

Officer Report

Case Reference: 25/01121/HOUS
Location: 26 Footwood Crescent
Rochdale
OL12 6PB
Proposal: Erection of raised decking with balustrade and screening –
part retrospective
Recommendation: Refuse
Officer: Majid Mir

Location

The application relates to 26 Footwood Crescent; a two-storey detached property in Shawclough, Rochdale. Footwood Crescent comprises detached properties with 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 Footwood Crescent, as well as nos. 17 and 19 Foot Mill Crescent.

Description of Proposal

Permission is sought, partially retrospectively, for the construction of a raised platform with a glass balustrade and screening. The proposed screening would be sited along the southern and northern part of the proposed raised platform. The raised platform would project out between 6.5m and 8m from the rear elevation of the host dwelling. The raised platform would span the full width of the host dwelling and would be 14.7m wide. The raised platform would take up a large proportion of the rear garden. The garden slopes downwards from the dwelling, and therefore where ground levels are the lowest, the balcony is set 2.2m above ground level. When measured from the base of the host dwelling, the raised platform is raised by approximately 0.7m.

The proposed balustrade would be sited to the rear of the raised platform. The proposed balustrade would be 1.1m tall and approximately 10.3m wide. The application proposes screening along the northern and southern part of the proposed raised platform. The proposed screening would be approximately 1.8m tall.

Relevant History

24/01212/HOUS - Construction of raised decking to form balcony area with glass balustrade to side and rear (Retrospective. Decision: Refuse. Reason for refusal:

“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.”

91/D26992 - Residential Development-One Detached Dwellinghouse. Decision: Approve with Conditions.

91/D27454 - Private Double Garage. Decision: Approve with Conditions.

88/D22205 - Residential Development - Eleven Detached Dwellinghouses. Decision: Approve with Conditions.

82/D14062 - Outline Application For Residential Development. Decision: Approve with Conditions.

80/D11364 - Outline Application For Residential Development. Decision: Refuse.

Township/Member comments

None.

Consultee Responses

None.

Representations

Letters of notification were sent to neighbouring properties. One objection was received. The representation is summarised below:

- Reduced privacy.
- Although other properties have decked areas, they cannot see into neighbouring properties.

Officer comment: Considered within the ‘amenity’ section of the report.

- Concern relating to second application following refusal of previous application.

Officer comment: The application has been submitted with amendments.

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

Not applicable.

Design and Appearance

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 platform is considered to be a large and incongruous feature which dominates the rear garden of no. 26 Footwood Crescent. However, the main frame

of the raised platform is predominantly concealed by fences and trees, when viewed from the adjacent rear gardens. As such, the raised platform does not significantly impact on the visual amenity of the surrounding landscape and rear gardens along Footwood 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.

It is however noted that the balustrade is set at a height of 1.1m and the screens is set at a height of 1.8m. The screens would be 9.8m wide to the north and 6.5m wide to the south. The addition of the floating 1.8m screens plus the variation in height difference would represent poor design. Whilst the raised platform and screens are screened from view from the public highway, owing to the elevated position of the application property in relation to the neighbouring properties to the rear, the raised platform and the screens would be clearly visible from the neighbouring properties and would appear as an overbearing and dominant structure.

The design of the proposal is therefore considered to represent poor design and would not accord with policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD, the PfE and the NPPF.

Amenity

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 require 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 application is supported by plans which indicate the previous existence of a raised platform which measured 5.6m in width and 4.8m in depth (3.2m from the rear of the southern part of the host dwelling). The raised platform was set approximately 0.7m above ground level of the land to the rear which was used as a patio area. The raised platform was set approximately at its narrowest, 1.3m off the shared boundary with no. 17 Foot Mill Crescent. The raised platform was approximately 10.5m from the shared boundary with no. 28 Footwood Crescent. However, the planning officer for the previous application determined that using aerial imagery, the previous structure was smaller measuring approximately 4m wide, 3m deep and set 2.5m off the property's northern elevation.

The proposed raised platform has been constructed to provide a level platform from the rear elevation of the applicant property, extending between 8m and 6.5m in length and 14.7m in width. Due to the application property's garden sloping away from the dwelling, the raised balcony is level with the tops of boundary treatments

demarcating the rear gardens of no.28 Footwood Crescent and no.17 Foot Mill Crescent, and in some cases extends above them at distances of 3.8m and 0.4m respectively. In determining the previous application (24/01212/HOUS), the planning officer noted that when standing on the raised balcony, there are unobstructed views of the rear gardens and rear facing habitable room windows of these dwellings.

This application now proposes to install 1.8m tall screening along the north (adjacent to no. 28 Footwood Crescent) and to the south (adjacent to no. 17 Foot Mill Crescent). Although, the elevated position of the raised platform will be retained, subject to appropriate level of obscurity for the screening, the screening would prevent views into the rear gardens and rear facing windows of the neighbouring properties.

However, the screening would see 1.8m structures installed within between 0.8m and 1.3m from the rear boundary with no. 17 Foot Mill Crescent and 2.4m from the rear boundary of no. 28 Footwood Crescent. The screening would be sited approximately a minimum of 10.3m from the rear elevation of no. 17 Foot Mill Crescent and 6.4m from the rear elevation of no. 28 Footwood Crescent. The screening would be set at approximately first floor height when viewed from no. 17 Foot Mill Crescent. Paragraph 4.1 of the SPD states that the following minimum space standards will be applied to all new residential developments and developments which affect existing residential properties:

(i) 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.

(ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room.

(iii) 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room.

The SPD continues to add that 'where buildings of three or more storeys are proposed, or there is a marked difference in levels, it may be necessary for the minimum distances set out in (ii) and (iii) above to be increased.' Noting the distance from the dwellings and shared boundary, the height difference between the properties and the raised position of the raised platform in comparison to the neighbouring properties, the screening would be visually more prominent when viewed from the neighbouring properties, The screening would have a dominant and overbearing impact on the rear habitable windows and garden areas of no. 28 Footwood Crescent and no. 17 Foot Mill Crescent.

Overall, the proposal would unduly impact on the amenity of neighbouring occupants by creating an overbearing impact on the rear habitable windows and rear garden areas of no. 28 Footwood Crescent and no. 17 Foot Mill Crescent. 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, Rochdale Council's Guidelines and Standards for Residential Development SPD and the NPPF.

The applicant has provided aerial photographs of raised platforms constructed by neighbouring properties. It appears that a number of these raised platforms are unauthorised and/or were constructed prior to the adoption of the Core Strategy, SPD and PfE. Nevertheless, each application is considered on its own merit and other poorly designed and sited structures do not warrant merit in determining this application.

Recommendation: Refuse

Refusal(s) (1)

- 1 The proposed raised platform with the proposed screening would be sited closing the boundary with number 28 Footwood Crescent and number 18 Foot Mill Crescent. The proposed raised platform with the proposed screening would have dominant and overbearing impact on the rear habitable windows and garden areas of number 28 Footwood Crescent and number 18 Foot Mill Crescent. Additionally, the proposed raised platform with the proposed screening would represent poor design and appear as dominant additions. The development, therefore, does not comply with policy JP-P1 of the Places for Everyone Joint Development Plan, policies DM1 and P3 of the Rochdale Council Core Strategy, and Rochdale Council's Guidelines and Standards for Residential Development SPD 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 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:

- 2
 - Site Location Plan
 - Existing & Proposed Block Plans. Drawing number: 25.3675.7
 - Previous Details. Drawing number: 25.3675.1
 - Existing Details. Drawing number: 25.3675.3
 - Proposed Details. Drawing number: 25.3675.5
 - Previous Elevations. Drawing number: 25.3675.2
 - Existing Elevations. Drawing number: 25.3675.4
 - Proposed Elevations. Drawing number: 25.3675.6