

APPLICATION NUMBER: 24/01212/HOUS

Application Number:	24/01212/HOUS
Location:	26 Footwood Crescent Rochdale OL12 6PB
Proposal:	Construction of raised decking to form balcony area with glass balustrade to side and rear (Retrospective)
Applicant:	Mr Abdul Hye
Case Officer:	Hamish Rigg
RECOMMENDATION:	Refuse

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?	Y

CONDITIONS	Pre-commencement conditions proposed?	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

Location

The application relates to 26 Foot Wood Crescent; a two-storey detached property in Shawclough, Rochdale. Foot Wood Crescent comprises detached houses with shared design features and similar material palettes. It is part of a wider residential estate with a verdant character and quiet streets.

No. 26 faces east, overlooking a driveway and the public highway. It borders no. 28 the south and nos. 22 and 24 to the north. The rear garden faces west, and is bound by the rear gardens of nos. 28 and 30 Foot Wood Crescent, as well as nos. 17 and 19 Foot Mill Crescent.

Description of Proposal

Permission is sought, retrospectively, for the construction of a raised balcony with a glass balustrade, to the side and rear of the dwelling. The balcony projects 6.5 from the rear elevation of the dwelling, with a maximum width of 14.5m, spanning the full width of the dwelling and occupying the majority of the garden. The garden slopes downwards from the dwelling, and therefore where ground levels are the lowest, the balcony is set 2.15m above ground level.

Relevant History

N/A

Township/Member comments

None

Consultee responses

None

Representations

Letters of notification were sent to neighbouring properties 19/12/2024.

One objection was raised in relation to reduced privacy. This is considered within 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

None Applicable

Assessment

Amenity: DM1 and SPD

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. Paragraph 5.1 of the SPD states that extensions 'should be carefully designed to protect the amenity of the occupants of adjoining properties.' Additionally, 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 Guidelines and Standards for Residential Development SPD requires balconies and elevated terraces to be designed as to prevent unreasonable overlooking of neighbouring properties, given that they can result in adverse overlooking of neighbouring private garden areas or habitable room windows if they are located in close proximity to the boundary of the curtilage.

The balcony has been constructed to provide a level platform from the rear elevation of the applicant property, extending 6.5m in length and 14.5m in width. Because the applicant property's garden slopes away from the dwelling, the raised balcony is level with the tops of boundary treatments demarcating the rear gardens of no.28 Foot Wood Crescent and no.17 Foot Mill Crescent, and in some cases extends above them at distances of 3.8m and 0.4m respectively. As such, when standing on the raised balcony, there are unobstructed views of the rear gardens and rear facing habitable room windows of these dwellings.

Given the elevated vantage points offered by the terrace, and its proximity to neighbouring gardens, the constructed balcony is considered to offer views into the rear gardens and rear facing windows of the aforementioned properties and would adversely impact the levels of privacy and general amenity which was previously enjoyed by the occupants.

The application is also supported by plans which indicate the previous existence of a raised platform which measured 5.5m (width) X 5m (depth) approximately 0.7m above ground level and set 1m off the north facing side elevation of the property. Aerial imagery however determines that the previous structure was smaller measuring approximately 4m (W) x 3m (D) platform and set 2.5m off the property's northern elevation.

The previous structure appears on historic imagery such that it could have been considered lawful and is therefore able to form a material consideration in the determination of this planning application, however, the impacts of the installed balcony would clearly be much more significant due to its greater width, height and proximity to neighbouring dwellings.

Aside from its impact on privacy, the constructed balcony is not considered to adversely affect neighbouring occupants through overbearing impact or overshadowing.

Overall, the proposal would unduly impact on the amenity of neighbouring occupants by offering unobstructed views into the rear garden and rear facing windows of no.

28 Foot Wood Crescent and no. 17 Foot Mill Crescent and would significantly reduce the level of privacy currently enjoyed by the existing occupiers. Therefore the development does not comply with the National Planning Policy Framework, policy JP-P1 of the Places for Everyone Joint Development Plan, policy DM1 of the Rochdale Council Core Strategy, and Rochdale Council's Guidelines and Standards for Residential Development SPD.

Design: DM1 and P3

When read collectively, the NPPF, policies P3 and DM1 of the Core Strategy, and policy JP-P1 of Places for Everyone seek to achieve development of high quality design, 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. Development should function well and add to the overall quality of an area by being visually attractive as a result of effective architecture, layout and landscaping. Paragraph 5.1 of the SPD also states that housing extensions should be in keeping with the host property and generally should be subservient to it.

The raised balcony is considered to be a rather large and incongruous feature which dominates the rear garden of no. 26 Foot Wood Crescent. However, the main frame of the balcony is predominantly concealed by fences and trees, when viewed from the adjacent rear gardens. As such, the balcony does not significantly impact on the visual amenity of the surrounding landscape and rear gardens along Foot Wood Crescent and Foot Mill Crescent. Furthermore, its location to the rear of the applicant property means that there is no impact on the street scene.

For the avoidance doubt, whilst the balcony itself is relatively screened from view of neighbouring occupants, views from the balcony into neighbouring gardens and windows are open, as stated above.

However, the design of the proposal is acceptable and accords with policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF

Recommendation:

Refuse:

1. The installed terrace offers unobstructed views into the rear garden and rear facing windows of no. 28 Foot Wood Crescent and no. 17 Foot Mill Crescent and has a significant and adverse impact on the level of privacy enjoyed by the occupiers of these properties. The development, therefore, does not comply with the National Planning Policy Framework, policy JP-P1 of the Places for Everyone Joint Development Plan, policy DM1 of the Rochdale Council Core Strategy, and Rochdale Council's Guidelines and Standards for Residential Development SPD.

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.

For the avoidance of doubt, this decision relates to the following plans:

- EXISTING GROUND FLOOR, DECK AND BOUNDARY PLAN: A1
- PRE EXISTING GROUND FLOOR, DECK AND BOUNDARY PLAN: A2
- CURRENT EXISTING ELEVATIONS: A3-A4
- PRE-EXISTING ELEVATIONS: A5-A6
- SITE PLANS: A7-A8

	Date	Officer
Report Completed	10/02/2025	Signed: Hamish Rigg
Authorisation	11/02/2025	Signed: Ryan Killeen

Report Author Hamish Rigg