

Officer Report

Case Reference: PL/2026/0092
Location: 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)
Recommendation: Refuse
Officer: Sam Yuen

SITE LOCATION

The application relates to no. 163 Leander Drive, 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.

PROPOSAL DESCRIPTION

Part-retrospective planning permission is sought for the re-modelling of the rear garden area including excavation and re-profiling of sections and the erection of a retaining walls.

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

The application follows the previous submission 25/00366/HOUS with the following amendments made:

- The already excavated front parking area would be reinstated to its original condition prior to works being carried out.
- The constructed block retaining walls would be finished in brick-effect render with any remaining retaining elements constructed in brickwork to match the original walls prior to the engineering works.

- The original concrete posts and wooden fencing to the curtilage boundary would be reinstated to serve as screening for the retaining walls.
- Further excavation and re-profiling works are proposed to the south-west corner of the site to reduce the ground levels along the common boundary with no. 165 Leander Drive and no. 6 Bates Close, along with the formation of step access.

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 – Grant subject to conditions

25/00366/HOUS - Re-modelling of the rear garden area including excavation and re-profiling of sections and the erection of a retaining wall(s) – Refuse

Officer's Comments:

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 dominant 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.

24/01000/CAA - Prior approval for upwards extension through the addition of one additional storey, increasing maximum height from 4.6m to 7.1m – Refuse

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. – Refuse

Officer's Comments:

1. The application has failed to demonstrate the full extent of works required to implement the proposed extensions, specifically the single storey rear extension. Significant regrading works to the property's curtilage have not been included on the submitted plans and have taken place without planning permission. These include a substantial change in levels around the immediate area of the rear extension. It has not been demonstrated how the regrading works would impact on the proposed rear extension. Additionally, there are concerns over the impact on visual and residential amenity and off street parking provision from the regrading works, as well as the structural integrity of said works. It has not been demonstrated how these concerns will be overcome or how the regrading works impact on the design of the rear extension and its subsequent impact on visual and residential amenity. The

application has therefore failed to demonstrate it complies with the requirements of policies P1, P2, P3, G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of Places for Everyone Joint Development Plan and the National Planning Policy Framework.

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

CONSULTEE RESPONSES

N/A

REPRESENTATIONS

Neighbour notifications via letters were sent to surrounding properties. No comments were received.

POLICY

National

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

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:

Policy JP-P1 Sustainable Places

Local

Saved Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Area

Adopted Rochdale Core Strategy (CS) 2016:

The Rochdale Core Strategy was adopted on 19th October 2016. The following policies are relevant:

P3 Improving Design of New Development

G9 Reducing the Impact of Pollution, Contamination and Land Instability

DM1 General Development Requirements

T2 Improving Accessibility

Appendix 5 Schedule of Parking Standards

AMENDMENTS

N/A

LAND INSTABILITY

Paragraph 187 of the NPPF stipulates the need to prevent development from being adversely affected by unacceptable levels of land instability. Core Strategy Policy G9 requires any risks arising from land instability and appropriate actions to address these risks to be identified prior to any development taking place on that land and the identified actions taken.

The application relates to a detached bungalow which occupies a large plot that falls away sharply to the rear and is characterised by multiple elevated levels. It is observed that a number of trees between the rear curtilage boundary and Trows Lane appear to curve towards the highway and show signs of slope movement. It has also been established in previous applications that the bungalow has been suffering from subsidence.

Whilst it is acknowledged that detailed structural surveys of development would not normally be considered within the remits of a planning application, given the site condition and the identified land instability risks, and the substantial unauthorised engineering works already carried out in this location, it would be imperative to ascertain any potential risks from land instability and the impact of the retaining walls on the structural integrity of the slope prior to determination.

Details of the earthworks and of the construction of the foundations and retaining walls were requested by the Case Officer but were not forthcoming. The applicant has also declined to submit a slope stability assessment during the determination process.

In the absence of sufficient evidence to identify the ground conditions and any risks arising from the regrading and excavation works, the application has failed to demonstrate that the proposed development would not result in harm to land instability in and around the application site. The proposal therefore fails to accord with the Core Strategy Policy G9 and the NPPF. The LPA does not consider it to be appropriate to reserve the submission of a slope stability assessment to planning conditions given the established risks and the retrospective nature of the works.

DESIGN

The NPPF states 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 CS 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.

The application serves as a resubmission of 25/00366/HOUS with amendments made to, amongst other things, the external finish to the constructed blockwork retaining walls. As established in the previous Officer's report, the retaining walls have been assessed as dominant and wholly unsympathetic features which is detrimental to the character and appearance of the surrounding area. The revised plans now indicate the application of brick-effect render to the blockwork which would soften the visual impact of the structures and represent a minor improvement to the proposed plans. Whilst the applicant has supplied an indicative image of the proposed finish, the acceptability of the material finish would be subject to the submission of material samples, details of which can be secured via condition.

The revised plans have sought to reinstate the rear curtilage space to its pre-existing ground levels, particularly in the reduction of ground levels in the area adjoining no. 165 Leander Drive and no. 6 Bates Close. Whilst this does not fully address the dominant and obtrusive impact caused by the overall re-profiling works, it is accepted that the width of the retaining wall would nonetheless be reduced, restoring views of the adjacent properties from Trows Lane previously afforded by the pre-existing ground levels.

With regard to the excavation works carried out to the front curtilage space, the applicant has confirmed the land to the front of the dwelling would be reinstated to its pre-existing levels which would be acceptable.

The submitted plans indicate the pre-existing timber fencing to the rear and side boundary would be reinstated to provide screening to the retaining walls. In the event the application is accepted, details and specification of any proposed boundary treatments would be expected to be submitted for approval.

Subject to conditions for material samples and boundary treatments, it is considered the proposed development would not result in unacceptable levels of harm to the character and appearance of the surrounding area and would accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy, Policy JP-P1 of the PfE 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.

Concerns were previously raised with regard to the constructed extended terrace and its overlooking impacts into the rear gardens of no. 165 Leander Drive and no. 9 Bates Close. The current proposed plans indicate the ground levels to be substantially lowered in line with the stepped boundary fencing, though the layout of ground levels is different to the revised plans submitted as part of 25/00366/FUL, with the lower terraced levels occupying a smaller area than previously.

In the absence of details relating to the ordnance datum of the land prior to works being carried out, it has not been possible to definitively confirm the proposed land levels would be reinstated to their pre-development levels. Notwithstanding, it is accepted that the proposed section plan indicates each ground level would be set at least 1.8m below its adjoining boundary fencing, which would effectively reduce any undue overlooking impacts from these positions to the adjacent properties' amenity space.

In light of this, it is considered the proposal would not give rise to undue amenity harm to neighbouring occupiers and is therefore acceptable in terms of residential amenity, in accordance with Policy DM1 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

HIGHWAYS AND PARKING

The proposed development would increase the provision of off-street parking in addition to the existing hardstanding. The proposal is therefore acceptable in terms of highways and parking and accords with Policy T2 and Appendix 5 of the adopted Rochdale Core Strategy and the NPPF.

Recommendation: Refuse

Refusal(s) (1)

- 1 Insufficient information in the form of a slope stability assessment and construction details of the retaining walls and its foundations has been submitted to inform the condition of the earthworks and the structural integrity of the retaining structures. The application therefore fails to demonstrate the proposed development would not be adversely affected by any risks arising from land instability, contrary to the requirements of Policy G9 of the adopted Rochdale Core Strategy and Paragraph 187 of the National Planning Policy Framework.
- 1 This Decision Notice relates to the following drawings and documents:-
 - Location Plan - drawing no. A200 Rev. 001 received 02/02/2026
 - Existing Site Plan - drawing no. A100 Rev. 001 received 02/02/2026
 - Proposed Site Plan - drawing no. A101 Rev. 001 received 02/02/2026
 - Pre-existing Landscape Plan - drawing no. A01 Rev. 001 received 11/03/2026

- Existing Landscape Plan - drawing no. A02 Rev. 001 received 11/03/2026
- Proposed Landscape Plan - drawing no. A03 Rev. 001 received 11/03/2026
- Existing and Proposed Section Plan - drawing no. A04 Rev. 001 received 11/03/2026
- Existing and Proposed Rear Elevation - drawing no. A05 Rev. 001 received 11/03/2026

2 The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development.