

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.
25/00366/HOUS

CASE OFFICER
Nick Brookman

DATE
3rd December 2025

DETERMINATION DATE

5th December 2025 (Extension of Time)

Address: 163 Leander Drive, Rochdale, OL11 2XE

Proposal: Re-modelling of the rear garden area including excavation and re-profiling of sections and the erection of a retaining wall(s)

PUBLICITY	Weekly list expired?	Y	Site Notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

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?	N

COMMENTS	Planning Panel comments received?	N/A
	Neighbour comments received?	N/A

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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RK

DATE: 05/12/2025

APPLICATION SITE

The application relates to no. 163 Leander Drive which is a large detached bungalow located in a residential area of Castleton. The application property faces the highway to the north and is adjacent to no. 165 Leander Drive to the west. There is a densely vegetated area of green space to the east of the property, with a public footpath linking Leander Drive with Trows Lane to the south. The rear garden slopes down steeply towards the rear boundary of the curtilage. The application property is constructed in light brown brickwork, cream render and terracotta roof tiles.

DESCRIPTION OF PROPOSAL

Planning permission is sought part retrospectively for the re-modelling of the rear garden area including excavation and re-profiling of sections and the erection of a retaining wall(s). Planning permission is also sought for changes in land levels to the front of the dwelling comprising the excavation and re-profiling of the land to the north east corner. The existing driveway area to the north west of the application site is also proposed to be extended.

Significant re-profiling works have already taken place to the front, side and rear of the host dwelling. These unauthorised works are subject to an ongoing investigation by the Council's Planning Enforcement service which has resulted in the submission of this application. The land levels within the rear garden have been raised substantially with retaining walls erected.

Owing to the benefit of a site visit and subsequent discussions with the agent, revised drawings have been submitted which have proposed to reduce the current land levels to their former level.

The land levels are currently retained by a significant network of blockwork retaining walls which are proposed to be rendered and faced with living planting walls and climbing plants.

A new raised parking area is also proposed in the north east corner at the front of the property. The land levels have already been excavated and raised here but the works remain unfinished. The raised parking area is also proposed to be retained by blockwork.

A 1m high painted/polymer coated steel fence is proposed to the front of the dwelling adjacent to Leander Drive.

As well as the climbing plants and living walls, tree planting is also proposed in the south west corner of the rear garden.

RELEVANT PLANNING POLICY

National Guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

Local

Adopted Rochdale Core Strategy (CS):

- SD1 Delivering sustainable development
- DM1 General development requirements

SO3 Improving Design, image and quality of place

- P1 Improving Image
- P3 Improving design of new 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).

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-S1 Sustainable Development

RELEVANT HISTORY

25/01041/HOUS	Alterations to existing roof increase in ridge height and hip-to-gable roof conversion, erection of 3no pitched roof rear dormers and 2no pitched roof front dormers. Pending determination.
24/01000/CAA	Prior approval for upwards extension through the addition of one additional storey, increasing maximum height from 4.6m to 7.1m. Refused 19 December 2024 and dismissed on appeal 5 September 2025.
24/00408/HOUS	Alterations to existing roof including increase in ridge height and hip-to-gable roof conversion, erection of 2no pitched roof rear dormers and single-storey rear extension. Refused 10 September 2025.
22/00105/OUT	Outline application (all matters reserved) for the erection of 3 no. detached dwellings following demolition of existing bungalow. Refuse (Appeal allowed).
86/D18928	Residential Development - One Dwellinghouse - Grant subject to conditions.

79/D08784	Residential Development Amended House Types - Grant subject to conditions.
77/D05062	Erection of Dwelling and Garage plus Construction of Roads and Sewers - Grant subject to conditions.

CONSULTATION RESPONSES

None

REPRESENTATIONS

Letters of notification were sent to surrounding properties and four objections were received which raised the following concerns:

1. Lack of privacy
2. Overbearing impact
3. Intrusive
4. Flood risk
5. Unsafe construction
6. Building works taken place without permission
7. Development is out of character with surrounding area.

ASSESSMENT

Principle of Development

The proposed application site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (UDP). The site is located with a predominately residential area and the principle of development is considered acceptable.

Design and Appearance

Paragraph 131 of the NPPF states that *“the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve”*. Paragraph 135 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Additionally, paragraph 139 sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The above considerations are largely reflected within Policies DM1 and P3 of the Council’s adopted Core Strategy which ultimately require development proposals to demonstrate high quality design. To be more specific, Policy 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 Places for Everyone Joint Development Plan states development should, wherever appropriate, be consistent with distinctive places 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.

It is recognised that the application site and properties immediately to the west of the application site have tiered or stepped rear gardens owing to the topography of the land at the rear. Most properties, including the application site before works commenced, had tiered gardens comprising of terraces that were stepped into the declining topography and level of the land. This design ensured that the rear gardens remained functional for occupants and that rear gardens were respectful to the character of the area and maintained adequate privacy between residential curtilages.

The excavation works that have taken place to raise the land levels to the rear of the host dwelling as they currently exist are wholly unacceptable and the existing land levels to the rear of the application site as well as the front dominate the site. This development does not reflect the character or layout typical of this residential area. The impact this has had on the residential and neighbouring amenities will be discussed in the succeeding section but from a design and visual perspective, the land levels have been raised so significantly that this has warranted the construction of a network of significantly unsightly blockwork retaining walls across the rear garden which is exceptionally detrimental to the application site.

Whilst the submission of amended plans now seeks to reduce the land levels to their pre-development state which is most welcomed, the scale and massing of the blockwork retaining walls has not changed and they dominate the rear garden which is in an elevated position. Given the substantial bulk and mass of the proposed development, and the consequent effect it would have on the character of the application site, Officers conclude that the proposal would result in an unacceptably harmful effect on the external appearance of the dwellinghouse, with particular regard to its surroundings. The concern regarding the excessive network of retaining walls is exacerbated by the proposal to face the retaining walls in render which is a highly inappropriate material and one which would result in a disproportionate and very poorly designed feature in comparison to the surrounding built environment where there is no precedent for the use of render.

However, it is acknowledged that the proposal is to cover the proposed retaining walls in climbing plants or a living wall, but no details or specification have been provided in advance of the determination of this application despite Officers request to do so. Only indicative images have been provided and accordingly, in this particular regard, insufficient information has been provided to demonstrate the effect (if any) this would have on screening the unsightly appearance of the retaining walls. Irrespective of the acceptability or potential screening the proposed planting may have, the blockwork walls are still proposed to be rendered which is an inappropriate design in the first instance.

This issue is worsened by the matter of fact that there is currently no rear boundary fence at the application site and there are direct views from public vantage points on Trows Lane to the rear directly into the application site. The application and development proposed does not demonstrate that a new rear boundary fence would be installed. In fact, the submitted plans suggest an existing boundary fence is in situ

but owing to the benefit of a site visit, the rear boundary fence has been removed and currently permits uninterrupted views directly into the application site.

In addition to the rear, land levels to the front have been altered with the land immediately fronting the application site being dropped below the adopted highway to facilitate a stepped access to the dwelling. Land levels have also been raised to the north east corner to facilitate a hard standing driveway which is to be retained by another blockwork wall which again is to be rendered. Once completed, the land level would result in any parked car being raised well above the finished floor level of the host dwelling which would dominate the street scene and view of the application site when observed from Leander Drive.

This development is considered to be at odds with the character of the street scene where neighbouring driveways and front gardens are modestly graded and profiled towards the dwelling from the adopted highway on Leander Drive. The alteration of land levels here is extreme and poorly designed by virtue of the excessive blockwork required to facilitate the raised parking area.

The overall appearance and design of the development is incompatible with the character of the original dwelling and application site and this development will cause undue harm on the visual amenity and character of the area. The development is not visually attractive and it would not function well or enhance any quality to the area.

For this reason, the development is contrary to CS Policies DM1 and P3 and Paragraphs 131 and 135 of the NPPF.

Neighbour Amenity

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. This is reflected in both the NPPF and PfE, which establish the importance of achieving high standards of residential amenity”.

PfE Policy JP-P1 also requires new development to offer a high level of amenity.

It is acknowledged that owing to the benefit of photographs seen before the development commenced, that the terraced patio area immediately adjacent to the rear elevation of the dwelling has remain virtually unchanged in term of land level but the most significant issue is that this terrace/tier of the garden has been extended southwards. As a result, this has created a significant issue for residents of No 165 Leander Drive and No 9 Bates Close. The extended and raised terrace runs immediately alongside the shared boundary with No 165 Leander Drive and the height of the land here is half way up the boundary fence meaning the occupants of No 163 Leander Drive have uninterrupted views into the entire rear garden and rear habitable rooms of 165 Leander Drive as well as views across all other rear gardens in the immediate vicinity of the site along the west of Leander Drive.

This same extended raised terrace now also towers above the rear boundary of the application site at the rear meaning occupants of No 163 Leander Drive can see directly into the entire rear garden as well as the rear habitable rooms of No 9 Bates Close.

The current circumstances on site have created a significantly unacceptable impact on neighbouring amenity but it is now appreciated that following the submission of

amended drawings and sections that the land levels are now proposed to be dropped significantly so that the land level of the application site would be level with the neighbouring land level of No 165 Leander Drive. The land levels also appear to be graded and profile in such a way that they are sloped with the boundary fence to ensure that as the topography of the land decreases, so does the land level adjacent to the boundary fence to help maintain privacy.

However, Planning Officers do note that without precisely knowing the ordnance datum of the land prior to development being carried out, it is extremely challenging and virtually impossible to definitively conclude if the land levels are being reinstated to their pre development levels. Therefore, Planning Officers cannot factually state that this is the case.

Nevertheless, Planning Officers can establish that if the land levels of the application site are being dropped to the same level as the neighbouring property at 165 Leander Drive (as is demonstrated on the amended drawing), this would significantly improve on the current circumstances on site. In addition to this, the amended drawings demonstrate that the aforementioned extended terrace is being reduced in size and effectively being removed from the site. The plans show the extended terrace being pulled back in and dropped. Taking this into account, along with the fact that the existing boundary fence in between both properties at 163 and 165 Leander Drive would still exist, this would act as a screen and assist in retaining and maintaining adequate privacy levels.

Similarly to the drop in levels adjacent to the shared boundary with No 165 Leander Drive, the land levels and retaining blockwork that currently extend and tower above the boundary with No 9 Bates Close is being dropped significantly and this would achieve a recognisable improvement on the current unacceptable situation.

On this basis, there is sufficient information submitted with the application to allow for the LPA to determine that the proposal would now not give rise to concerns with regards to impacts on neighbouring amenity from privacy or overlooking perspectives. The development as now proposed would accord with the relevant policies contained within the CS, PFE, the SPD and the NPPF.

Highways and Parking

Policy DM1 of the adopted Rochdale Core Strategy requires development proposals to *“provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.”*

The proposal would increase the number of off-street parking spaces and the proposal would accord with CS Policies T2 and DM1.

OTHER CONSIDERATIONS

Some of the concerns raised by residents relate to the unauthorised works to the rear garden and these include the structural integrity of these works. Whilst the detailed structural details of a development would not normally be considered under a planning application, Policy G9 of the Core Strategy requires that any risks arising from land instability and any required actions are identified prior to any development taking place and that the identified actions are taken.

The significant regrading works that have been undertaken around the site, include substantial works against the boundary fence with no. 165 Leander Drive and works

against/into the highway. Representations indicate that no foundations have been constructed adjacent the boundary with no. 165 Leander Drive and no information has been submitted with the application to demonstrate that the regrading and excavation works undertaken around the site would not result in matters of land instability at or adjacent to the site. Based on the above, the application therefore fails to accord with the requirements of Policy G9 of the Core Strategy. Nevertheless, in the event of an approval it is recognised that this matter could potentially be overcome through the submission of a Structural Report to demonstrate the structural integrity and design of the retaining walls.

Recommendation: Refuse for the following reasons:

1. By reason of its highly engineered appearance, unsympathetic materiality and prominent siting, the overall sum of the proposed retaining walls and engineering works would comprise a visually harmful feature that would unacceptably dominate the application site and surrounding area, both in respect of its impact upon the established domestic character of Leander Drive and the verdant, landscaped character of Trows Lane. The works, taken both individually or as a whole would clearly fall well-short of the expectation to be well-designed and therefore fails to accord with Policies P3 and DM1 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development', Policy JP-P1 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Article 35 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.

INFORMATIVES

1. For the avoidance of doubt, this Decision Notice relates to the following submitted plans:
 - Location Plan PP-13914078v1
 - Cover Sheet, Block Plan and 3D Visualisation Sheet 0.01 Drawing No N1379(P) Rev B
 - Existing Site Plan Sheet 1.01 Drawing No N1379(P) Rev B
 - Proposed Site Plan Sheet 1.02 Drawing No N1379(P) Rev B
 - Existing North and East Elevations Sheet 2.01 Drawing No N1379(P) Rev B
 - Existing West and South Elevations Sheet 2.02 Drawing No N1379(P) Rev B
 - Proposed North and East Elevations Sheet 2.03 Drawing No N1379(P) Rev B
 - Proposed West and South Elevations Sheet 2.04 Drawing No N1379(P) Rev B
 - Proposed Elevations from Trows Lane Sheet 2.05 Drawing No N1379(P) Rev B
 - Existing and Proposed Shared Boundary Sheet 3.01 Drawing No N1379(P) Rev B

- Proposed Sections Drawing with Garden of 165 Leander Drive Sheet 3.02
Drawing No N1379(P) Rev B
- Proposed Sections Drawing with Garden of 9 Bates Close Sheet 3.03
Drawing No N1379(P) Rev B
- Proposed 3D representation and Proposed Garden Design Sheet 4.1
Drawing No N1379(P) Rev B