

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00883/FUL	Chelsea Petrillo	September 2023

Address: 1 Gainsborough Drive Rochdale OL11 2QT

Proposal: Change of use of land to form extension to existing curtilage including a single storey attached garage, together with alterations to boundary treatments and creation of partial hardstanding for vehicular access for parking area - Resubmission of 23/00131/FUL

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

DELEGATION	Significant departure from local plan?	No	Contrary to national policy?	No
	Applicant a Council Member or officer?	No	Contrary to previous decision?	No
	Major with 10 or more objections and recommending approval?	No	Called in or Planning Panel objection?	No

COMMENTS	Planning Panel comments received?	No
	Neighbour comments received?	No

EIA	Screening opinion completed and saved to Onbase?	No
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CONDITIONS	Pre-commencement conditions proposed?	No
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: TH **DATE:** 01.11.2023

SITE

1 Gainsborough Drive is a two storey end terrace corner plot property located in the Balderstone and Kirkholt ward of Rochdale benefitting from off-street parking facilitated by a driveway to the front of the dwelling, a small attached garage to the south-side elevation and sufficient garden space. The dwelling is of a coherent aesthetic with reference to the immediate surrounding short row of terrace dwellings and those within the wider estate, constructed in red brick to the ground floor and white render to the first floor. The dwelling adjoins to 3 Gainsborough Drive to the north and sites adjacent to 10 Hogarth Road to the rear and faces east onto the highway. The patch of vacant land located on the corner junction between Gainsborough Drive and Hogarth Road to the south of the application property is under the sole ownership of occupiers at 1 Gainsborough Drive, purchased in 2021, to which a solid wooden fence was erected along the boundary of the land prior to this application being submitted. The land at the corner of the site forms part of the landscaping around the junction of Gainsborough Drive and Hogarth Road. Similar landscaped areas are present at the other three corners of the junction.

PROPOSAL

Permission is sought for the change of use from a vacant patch of land, situated on the junction between Gainsborough Drive and Hogarth Road, to residential use including the construction of a single storey side attached double garage projecting 6.1m from the south-side elevation of the application property and spanning 9.8m in length surpassing the existing rear elevation by 2.8m. The enlargement would feature a maximum height of 3.5m and a matching height to eaves by virtue of a flat roof design and would be constructed in red brick to match the ground floor external facing materials of the application property.

The proposed works would also incorporate alterations to the existing boundary treatment with the existing black metal hoop fencing, 1.2m in height, between the existing driveway and vacant land to be removed and retrospective permission sought for the erection of a new fence standing 1m in height sited along the boundary of the vacant land comprised of concrete posts and solid wooden panels (retrospective).

The creation of hardstanding with the addition of permeable paving to part of the existing grassed vacant land is also proposed within the application.

The previous application refused a scheme comprised of the same change of use, garage extension and alterations to the boundary. Whilst the scheme was acceptable in principle, to change the use of the vacant land to form additional parking arrangements was considered unacceptable in terms of visual amenity as well as the scale of the garage, the design of the fence and the addition of permeable paving over the existing grassed area was deemed unacceptable.

Following a consultation from the Council's Highways Officer, the application was also refused on the impact to highway safety by virtue of the 1.5m fence posing a lack of visibility from drivers emerging from the driveway at the adjacent dwelling to the rear, 10 Hogarth Road.

The new scheme proposes the change of the initially proposed pitched roof garage changed to a flat roof (retaining the overall scale) as well as a reduction in the expanse of permeable paving proposed to the vacant land. Further to this, the fence is proposed to be reduced from 1.5m to 1m in height matching that which can be carried out under permitted development. A vehicle crossing has also been added to the scheme along the southern curtilage boundary sited along Hogarth Road to facilitate vehicular entry to the vacant land.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

P1	Improving Image
P3	Improving Design of New Development
DM1	General Development Requirements
T2	Improving Accessibility
Appendix 5	Schedule of Parking Standards

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
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Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

23/00131/FUL	Change of use of land to form extension to existing curtilage including a single storey attached garage, together with alterations to boundary treatments and creation of hardstanding Refuse April 2023
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1. By virtue of its design and siting, the proposed works are considered to be inappropriate and discordant to the character of the surrounding estate with the erosion of prominent green space on a corner junction resulting in significant visual harm to the street scene and the character of the local area. The extension is not considered to respect the character of the site and would appear disproportionate for a dwelling of this size. The addition of permeable paving and a 1.5m boundary fence fails to respect the visual amenity and would be detrimental to the verdant character of the estate. As such, the proposal would not 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' and the National Planning Policy Framework
2. By virtue of its siting, the proposed 1.5m boundary fence would pose significant road safety issues regarding the reduced visibility for drivers emerging from the adjacent driveway at 10 Hogarth Road. The proposal would therefore fail to accord with Policy DM1 of the adopted Rochdale Core Strategy and paragraph 111 of the NPPF.

CONSULTATION RESPONSES

Highways and Engineering

Highways have previously commented on a similar application (23/00131) for this site with vehicular access from Hogarth Road, some of those comments are still applicable.

The position of the proposed fencing on Hogarth Road causes some visibility concerns around the junction with Gainsborough Drive, however the reduced fence height and the fact that the fencing is set back from the junction is now acceptable.

The reduction in the proposed fence height to 1 metre affords better visibility for drivers emerging from the driveway of 10 Hogarth Road and we can now accept this arrangement.

The formalisation of the driveway onto Gainsborough Drive would require the construction of a vehicle access crossing within the footway and a separate permission from the Councils highway team. We would ask that no other vehicle access, other than the existing access is permitted from Gainsborough Drive or Hogarth Road into the proposed hard standing is permitted.

The extensive hard standing area would need to be SUDs compliant.

The servicing arrangements for the existing dwelling would be unaffected by the proposed development.

The applicant attention is also drawn to that there may be statutory undertakers pipes cables and equipment within the site and that may be affected by the proposed works. Prior to development it is recommended that the applicant liaise with the relevant statutory undertaker on development proposals.

All proposed gates must open internally and not out onto the adopted highway.

Highways raise no objection to this application but would ask that the vehicle access crossing is in place prior to the development being brought into use

Drainage

The plan below indicates that there is a sewer under the grassed area. The Applicant should be aware that UU have an easement above the sewer i.e. the right to access and repair the pipe when needed.

The Proposed Plan suggests that the Applicant would entirely remove the grass on the south side of the plot and replace with permeable paving. No kerb details and no cross-sectional details have been provided.

It could be considered to be better to retain a strip of grass before the neighbouring property to the west, because permeable paving will still shed rainwater, so either kerbing or a vegetated strip will be needed.

United Utilities

[Summary]

The applicant should be aware that a public sewer runs underground across the site to which United Utilities have an easement over and will not permit building over it. An access strip is required for maintenance or replacement of this pipe and access must not be compromised in any way.

It is the applicant's responsibility to seek and determine the precise location, size, depth and condition of the pipeline before any development takes place to and liaise with the relevant statutory body.

The full United Utilities consultation response can be found on the public website under 'Supporting Report'.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours. No public comments were received.

ANALYSIS

Principle of Development

The application site is located within a residential area of Rochdale, within the Defined Urban Area as allocated under saved UDP policy G/D/1. The change of use element relates to a parcel of vacant land located to the south-side of the application property fronting both Gainsborough Drive and Hogarth Road. It is noted that the land is not under any present use however, contributes to the visual and coherent aesthetic of the area to which vacant parcels of land are commonly sited on many corner plots within the Kirkholt estate therefore crucial for retaining the character of the area. The land was once host to a large tree, as are others around the estate, however this has now been removed, assumed in the interest of the proposed works.

The area of land proposed for change is a section of common land (approx. 10m x 19m) contained within the 3982m² of the application site that is not under any present use, serving as an area for residents to enjoy open space.

The predominant land use in the area is residential and to change the use of the proposed section of land (noting its size) into residential curtilage to form additional parking arrangements at 1 Gainsborough Drive would significantly undermine surrounding land uses and would not be appropriate for the established character of the area. However, in principle, to change the existing use of land to residential to form additional recreational garden space in addition to the existing garden space at 1 Gainsborough Drive, ensuring the grassed area is retained, could be acceptable subject to an assessment of the overall intended use therefore the change of use element of the application remains acceptable in respect of principle and would be in accordance with saved policy G/D/1.

Design: DM1 and P3

Policy P3 of the adopted Rochdale Core Strategy requires all new developments, regardless of location in the borough, to adhere to high standards of design. Policy DM1 of the Adopted Rochdale Core Strategy (CS) 2016 requires “development to be of a high quality design taking the opportunity to enhance the quality of the area.”

The proposed single storey side extension would incorporate a flat roof form and would be constructed in materials consistent with the host property and wider street scene.

Window proportions would be in keeping with those on the existing. It is noted the previous garage design was proposed with a pitched roof which is considered to better respect the character of the area and the roof form of the host dwelling. Whilst it is acknowledged the supporting report does make reference to the existing garage sites elsewhere in the estate, these garages are not intended for residential use (i.e storage, additional habitable space) unless privately purchased. Further to this, a cluster of garages is not considered sufficient justification to warrant the approval of a garage at this scale in this setting and location given they do not adjoin to dwellings and would still facilitate green space surrounding.

The resubmission of the side garage extension would, similarly to the previous application, match the width of the host dwelling and would therefore appear as a disproportionate addition to the dwelling. The overall length of the extension would be considered too large for a dwelling of this size, specifically with reference to the

dwelling being sited on a highly visible corner plot given it would stand flush with the front elevation and extend 2.8m beyond the existing rear elevation.

It is acknowledged the extension would not extend beyond the front elevation of the dwellings along both Gainsborough Drive and Hogarth Road therefore preserving the building line and would also maintain sufficient space between the boundary strip and nearest part of the extension to the front and south-side elevation. Despite this, the harm to the appearance of the host dwelling and the street scene resulting from the overall scale of the extension and its prominent position adjacent to the street corner is considered to be enough to outweigh the preservation of the building line and retaining of sufficient space. It is therefore considered the single storey extension would remain unacceptable and not appear to respect the overall visual appearance and built form of the host dwelling.

Sited in a significantly prominent location, the addition of concrete posts and solid wooden panels forming a new fence along the boundary of the vacant land is not considered to form an acceptable addition for the lack of preservation of green space.

As stated under the previous application, the 1.5m fence was unacceptable by virtue of its design and significant eroding of green space which are considered characteristic of the estate. However, whilst it is preferable for this vacant patch of land to remain unobscured by fencing which is considered to result in significant visual harm, the reduction to 1m outweighs the harm which can be carried out under permitted development rights under Schedule 2 Part 2 of Class A categorised “minor operations”, therefore the 1m fence is, on balance, considered acceptable by virtue of this justification.

The proposed permeable paving to the side of the house, would erode significant green space intended to comprise a landscaping element forming part of the character of the street and the estate, and would remain an unsatisfactory addition to the plot. It should be noted many of the corner plots in immediate and adjacent wider settings host a patch of green vacant land to the front and side of the plots which is preferable for the upkeep and coherent aesthetic of the wider estate, therefore the harm posed by the addition of permeable paving is thought to be so significant it would remain unacceptable. Whilst the reduced extent of paving, and partial screening achieved the addition of a solid wooden fence shielding, would reduce the harm compared to that previously proposed and refused, it is still considered that the visual impact would be unacceptable in design terms.

In view of the above assessment, it is considered the single story side extension, the addition of permeable paving would remain an unsatisfactory and inappropriate change of use addition to the dwelling and the Kirkholt estate and would erode significant green space located on a prominent corner junction therefore not in keeping with the verdant character of the street scene and not acceptable with reference to visual amenity.

Amenity: DM1 and SPD

Overshadowing and Overbearing Impact

Paragraph 4.10 of the SPD states “when considering applications for the change of use of a building or part of a building to residential use, the Council will take into account the impact of residential use on the area and will also seek to secure a good standard of amenity for the future occupants”. In addition, Paragraph 5.6 sets out guidance for maximum projection standards to which it requires “For attached properties, a point 3 metres along the common boundary measured from the rear elevation of the adjoining or adjacent dwelling(s);”. Although a side extension is proposed, it is acknowledged the extension is proposed to extend 2.8m from the rear

elevation however, is set well away from the common boundary shared with 3 Gainsborough Drive therefore acceptable.

By virtue of its siting, size and design, the proposed extension would be remain in accordance with paragraph 5.6 of the SPD and not considered to result in an undue loss of light or outlook for surrounding occupiers.

Loss of Privacy

The resubmission of the application proposes one window to the side elevation of the garage whilst eliminating the two initially proposed windows to the elevation flush with the front of the original dwellinghouse. The scheme incorporates a rear window illustrated as frosted glass on the proposed elevations. Section 4 Space Standards requires *“(ii) 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room”*. Whilst it is unknown what the ground floor window on the east-side elevation of the adjacent property to the rear, 10 Hogarth Road, currently hosts, the obscure glazing and modest size of the window would indicate it is not a window to a habitable room therefore in the instance the application was an approval, although the two windows would host a separation distance of approx. 6m, it would not be considered necessary to impose the obscure glazing of the rear garage windows by condition given neither windows are principal windows to habitable rooms and the glazing of the window would be in the occupiers interest.

Occupier Amenity

The change of use of the area to the side ensures the provision of a suitably sized rear garden would be retained post-development. The proposed works would not propose any habitable rooms which would require the provision of adequate light or outlook. The works would also not pose any detrimental impact to the provision of adequate light and outlook to internal rooms of the host property.

The proposal would not unduly impact on the amenity of the occupants of the application property or that of neighbouring properties and is therefore in accordance with policies DM1, the SPD and the NPPF.

Highways and Parking: DM1 and T2

The plans indicate the provision for four off-road for a minimum of two off-road parking spaces located in the proposed garage extension with sufficient space on the creation of hardstanding permeable paving and the existing driveway therefore in exceedance of Appendix 5 Schedule of Parking Standards requirement of two spaces per dwelling for dwellings outside the town centre.

In line with comments received by the highways officer regarding the revised proposal, an objection is no longer raised regarding highway safety by virtue of a reduced fence height and the fence being constructed back of the junction which affords increased visibility for cars emerging from the Hogarth Road highway and vehicles emerging from the driveway at 10 Hogarth Road.

Furthermore in the instance the application was an approval, it is noted, as advised by the highways officer, prior to development taking place the applicant is encouraged to liaise with the relevant statutory undertaker on development proposals.

Whilst no formalised driveway is proposed to the existing entrance to the driveway at 1 Gainsborough Drive, the applicant is reminded that this would require the construction of a vehicle access crossing within the footway and a separate permission from the Councils highway team. Further to this, the new vehicle crossing

proposed within the application opposite to the garage would also require a separate permission from the Council's highways department.

On the basis of the updated comments from the highways officer, the proposed development is considered to be acceptable in terms of highways safety and would therefore accord with policy T2 of the adopted Rochdale Core Strategy and the NPPF.

Drainage and Easements

Paragraph 3.17 of the SPD states "The impact of new developments, including residential developments and extensions, upon underground utilities infrastructure should be taken into consideration by those designing and carrying out the development. The relevant legislation should be complied with, and it should be noted that gaps left between properties may be due to the presence of such infrastructure."

In the event of an approval and in line with the consultation received from United Utilities, the applicant would be advised to retain a strip of land between the parcel of land and the adjacent property, 10 Hogarth Road to facilitate the easement that United Utilities have to this land by virtue of a sewer pipe line running beneath.

The permeable paving is considered an acceptable addition with reference to surface rainwater and in the event of an approval, the applicant would be required to submit full details of the permeable paving proposed to the Local Planning Authority to be approved in writing in order to secure proper drainage and manage the risk of flooding.

RECOMMENDATION: REFUSE

1. By virtue of its design and siting, the proposed works are considered to be inappropriate and discordant to the character of the surrounding estate with the erosion of prominent green space on a corner junction resulting in significant visual harm. The extension is not considered to respect the character of the site and would appear disproportionate for a dwelling of this size. The addition of permeable paving over the existing grassed area fails to respect the visual amenity and would be detrimental to the verdant character of the estate. As such, the proposal would not 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' and the National Planning Policy Framework

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.

Notes for Applicant:

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

- SP01 Rev C Existing Location and Block Plan
- 004 Rev A Proposed Elevations
- 005 Rev B Proposed Site Plan
- SP02 Rev C Proposed Block Plan
- 006 Rev A Fencing Details
- 003 Rev B Proposed Ground Floor

