

Application Number:	24/01094/HOUS
Location:	10 Lake Drive, Middleton, M24 1WB
Proposal:	Part first floor, part two storey rear extension, rear dormer extension, alterations to existing porch, hip-to-gable roof conversion, formation of dual pitched roof over existing side extension and alterations to fenestration (resubmission of 24/00035/HOUS).
Applicant:	Mr Dan Gore
Case Officer:	Bob Melling
DETERMINATION DATE 09.01.2025	EXT OF TIME 13.02.2025
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. 10 Lake Drive, a two-storey, semi-detached property located in Middleton. The application property faces the highway to the northwest, is adjoined by no. 12 Lake Drive to the northeast and is adjacent to no. 8 Lake Drive to the southwest. The rear boundary of the curtilage borders the rear gardens of nos. 22 and 24 Home Drive, which are set at a higher level than the application property. Across Lake Drive to the north is a large pond which forms a peripheral part of a designated Greenspace Corridor, with the allocation extending to the front curtilage area of the properties along Lake Drive. The application property benefits from an existing two-storey, flat roof, side extension and a small front porch.

Description of Proposal

Permission is sought for a hip-to-gable roof conversion, the formation of a dual-pitched roof over the existing side extension, a two-storey rear extension, a rear dormer, a replacement front porch and alterations to the existing fenestration including the replacement of the garage door with a window. The proposed

development would use brickwork and roof tiles to match existing and the dormer would be clad in dark grey zinc.

Relevant History

24/00866/CPL Certificate of lawfulness for hip to gable roof conversion, rear dormer extension, pitched roof above flat roof side extension and four roof lights – **Grant** (October 2024)

24/00035/HOUS Part first-floor, part two-storey rear extension, alteration to existing roof, formation of pitched roof over existing side extension, erection of rear dormer including Juliet balconies and alterations to fenestration on front and side elevations including roof lights following demolition of existing conservatory – **Refused** (April 2024)

Reasons for refusal:

- 1. By virtue of its siting, scale, design and materiality, the cumulative impacts of the proposed alterations and additions to the existing roof, including the rear dormer, and the alterations to the existing fenestration constitute unsympathetic and obtrusive forms of development which would inflict undue visual harm to the character and appearance of the host dwelling and immediate street scene. The development proposals would not be well-designed and represent an unsatisfactory standard of design and appearance, thereby failing to accord with Policies DM1 and P3 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.*
- 2. By virtue of its siting, scale and design, the proposed two-storey rear extension would result in an unacceptable oppressive impact, loss of light and outlook to the rear windows and rear gardens of nos. 8 and 12 Lake Drive. The proposal therefore fails to accord with Policy DM1 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development' and the National Planning Policy Framework.*

Township/Member comments

N/A

Consultee responses

N/A

Representations

Letters of notification were sent to surrounding properties. No representations were received in response to the proposed development.

Policy

National

National Planning Policy Framework (NPPF)

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
G/8 Greenspace Corridors

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
G6 Enhancing Green Infrastructure
T2 Improving Accessibility
Appendix 5 Schedule of Parking Standards

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

Amendments

Amendments were sought to reduce the depth of the proposed rear extension, remove the proposed first floor front extension and reduce the scale of the rear dormer.

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 identity 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 (CS) 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.'

While the proposed hip-to-gable roof conversion and the construction of a gable roof over the existing side extension were considered to result in an unacceptable degree of visual harm under application ref. 24/00035/HOUS, it is important to note that a certificate of lawfulness (ref. 24/00866/CPL) was granted for these extensions following the initial refusal of planning permission.

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 property benefits from a certificate of lawfulness for the hip-to-gable roof conversion and the gable roof over the side extension, it is accepted that there is a credible and realistic fallback position.

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.

The proposed rear dormer would be a relatively minor addition that would occupy a small section of the rear roof slope. It would be clad in dark grey zinc, which is considered to be a high quality material that would be of a similar colour to the main roof tiles.

The proposed two-storey rear extension would have a slightly unusual design with its asymmetrical roof and differing eaves heights, although it is noted that this would reduce the overall massing. While the feature glazing to the apex would be somewhat at odds with the character of the property, it is not considered that this would be a visually obtrusive addition, particularly given its size and location to the rear of the host property.

No concerns are had regarding the replacement front porch or the alterations to fenestration, which are relatively minor and would not inflict harm on the character of either the host dwelling or the street scene.

Taken as a whole, the design of the proposal is therefore acceptable on balance and accords with CS Policies DM1 and P3, PfE Policy JP-P1, the SPD and the NPPF.

Amenity: DM1 and SPD

Protection of residential amenity is considered under CS Policy DM1, 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.'

Section 5.17 of the SPD states 'dormer extension should protect the amenity of neighbouring occupants and should achieve the minimum space standards set out in Section 4 [of the SPD].'

Section 4.1 of the SPD outlines the following minimum space standards for development proposals: '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.'

In respect of two-storey rear extensions, Section 5.9 of the SPD states that 'Planning permission will not normally be granted for two storey or first floor extensions to detached, semi-detached or terraced dwellings that project beyond a 30 degree line drawn from a point 2.4m along the common boundary from the rear elevation of the adjoining or adjacent dwelling(s).'

The proposed two-storey rear extension would have a depth of 2.475m and would measure 0.25m to the shared boundary with no. 12 Lake Drive. It would be set against the shared boundary with no. 8 Lake Drive. Therefore, the proposed rear extension would comply with Section 5.9 of the SPD in relation to no. 12, but it would exceed the guidance by approximately 0.075m in relation to no. 8. However, given that the exceedance is minimal and that the true rear elevation of no. 8 is set around 3.5m from the side boundary, it is not considered that the extension would result in an undue loss of light or outlook for the occupants of no. 8 Lake Drive.

The proposed fenestration to the rear would measure approximately 14m to the rear boundary of the curtilage and at least 25m to the rear elevations of the properties along Home Drive. Therefore, no concerns are had with regards to a potential loss of privacy for neighbouring properties.

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 CS Policy DM1, the SPD, PfE and the NPPF.

Impact on Greenspace Corridor

A section of the front garden of the application site falls within the Greenspace Corridor as defined on the Unitary Development Plan Proposals Map. Policy G/8 states that the Greenspace Corridors shown on the proposals map will be protected, with developments only permitted where they will enhance the recreational, ecological or landscape and amenity value of the corridor.

The proposed development would take place to the side and rear of the dwelling and would not fall within the Greenspace Corridor. It is not considered that the scale of development proposed would have a harmful impact on the visual, recreational or ecological value of the Greenspace Corridor.

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 05.11.2024
- Existing Site And Block Plan. Dwg no. 872-01A
- Existing Ground Floor Plan. Dwg no. 872-02
- Existing First Floor Plan. Dwg no. 872-03
- Existing Loft Floor Plan. Dwg no. 872-04
- Existing Roof Plan. Dwg no. 872-05
- Existing Elevations. Dwg no. 872-06
- Proposed Site And Block Plan. Dwg no. 872-07B
- Proposed Ground Floor Plan. Dwg no. 872-08A
- Proposed First Floor Plan. Dwg no. 872-09B
- Proposed Loft Floor Plan. Dwg no. 872-10C
- Proposed Roof Plan. Dwg no. 872-11D
- Proposed Elevations. Dwg no. 872-12B

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 development hereby permitted shall be in accordance with drawing 872-12B unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P2, 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	07/02/2025	Signed: BM
Authorisation	11/02/2025	Signed: RC

