately 20.58m³, which is comfortably below the 40m³ allowed for a terraced house under Class B.

Case law establishes that permitted development rights can form a material consideration in the determination of a planning application where it can be shown that there is a reasonable likelihood of the fallback development being built if permission is denied, as demonstrated in [Stoke-on-Trent 21/09/2020 DCS No 400-027-719](#). Given that the proposals could be constructed under the terms of the GPDO, it must be accepted that there is a credible and realistic fallback position.

The proposed rear dormer would result in a poor standard of design. However, it is a well-established¹ principle that the provisions of the GPDO may provide a fallback position. In the specific circumstances of this case, there is a real prospect of a development under the GPDO taking place that would lead to a similar outcome. It is considered that a strong justification in the context of Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 exists and provides clear justification for departing from the development plan in this case.

For the avoidance of doubt, no concerns are had regarding the other aspects of the proposal, including the single-storey extension, roof lights and alteration to the existing front elevation window. These aspects of the proposal would be in accordance with the development plan.

Amenity: DM1 and SPD

Protection of residential amenity is considered under Policy DM1 of the adopted Rochdale Core Strategy, which requires that development proposals should not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

¹ Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

The proposed single-storey rear extension would have a depth of 2.5m and would comply with the projection limit for single-storey rear extensions set out in Section 5.6 of the SPD.

The proposed rear dormer would measure approximately 7.07m to the rear boundary of the curtilage and approximately 14.40m to the front corner of no. 28 Norfolk Avenue. While these distances would fall short of the separation distances outlined in Section 4.1 of the SPD, it is important to note that the proposed bedroom window would predominantly overlook the access road and front garden area of no. 28 Norfolk Avenue. In addition, any views shared between the principal windows of the dwellings would be at oblique angles, which would substantially limit any potential loss of privacy. Lastly, no. 28 Norfolk Avenue is sited on a much higher ground level than the application property, which would further limit any harm. Given the site context, it is not considered that the proposed dormer would unduly harm the residential amenity of surrounding occupiers.

The submitted plans indicate the provision of natural light to all habitable rooms and that sufficient garden space of a functional layout would be retained. As such, the proposed works would ensure an acceptable standard of living for existing and future occupants.

The proposal is therefore acceptable on balance in terms of residential amenity and accords with policy DM1 of the adopted Rochdale Core Strategy, the SPD, PfE and the NPPF.

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:

- Location Plan. Dated 28/09/2024
- Existing Site Plan. Dwg no. ZT24-196-01
- Existing Plans and Elevations. Dwg no. ZT24-196-02
- Proposed Site Plan. Dwg no. ZT24-196-03. Submitted on 25/10/2024
- Proposed Plans and Elevations. Dwg no. ZT24-196-04. Submitted on 25/10/2024

and the development shall be carried out in accordance with these drawings hereby approved unless otherwise required by the conditions below.

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, the Places for Everyone Joint Development Plan 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 - this includes a requirement for hung tiles to match the main roof for the proposed rear dormer extension.

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, the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Article 35 Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

	Date	Officer
Report Completed	13/11/2024	Signed: BM
Authorisation	05/12/2024	Signed: TH

Report Author Bob Melling