

Class A – Larger Homes Extension

Application Number:	23/01073/HH42
Location:	23 Good Shepherd Close, Rochdale, OL16 2HE
Proposal:	Prior approval for a proposed single storey rear extension measuring 6m from the original dwelling (with a maximum height of 2.85m and height to eaves to 2.5m.
Applicant:	Mr Shajan Ali
Case Officer:	Hamish Rigg
Recommendation:	Refuse

CHECKED AND SIGNED OFF BY: RK

DATE: 10/11/2023

Site Description

The application relates to 23 Good Shepherd Close, a two-storey terraced property in Rochdale. The dwelling sits within a residential estate comprising houses of similar design and material palette. The property faces south west and is adjoined by no.21 to the north west and no.25 to the south east. The principle elevation of the host property is set forward from no.25 by approx. 3m, thus the rear elevation of no.25 extends approx. 3m beyond the rear elevation of the host.

Neighbours Notified:

21 Good Shepherd Close
25 Good Shepherd Close

It is noted that the submitted location plan and application form would suggest that nos.3 and 5 Arthington Street are adjoining neighbours. Based upon an inspection of the site, whilst the two properties may share an ownership boundary with the application site, this area is not considered to fall within the curtilage of the dwelling and does not form the private amenity spaces of these properties and the dwellings on Arthington Street are not taken to be adjoining premises for the purposes of the prior approval process. Therefore, it is considered that in not notifying these properties of the proposed development, the lawful decision making process would not be prejudiced and the notification undertaken remains in the spirit of paragraph A.4 of Class A, Part 1, Schedule 2 of the GPDO.

Is the proposed development wholly within the curtilage of the	YES
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dwellinghouse?	
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One objection was raised in relation to the following:

1. Reduction of privacy and a sense of intrusion;
2. Loss of natural light;
3. An increase in noise level;
4. Increase in noise, dust and pollutants associated with construction;
5. Points 3 and 4 were considered problematic owing to pre-existing respiratory and mental health conditions.

Points 1 to 3 are addressed in the prior approval assessment later in the report. However, while the Council has a duty to protect the wellbeing of its residents, points 4 and 5 are not material planning considerations. The proposed development is unlikely to produce dust, pollutants, or noise which exceed an acceptable or normal level. Additionally, the construction period would be a temporary change to the immediate environment. Any permanent changes which could impact the wellbeing or amenity of neighbours will be addressed under the prior approval assessment.

History - Permitted Development Rights removed?	NO
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Publicity	Neighbour letters expired?	YES	Responses received?	YES
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Prior Notification of a Proposed Larger Home Extension – Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2, Part 1 (Class A.1).

Description of Proposed Development

The Host Dwelling is: Detached ☐ Other ☒

How far will the proposed extension extend beyond the rear wall of the original dwelling house measured externally:

What will be the maximum height of the proposed extension measured externally from the natural ground level:

Assessment (Class A)

Class A of Part 1 of Schedule 2 of the GPDO allows for the enlargement, improvement or other alteration of a house subject to it not being contrary to any of the following criteria:

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

☒ **Complies**

☐ **Does Not Comply**

- b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

☒ **Complies**

☐ **Does Not Comply**

- c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

☒ **Complies**

☐ **Does Not Comply**

- d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

☒ **Complies**

☐ **Does Not Comply**

- e) The enlarged part of the dwellinghouse would extend beyond a wall which—
- (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

☒ **Complies**

☐ **Does Not Comply**

- g) For a dwellinghouse not on article 2(3) land or a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –

- a. extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, **or**
- b. exceed 4 metres in height;

☒ **Complies**

☐ **Does Not Comply**

The host dwelling is an attached property and therefore eligible for a 6m extension. The plans indicate a projection of 5.9m and a maximum height of 3.5m (inc. roof lantern).

- h) the enlarged part of the dwellinghouse would have more than one storey and—

- i. extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- ii. be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

☒ **Complies**

☐ **Does Not Comply**

- i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres:

☒ **Complies**

☐ **Does Not Comply**

- j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would:

- i. Exceed 4 metres in height;
- ii. Have more than a single storey, or
- iii. Have a width greater than half the width of the original dwellinghouse

☒ **Complies**

☐ **Does Not Comply**

- ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)

☒ **Complies**

☐ **Does Not Comply**

The proposal would not be joined to an existing enlargement.

- k) It would consist of or include-
- i) The construction or provision of a verandah, balcony or raised platform
 - ii) The installation, alteration or replacement of a microwave antenna
 - iii) The installation, alteration or replacement of a chimney, flue, soil and vent pipe
 - iv) An alteration to any part of the roof of a dwellinghouse

☐ **Complies**

☒ **Does Not Comply**

From the applicant photographs a soil and vent pipe has been identified on the rear elevation between the ground and first floor. The plans do not indicate how the existing pipe would be incorporated within the extension. As per Class A, paragraph K, development will not be permitted if it involves, the installation, alteration or replacement of a chimney, flue, or soil and vent pipe. As the plans do not confirm that the soil and vent pipe will not be disturbed, altered, or removed, development cannot be permitted.

Is the dwellinghouse on Article 2(3) land or on a Site of Special Scientific Interest?

☒ **Complies**

☐ **Does Not Comply**

A.3 Development is permitted by Class A subject to the following conditions—

- a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The development has not begun on site prior to -

- a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;
- b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
- c) the expiry of 42 days following the date on which the information referred to in paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

☒ **Complies**

☐ Does Not Comply

Prior approval assessment

Under Class A of the General Permitted Development Order, permission is granted subject to condition A.4 (7) which reads:

“Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises”.

The provisions of Schedule 2, Part 1, Class A of the GPDO do not require Local Planning Authorities to have regard to the development plan, however regard is to be had to the development plan and the NPPF only insofar as they are a material consideration relevant to the matters of assessing the impact on the amenity of adjoining premises.

Paragraph 130 (f) of the National Planning Policy Framework (NPPF) advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The Council's adopted Core Strategy policy DM1 states that proposals need to demonstrate that they do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

To support an assessment of the impact of residential development on the amenity of neighbouring properties, the Council's has adopted the Guidelines & Standards for Residential Development SPD.

Paragraph 5.1 of the SPD states that extensions 'should be carefully designed to protect the amenity of the occupants of adjoining properties.' As such, for single storey rear extensions to an attached property, under paragraph 5.6, the SPD applies a maximum projection standard of 3m measured from the rear elevation of the adjoining property along the common boundary. The proposed extension would project 5.9m from the rear of the application dwelling, and would exceed the limit set out in the SPD by 2.8m in the context of no.21 and 0.1m when considered against no.25. By virtue of non-compliance with paragraph 5.6, the proposed extension would be considered to be unduly overbearing and have unacceptable overshadowing impacts on no.21 due to its siting to the south of this property and therefore would fail to comply with Paragraph 130 of the National Planning Policy Framework and Policy DM1 of the adopted Core Strategy.

Decision: REFUSE for the following reason:

1. The application does not include information with sufficient clarity and precision to determine that, on the balance of probabilities, the development does not include the alteration of an existing soil and vent pipe and therefore fails to comply with criteria (k) of Class A, Part 1 of Schedule 2 of the Town and Country (General permitted Development) (England) Order 2015 (as amended). Notwithstanding, the proposed development would comprise an unduly overbearing form of development to nos.21 and 25 Good Shepherd Close and with particular regard to no.21 would result in an unacceptable level of overshadowing during the afternoon.

Informative:

For the avoidance of doubt, the decision relates to the following drawings:-

Location plan: 100047474

Proposed site plan: 100047474

Proposed elevations and floor plans: GOOD-02-20

Existing elevations and floor plans: GOOD-01-20

Report Author Hamish Rigg