APPLICATION NUMBER: 20/01534/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/01534/FUL	Rachel Carney	15 March 2021

Address: 1 Hollowspell Rochdale OL12 9AW

Proposal: Erection of one detached dwelling to side garden including landscaping and boundary treatments and creation of off street parking to existing dwelling.

PUBLICITY	**Weekly list expired?**	Y	**Site notice expired?**	NA
	Neighbour letters expired?	Y	**Press Notice expired?**	NA

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
	Neighbour comments received?	Y

EIA	**Screening opinion completed and saved to Onbase?**	N

CONDITIONS	**Pre-commencement conditions proposed?**	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	REFUSE

CHECKED AND SIGNED OFF BY: AT **DATE: 25.03.2021**

SITE

The application relates to an existing dwelling and its curtilage which is sited on a corner plot of Hollowspell and Ashbrook Hey Lane. The existing dwelling is an end

terrace, two storey property that is similar in style to those in the surrounding vicinity, which is a post war, former Council house.

The existing property benefits from private curtilage to its front, side and rear elevations and an unofficial vehicle access has been made to the front of the property, but this does not include a dropped kerb.

PROPOSAL

The application proposes the erection of one detached dwelling on the curtilage of the existing property. The dwelling would be sited approximately 2.0m to the side of the existing dwelling and the new property would have a width of approximately 7.0m and a depth of 8.0m. The new dwelling would be two storeys in height with a hipped roof design. The ridge height would be approximately 8.4m and the eaves height would be approximately 5.7m. The property would also include a lean-to single storey porch to the front elevation.

Internally the new dwelling would provide an open plan living space and kitchen to the ground floor and three bedrooms and a bathroom to the first floor. Window openings would be sited in the front, rear and side (south) elevation. There would be no window or door openings to the north side elevation.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

C1 Delivering the right amount of housing in the right places
P1 Protecting and enhancing character, landscape and heritage
P3 Improving design of new development
DM1 General development requirements

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).

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

Highways And Engineering
Access and parking arrangements are not ideal but unlikely to create a severe problem. No highways objections.

United Utilities

A public sewer crosses the site and United Utilities may not permit building over it. They will require an access strip of 6 metres or a diversion of the public sewer may be necessary.

Suggested drainage in accordance with the NPPF drainage hierarchy.

Public Protection (Contamination)
Requested Phase I report through condition.

REPRESENTATIONS

The application has been publicised with neighbour notification letters. Two letters of objection have been received and these are summarised below:

- Concerns that the property would bring more traffic onto the street and result in additional cars parking on the highway and close to the junction with Heybrook Lane – this is already classed as a dangerous spot.
- Concerns that the additional traffic/parking created by new property would result in the minibus used for the adjacent childminding business being unable to park outside its property. This would result in the bus parking farther away and create a danger to children who would need to then cross a busy road to get to the bus.
- Concerns over the impact additional cars would have on the safety of children who play out of Hollowspell.
- Concerns that the proposed driveway is small.
- Concerns that windows in the north elevation should meet minimum standards or contain obscure glazing and be non-opening.
- Concerns that an earlier occupant of the house excavated the garden, reducing the land levels, and the application does not propose a retaining wall to support the neighbouring land against this excavation.
- Request that construction hours are controlled.
- Query as to whether a culvert runs through the site.
- Note that an electricity cable runs through the site.

ANALYSIS

Principle of development

The application proposes the erection of a dwelling in the residential curtilage of an existing property. The site is located within the Defined Urban Area, with the surrounding streets dominated by residential development. The principle of developing the site with an additional residential property would be compatible with the existing surrounding character of the area. The site is within walking distance of Halifax Road, where a regular bus service runs. It is therefore considered that the site is well located in terms of access to jobs, shops and services by modes of transport other than the private car. The site is therefore in a sustainable location.

Furthermore, the proposal would make efficient use of land within the Defined Urban Area and would contribute to the supply of housing in a sustainable location within the borough. The principle of the development is therefore acceptable and in accordance with the adopted Core Strategy, saved policies within the Unitary Development Plan and the NPPF.

Visual amenity

The application is located to the end of Hollowspell and sited on a corner plot between residential development along Hollowspell and Ashbrook Hey Lane. The immediately neighbouring properties are post war style, semi-detached and terraced properties that have a hipped roof design. Within the area there are a mix of other

style properties including modern terrace bungalows and two storey houses and older style terraces.

The proposed dwelling would be a detached property but it has been designed in the style of the adjacent post war properties, with a similar style hipped roof and fenestration layout. As such, although the dwelling would represent a sole stand-alone property, its design would also complement the form of the existing development within the area.

In addition to the above, it is noted that due to the corner plot location of the development the dwelling would appear rather prominent on the street scene. The Council's SPD has guidance on development on corner plots and while this is written primarily for domestic extensions, the principles it sets out can also be used for other development. In this regard the SPD advises that extensions (development) on corner plots can have an unacceptable impact on the street scene by eroding the space around buildings and presenting a hard edge to the public highway. The SPD also advises that the factors that will need to be taken into account include the presence of a strong building line and any overriding need to protect it and the contribution the space makes to the overall character of the area.

In regards this development it is recognised that the highway verge would to some degree soften the impact of the development. However, it is also considered that the new proposal would result in a new development, that due to the size constraints of the site, would clearly not follow the existing pattern of development along Hollowspell, with the dwelling set noticeably further back with in the plot. This would create an awkward visual relationship with the existing development along Hollowspell and this would be particularly apparent due to the prominent corner plot position.

Further considering the acceptability of the development it is noted that the property to the opposite side of Hollowspell (no. 2) has a single storey extension that occupies a similar position on the plot to the current proposal. However, this extension would be read very differently to the proposed dwelling, with the extension being smaller in scale, single storey and clearly an addition to the existing dwelling house.

In summary, it is considered that the development would unacceptably erode the open nature of this corner plot through the introduction of a new dwelling that would fail to complement the existing layout of development within the area and appear as an overly prominent addition to the street scene. The application is therefore unacceptable in this regard and contrary to policies P1, P3 and DM1 of the Core Strategy.

Residential amenity

In respect of the residential amenity of the future occupiers of the dwellings, the Council's SPD 'Guidelines and Standards for Residential Development' recommends that a minimum separation distance of 21 metres should be provided between principal elevations of opposing dwellings and a distance of 14 metres between principal window and an elevation which does not contain a principal window to a habitable room. 10.5m should also be provided between a principal window and an upper floor level and a directly facing boundary of the curtilage. Where these separation distances cannot be achieved proposals should be "compatible with the density and character of surrounding development".

The site layout plan shows that the main potential overlooking relationship is to the rear of the site. Here the rear elevation windows would be, at their closest point,

approximately 2.2 metres from the rear site boundary. The adjacent property in this direction, no. 6 Ashbrook Hey Lane is then set between approximately 11 metres and 1.6m from this shared boundary with approximately 11m minimum distance between the rear windows of the proposed dwelling and the side elevation of no. 6. It is noted that the facing elevation of no. 6 Ashbrook Hey Lane is a secondary elevation which appears to only contain secondary windows.

When looking at this relationship it is apparent that the minimum 1.6m separation distance from the rear boundary does not comply with the standards set out in the SPD which recommends a distance of 10.5m. There is also a shortfall in the recommended 14m that should be provided between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room.

Examining these relationships it is considered that the proposed dwelling would fail to provide a sufficient level of amenity to existing occupiers to the rear of the site (at 6 Ashbrook Hey Lane) or of the new dwelling. Although the new dwelling would face onto a secondary elevation of 6 Ashbrook Hey and be set at a naturally slightly lower level (due to the topography of the site), the close proximity of the development to the shared boundary would appear overbearing on the front and side curtilage areas of no. 6 and create unacceptable overlooking between the two sites resulting in an unacceptable level of amenity.

It is also important to consider any impacts of the development on no. 1 Hollowspell and in this regard it is noted that the proposal would bring the new dwelling approximately 2.3m further back into the site than existing. The Council's SPD – Guidelines and Standards for Residential Development provides advice on such relationship and recognises that where there is a rear projection from one dwelling this can have harmful effect on the neighbours amenity. In this regard it is recommended that rear projections for two storey developments should not be approved if they would project beyond a 30 degree line drawn from a point 2.4m along the common boundary from the rear elevation. It is clear from the level of projection that the development complies in this regard and there are no undue concerns regarding the impacts on no. 1 Hollowspell.

Further to the above it is considered that the development would provide insufficient distances to no. 6 Ashbrook Hey Lane and this would result in an unacceptable level of amenity for existing and future residents. The application is therefore unacceptable in this regard and contrary to policy DM1 of the Core Strategy.

Highway safety

The application proposes the creation of two off street parking spaces for the existing dwelling and one off street space for the proposed dwelling. Highway Services have been consulted on the proposals and have they have advised that the one parking space proposed for the proposed dwelling is not ideal, but as the proposal is for a single dwelling they do not consider the level of parking would result in a severe highway safety concern and a highways objection related to parking could not be sustained.

Highways have also noted that access to the site will see the applicant using an existing crossing at an angle across the footway. They have again identified that this arrangement is not ideal.

In addition to the above, whilst Highways have noted that the level of parking and access arrangements are not severe enough to justify refusal, they have noted that the one parking space proposed for the new dwelling may result in on street parking close to the highway. Highways have advised that this would not be acceptable and

to prevent this taking place a Traffic Regulation Order, at the responsibility of the developer/owner would be required to introduce junction protection measures. The current costs of this are £4000. It is also noted that the existing access does not include a drop crossing so this would also need introducing through application to the Council's Highway Service.

Further to the above it is noted that one of the objections received relate to parking issues, in particular the impact the development may have on on street parking and how this may prevent existing residents (including those who have home businesses) from parking close to their properties. As discussed above, the parking provision is acceptable and in light of the above the application accords with policy Dm1 of the Core Strategy.

Drainage

United Utilities have requested that foul and surface water drainage conditions be included on any approval. This is a reasonable request and surface water should be drained in the most sustainable way so as to reduce the impact of flooding.

United Utilities have also advised that there is a public sewer crossing the site and that they may not permit building over it. As such they require an access strip width of six metres, three metres either side of the centre line of the sewer or diversion of the affected sewer (at cost to the applicant). This is not reason to refuse the application as the matter can be addressed through diversion of the sewer but it is something that the owner/development needs to be aware of should they wish to pursue development of the site.

Other considerations

In other considerations there are concerns raised by one of the objectors about the amount of excavation that has previously taken place at the site and whether this would create structural issues for the neighbouring property. There are also concerns that there are dead dogs buried on the site.

Having visited the site it is clear that the ground level has been excavated to some degree. Clearly this will need to be taken into account with the construction of development on the site and this will be addressed through building regulations.

RECOMMENDATION **REFUSE**

1. The proposed dwelling would unacceptably erode the open nature of the corner plot between Hollowspell and Ashbrook Hey Lane through the introduction of a new dwelling that would fail to complement the existing layout of development within the area, including existing building lines, and appear as an overly prominent addition to the street scene. The development would therefore have a harmful impact on visual amenity contrary to policies P3 and DM1 of the adopted Rochdale Core Strategy, the Council's Guidelines and Standards for Residential Development SPD and the National Planning Policy Framework.

2. The proposed dwelling would fail to provide sufficient distances to the boundary and side elevation of no. 6 Ashbrook Hey Lane. This would result in an overbearing presence for the neighbouring occupiers, provide an unacceptable level of privacy between the two dwellings and result in an unacceptable level of residential amenity for the existing and future occupiers. The proposed development is therefore contrary to policy DM1 of the adopted Rochdale Core Strategy, the Council's Guidelines and Standards

for Residential Development SPD 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:

A public sewer crosses this site and United Utilities may not permit building over it. United Utilities will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions must be borne by the applicant.

INFORMATIVE:
For the avoidance of doubt, this Decision Notice relates to the following drawings :-

- Location Plan
- Existing and Proposed Site Plans, Floor Plans and Elevations – Dated 26.01.2021 V.2
- 3D Perspectives – Dated 26.01.2020
- Existing and Proposed Site Plans – Dated 26.01.2020
- Proposed Elevations and Roof Plan – Drawing 19.01.2020

Report Author Rachel Carney