

Officer Report

Case Reference: PL/2026/0094
Location: 3 Dell Side Way, Rochdale, OL12 6XX
Proposal: Part first floor, two storey and single storey side extension, part two storey part single storey rear extension including Juliet balcony, alteration to fenestration on elevations and associated works including landscaping following demolition of existing conservatory
Recommendation: Refuse
Officer: Majid Mir

Location

This application relates to no. 3 Dell Side Way, a two storey, detached dwelling located in a residential area of Rochdale. The application property faces the highway to the north and is adjacent to nos. 1 (east) and 5 (west). No. 4 is located across the highway to the north. To the rear of the property, no. 3 adjoins the rear of no. 32 Followfield Drive and the former Turner Brothers Asbestos site.

Dell Side Way is a meandering cul-de-sac consisting of large, detached houses with mock Tudor frontages. The street is characterised by a mixture of house types and inconsistent building lines.

Description of Proposal

The application seeks planning permission for the construction of a part first floor, part two storey and part single storey side extension and a part two storey, part single storey rear extension. A balcony is also proposed on the first-floor rear extension.

The application also proposes to replace the existing two garage doors with windows and convert the garage into a living room and increase the hardstanding to the front to increase the number of off-street parking spaces from two to three.

A window on the first side elevation facing west is also proposed. The window would be for a bathroom.

Relevant History

88/D21977 - Residential Development: 44 No. Detached Dwellings. Decision: Approve subject to conditions.

86/D19846 - Residential Development. Decision: Refuse.

Township/Member comments

N/A.

Consultee responses

N/A.

Representations

Neighbour notifications via letters were sent to surrounding properties. No responses have been received.

Policy

National

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

JP-P1 Sustainable Places

Local

Saved Rochdale Unitary Development Plan (UDP) 2006

G/D/1 Defined Urban Area

Adopted Rochdale Core Strategy (CS) 2016

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

N/A.

Design

The NPPF establishes that achieving good design is a key aspect of sustainable development, and decisions should ensure developments are visually attractive and sympathetic to local character. This is also reflected in PfE policy JP-P1 and Core Strategy policies DM1 and P3, which require development to respect local context with regard to siting, size, scale, massing, height and materials. 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.

It is noted that the application property sits amid a varied street scene characterised by a mixture of house types. Notwithstanding, properties share strong similarities in terms of their built forms and design vernacular. Further to the above, the absence of a strong building line is apparent, with properties generally sharing a staggered relationship.

The proposed part first floor, part two storey, part single storey side extension would mimic the mock Tudor design that can be found on the existing property and through properties within the local area. The proposed extension would be set at the same roof height and ridge height as the host property. As such, it would not appear as a subservient later addition. Nevertheless, considering the variety in form of buildings in the area, with numerous dwellings having extensive width and variations in forms, the proposed extension would not result in undue harm to either the character of the host property or the street scene.

The application also proposes to remove the existing pair of garage doors and replace them with windows. The windows would appear at odds with the rest of the fenestration on the host dwelling. However, the windows would line up with the windows on the first floor. On balance, the proposed fenestration alteration is considered to be acceptable.

Overall, it is considered that the scale, massing, proportions and materials would result in an acceptable standard of design that would be in keeping with the street scene.

The application also proposes to extend the hardstanding to the front to introduce parking space for an additional vehicle. The proposed alteration would not result in undue harm to either the character of the host property or the street scene.

In regard to the rear element of the extension and proposed fenestration, the design is considered to be acceptable.

In light of the above assessment, it is considered that the proposed extensions and alterations would be acceptable, in accordance with Core Strategy policies DM1 and P3, the SPD, PfE policy JP-P1 and the NPPF.

Amenity

Protection of residential amenity is considered under policy DM1 of the adopted Rochdale Core Strategy, 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.'

Paragraph 135 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. Further to the above are the considerations of the Councils Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments 'should be carefully designed to

protect the amenity of the occupants of adjoining properties.'

Owing to no. 5 being set further back than no. 3, the proposed rear extension would adhere the standards set out in section 5 in regard to single storey and two storey rear extension in relation to no. 5.

The application proposes a window on first floor side elevation facing towards no. 1. This would be for a bathroom. This would look directly into the rear garden of no.1. With any planning permission it is considered appropriate to include a condition requiring the window to be obscured and have restricted opening to prevent undue overlooking and loss of privacy for occupiers of no. 1. The application also proposes a window for a bathroom on the first floor facing towards no. 5. It is prudent to require the addition of a condition requiring this to also have obscured glazing and with restricted openings.

The application proposes a 'dummy balcony' with the proposed floor plans stating that that the 'balcony would not have access from the rooms. Juliet balconies are proposed on the glazed openings for bedrooms 2 and 3. The SPD states that 'balconies and elevated terraces 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. They should be carefully designed to prevent unreasonable overlooking of neighbouring properties.' The balcony would be approximately 1m deep and 8.8m wide. The balcony would be set approximately 2.8m above ground floor level. The balcony would be located close to the shared boundary with no. 5 (approximately 1m), 3.7m from the shared boundary with no. 1 and at least 6m from the shared boundary with no. 32 Fallowfield Drive.

Although the plans state that the balcony is a mock balcony, there would be no access from the bedrooms and that the Juliet balconies will be attached to the openings from the bedrooms, there is a clear concern and risk that the balcony will be used. It is unclear why there would be a need for a balcony, rather than introduction of pitched roof as is found on the remaining part of the part single storey rear extension. Owing to the proximity to no. 5 and no. 32, it is considered that the use of the proposed balcony would lead to significant overlooking of the neighbouring properties private garden spaces and habitable rooms, therefore unduly impact on the privacy of the occupiers of no. 5 and no. 32. The siting of the balcony means views of the rear garden of no. 1 would be limited to the rear part of the garden, and as such, it is considered that the balcony would lead to an undue loss of privacy or overlooking of the rear garden of no. 1.

The two-storey element of the proposed extension would include two bifold glazed doors on the first floor for two bedrooms. The two openings would be approximately 16m and 18m to the rear elevation of no. 32 Fallowfield Drive and between 8m and 11.1m from the shared boundary. In paragraph 4.1 of the SPD, it states that a minimum space standard of 21m between directly facing principal windows of habitable rooms, at an upper floor level and 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage, shall be applied to all new residential developments and developments which affect existing residential

properties. The properties do not directly face each other, however, the angle between the two properties is not sufficiently oblique to prevent views in to rear windows or private garden space of no. 32. As the proposal fails to adhere to the minimum standards set out in paragraph 4.1, the proposed development would lead to significant overlooking and loss of privacy for the occupiers of no. 32.

No. 1 is set at an angle to no.3, with no. 1 facing southwest and towards the side and rear of no. 3. No.3 faces south-southeast direction, and no. 3 is in the direct line of the conservatory on the rear of no. 1. At present, the first floor of no. 3 is set approximately between 6.6m and 8.2m from the rear of the conservatory on no. 1. The single storey element of no. 3 is set approximately between 3.1m and 4.3m from the rear elevation of the conservatory. Paragraph 4.1 of the SPD states that a minimum space standard of 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room and 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room will be applied to all new residential developments and developments which affect existing residential

properties.

The application proposes to construct a first-floor extension over the single storey element and a two-storey side extension behind it that will have a combined depth of 10m. When adding in the single storey elements, the combined part two storey, part single storey structure would have a depth of 13.5m. The distance from the shared boundary with no. 1 would be between 1.3m and 1.6m. The distance from the rear elevation of no. 1 would be between 3.7m and 10.8m. Furthermore, it is noted that the proposed extension would be in the direct line of a large proportion of the rear elevation and curtilage of no. 1. As such, the proposed development would fail to retain the sufficient distance between the properties and therefore would lead to undue overshadowing and an unacceptable loss of light and outlook from the rear windows and outdoor amenity space of no.1.

The application proposes a utility room that will be accessed via bedroom 3. No windows are proposed for this room. It is accepted that this proposed utility room would be a functional room and therefore does not require access to light and outlook as would be required for a habitable room.

The proposed extension would see the ground floor room that was previously used as the dining closed off from the proposed extension. The room adjoined the living room which now will be used as a combined study. This part of the room will receive limited light; however, it is accepted that large proportion of the study would still receive

adequate amount of light and outlook. Additionally, a study is not considered a habitable room and therefore does not receive the same level of protection as a habitable room. All habitable rooms would have sufficient light and outlook, and the property would retain sufficient amount of outdoor amenity space for the size of the dwelling.

In light of the above assessment, it is considered that the proposal would therefore unduly impact on the amenity of the occupants of neighbouring properties and would fail to accord with policy DM1 of the adopted Core Strategy, policy JP-P1 of the PfE, the SPD and the NPPF.

Highways

With any application for new development, it is important to assess the impact on highway safety and under policy T2 of the adopted Core Strategy it is established that 'In all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those travelling through'. Additionally, there is a requirement for developments to provide parking in compliance with the Council's Maximum Car Parking Standards as set out in Appendix 5 of the Core Strategy. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.

Paragraph 116 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'

The application proposes to convert the existing garage into a living room and thereby removing available off-street parking spaces. However, the existing off-street parking, minus the garage parking spaces, would still meet the maximum parking standards set out in appendix 5 of the Core Strategy. Nevertheless, the proposal seeks to increase the off-street parking spaces to three and exceeding the maximum off-street parking spaces by one. The number of off-street parking spaces would be appropriate for the size of the dwelling.

As such, it is considered that the proposal would comply with the requirements of policy DM1 and T2 of the adopted Core Strategy, the PfE, the SPD and the NPPF.

Recommendation: Refuse

Refusal(s) (3)

- 1 By virtue of siting, size and scale, the proposed extension would fail to comply with the requirements of the Standards and Guidelines for Residential Development Supplementary Planning Document and therefore

the proposed development and there the proposed extension would have an unacceptable and adverse effect on residential amenity of the occupiers of number 1 Dell Side Way through overshadowing, reduced outlook and overbearing impact. The proposed development is therefore contrary to the requirements of policy DM1 of the adopted Rochdale Core Strategy, policy JP-P1 of the Places for Everyone Joint Development Plan, the Council's adopted Guidelines and Standards for Residential Development Supplementary Planning Document, and National Planning Policy Framework.

- 2 By virtue of siting, size and scale, the proposed extension would fail to comply with the requirements of the Standards and Guidelines for Residential Development Supplementary Planning Document and therefore the proposed development would have an unacceptable and adverse effect on residential amenity of the occupiers of number 32 Fallowfield Drive through significant overlooking of the first floor rear facing habitable rooms and the private rear garden area and adverse loss of privacy for its occupiers. The proposed development is therefore contrary to policy DM1 of the adopted Rochdale Core Strategy, policy JP-P1 of the Places for Everyone Joint Development Plan, the Council's adopted Guidelines and Standards for Residential Development Supplementary Planning Document and the National Planning Policy Framework.
- 3 The addition of the proposed Juliet balcony and flat roofed element of the proposed extension would have the potential to result in significant loss of privacy to the rear windows on the first floor of numbers 5 Dell Side Way and 32 Fallowfield Drive and overlooking of the private gardens of numbers 5 Dell Side Way and 32 Fallowfield Drive. As such it is considered that the proposal would have the potential to unduly impact on the amenity of present and future occupiers of numbers 5 Dell Side Way and 32 Fallowfield Drive. The proposed development is therefore contrary to policy DM1 of the adopted Rochdale Core Strategy, policy JP-P1 of the Places for Everyone Joint Development Plan, the Council's adopted Guidelines and Standards for Residential Development Supplementary Planning Document and the National Planning Policy Framework.
- 1 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 avoidance of doubt this decision related to the following plans:

- 2
 - Location Plan. Drawing number: M1705/22-01

- Block Plans. Drawing number: M1705/22-02
- Roof Plans. Drawing number: M1705/22-09
- Existing G.F. Plan. Drawing number: M1705/22-03
- Existing 1st. Floor Plan. Drawing number: M1705/22-04
- Existing Elevations. Drawing number: M1705/22-05
- Proposed G.F. Plan. Drawing number: M1705/22-06
- Proposed 1st. Floor Plan. Drawing number: M1705/22-07
- Proposed Elevations. Drawing number: M1705/22-08