

Officer Report

Case Reference: PL/2026/0427
Location: 3 CLOVER VIEW, ROCHDALE, OL16 2YX
Proposal: Erection of one dwelling house with associated car parking and landscaping
Recommendation: Refuse
Officer: Luke Rigby

SITE

The application site consists of a two-storey semi-detached residential dwelling and curtilage located at the head of a cul-de-sac in a predominantly residential area of Rochdale. To the northwest, no. 3 adjoins no. 1 Clover View. On the opposite side, and to the front of no. 3, there are a pair of matching semi-detached dwellings (no. 2 and 4 Clover View). No. 1 has a had a two-storey side extension and rear extension and an extension that includes a front facing gable. To the southeast there are four pairs of semi-detached dwellings set at 90-degree angle to no. 1 to 4 Clover View. No. 7 and 9 Clover View are the two properties that directly face the side elevation of no. 3.

The application site is located within the Defined Urban Area in accordance with Saved UDP Policy G/D/1.

PROPOSAL

The application seeks planning permission for the construction of 1No. two-storey dwelling within the residential curtilage of No. 3 to the side elevation of the dwelling.

RELEVANT PLANNING HISTORY

None relevant.

RELEVANT PLANNING POLICIES

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional Guidance

Places for Everyone Joint Development Plan (PfE)

JP-P1 Sustainable Places

JP-H3 Type, Size and Design of New Housing

JP-G8 A Net Enhancement of Biodiversity and Geodiversity

Local Guidance

Saved Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Area

Adopted Rochdale Core Strategy (CS) 2016:

Policy SD1 Delivering Sustainable Development

Policy DM1 General Development Requirements

Policy C1 Delivering the right amount of housing in the right places

Policy C3 Delivering the right type of housing

Policy P3 Improving the design of new development

Policy G6 Enhancing Green Infrastructure

Policy G7 Increasing the value of biodiversity and geodiversity

Policy G8 Managing water resources and flood risk

Policy G9 Reducing the impact of pollution, contamination and land instability

Policy T2 Improving accessibility

Appendix 5 Parking Standards

Supplementary Planning Documents (SPD):

Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016)

PUBLICITY

Site Notice: N/A

Press Notice: N/A

Neighbour notification letters: In accordance with the Council's adopted Statement of Community Involvement, notification letters were sent to immediate neighbours.

ASSESSMENT

Principle

The application site is located partially within the curtilage of a dwelling and is also located within a residential development that is surrounded by residential properties. The application site is also located within the Defined Urban Area as allocated under Saved UDP policy G/D/1.

Furthermore, the site is also considered to be in a sustainable location with good access to public transport. On this basis, it is considered that the principle of the construction of a dwelling in this location is acceptable subject all other material considerations outlined below.

Design, character and appearance

Paragraphs 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Additionally, Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies or fails to raise the standard of design more generally in the area.

Dwellings along Clover View are characterised by linear, rectangular plots which are well defined; this contributes to a cohesive and spacious street scene which appears visually uncluttered.

Whilst the visual and architectural appearance and scale of the proposed dwelling could be considered acceptable in isolation, the proposed development would result in a highly irregular, splayed boundary line to establish a functional curtilage, front garden, and bin storage. This contrived layout necessitates encroachment into an established, unadopted shared parking area.

The requirement for the development to extend into this shared parking area fundamentally demonstrates that the application site is of insufficient size to accommodate the proposed dwelling, representing a cramped form of overdevelopment. Furthermore, irrespective of the loss of the shared parking provision, the introduction of a sweeping, irregular boundary would appear incongruous and out of character in this location where dwellings are characterised by linear rectangular plots; this would be readily visible from the wider street scene,

particularly the dwellings which sit perpendicular to the application site and look directly towards the side elevation of No. 3.

Paragraph 3.12 of the SPD states that *'residential properties should include space for bins to be stored out of public view to avoid them dominating residential streets. Bins should be stored to the rear of a property away from the street scene and/or in a designated area that is well-designed, appropriately sited and screened.'* The front of the property is used as a drive and therefore it is open from the front along the highway. The addition of the proposed dwelling would therefore mean that bins will need to be stored to the front of No. 3. With no boundary treatment along the front to screen the bins, they would be clearly visible from the highway. This would cause undue harm to the character of the street scene.

Having regard to the above, the proposed development fails to integrate with, and respect the built form of, the wider street scene and would give rise to unacceptable harm to the visual character and amenities of the area, contrary to Policies DM1 and P3 of the adopted Rochdale Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan, and would fail to raise the standard of design more generally in the area, contrary to Paragraph 139(b) of the National Planning Policy Framework.

Residential amenity

Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers, with Policy P3 requiring new development to adhere to high standards of design, of which the amenity of occupiers is intrinsically linked. Policy G9 requires that sensitive new developments such as housing are not adversely affected by existing sources of pollution, including noise, from certain types of industry. Paragraph 135 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.

The Council's Guidelines and Standards for Residential Development SPD (SPD) amongst other things, details the minimum distances that should be retained between dwellings. 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.

Nos. 7 and 9 are located to the east/southeast of the application site and their front elevations sit perpendicular to the application site. In relation to No. 9, approximately 11.2m would be retained between the side elevation and the front elevation of the dwelling. The existing layout is designed to closely conform with the SPD standard of 14m, and the proposal would result in both No.9 and to a lesser extent No.7 being provided with inadequate separation distances. Whilst the positioning of these homes would somewhat offset the relationship, this would nonetheless be harmful to the residential amenity of the existing homes.

Future Occupiers

The Nationally Described Space Standard (NDSS) is a technical standards document produced by the Government to ensure that new dwellings provide sufficient internal accommodation for future occupiers. Policy JP-H3 of the Places for Everyone Joint Development Plan requires all new housing development to accord with the standards contained within the NDSS.

The proposed dwelling would comprise three bedrooms arranged across three floors. Whilst the application does not specify the intended occupancy, the assessment has been undertaken on the basis that the proposal would operate as a three-bedroom, four-person dwelling. Under the NDSS, such a dwelling is required to provide a minimum gross internal area (GIA) of 90sqm.

The submitted plans do not include sections or sufficient dimensional information to enable the Local Planning Authority to accurately verify compliance with the NDSS. In particular, the NDSS requires that areas with a headroom of less than 1.5m are excluded from GIA calculations, and insufficient information has been provided in relation to the loft accommodation to undertake this assessment.

Notwithstanding this omission, based on the dimensions shown on the submitted plans and assuming all floorspace benefits from a minimum headroom of 1.5m, the proposal would provide approximately 81.81sqm of internal floorspace, comprising:

- Ground floor: approximately 31.63sqm;
- First floor: approximately 31.63sqm; and
- Loft floor: approximately 18.55sqm.

Having regard to the above, the proposal would fall approximately 8.2sqm below the minimum 90sqm GIA required by the NDSS.

In addition, the proposed bedrooms would fail to comply with the NDSS minimum bedroom size requirements:

- Bedroom 1 would measure approximately 11.31sqm with a width of approximately 2.6m. The proposed bedroom would fall short of the required 11.5sqm GIA. It would also be below the required minimum width of 2.75m and therefore cannot be considered a compliant double bedroom.
- Bedroom 2 would measure approximately 4.3sqm with a width of approximately 1.9m. The room falls substantially below the minimum standards for both a single bedroom (7.5sqm and 2.15m width) and a double

bedroom and therefore cannot reasonably be considered a bedroom for the purposes of the NDSS.

- Bedroom 3 would measure approximately 9.52sqm with a width of approximately 2.5m and is capable of meeting the minimum requirements for a single bedroom. However, in the absence of sectional drawings or headroom measurements, the Local Planning Authority cannot verify that the room retains sufficient floorspace with a minimum headroom of 1.5m as required by the NDSS; it is therefore not possible for the Local Planning Authority to conclude that the entire 9.52sqm figure can be considered under the provisions of the NDSS.

The proposal therefore fails to demonstrate compliance with the Nationally Described Space Standard in respect of both overall internal floorspace and bedroom accommodation. As such, the development would fail to provide an appropriate standard of residential amenity for future occupiers and would be contrary to Policy JP-H3 of the Places for Everyone Joint Development Plan.

Whilst Officers acknowledge that the shortfall in bedroom sizes could be overcome by amendments to the internal layout, Officers consider that there are no amendments that could overcome the shortfall in total GIA. Such amendments would rely on increasing the built form of the dwelling which – if extending rearwards – further erode the size of the plot, whilst extending sideways would further reduce the separation distance between the dwelling and existing properties.

It is acknowledged that the proposed dormer window would give rise to an increased sense of overlooking to the dwellings to the rear of the application site. The surrounding area, however, is predominantly residential and therefore some degree of overlooking is to be expected. The degree arising as a result of the proposal is not considered significantly detrimental to the amenity that occupiers to the rear can reasonably expect to enjoy; in any case, this overlooking would be broadly similar in nature to the existing overlooking from No. 3.

Highways and parking

Policy T2 of the adopted Rochdale Core Strategy requires all new development to accord with the standards set out in Appendix 5 of the same. Appendix 5 sets out that residential dwellings with 2No. bedrooms or more should provide 2No. off-street parking spaces.

No. 3 Clover View is shown as continuing to provide 2No. off-street parking spaces to the front elevation of the dwelling, however it is unclear whether this would be possible given the need for bin storage to be moved to the front of the property. The proposed dwelling would provide 1No. space to the front, and 1No. space to the rear. The proposal therefore complies with the Policy T2 and Appendix 5.

The Highways Department as LHA were consulted on the proposal and raise no objection to the proposal in relation to highway safety and parking provision. The proposed development is therefore not considered significantly detrimental to the safe operation of the highway network.

Notwithstanding this, the proposed site plan indicates that the proposed dwelling relies on encroachment into the shared parking area utilised by Nos. 5 - 9 Clover View in order to achieve its necessary curtilage. Whilst Officers do not consider that the proposed encroachment into this shared parking would meet the severe test under Paragraph 116 of the Framework, the encroachment into this space is considered to be poor design within the street scene and highlights the cramped nature of the proposed development and the fact that the plot is not large enough to accommodate the dwelling as proposed.

Ecology

Paragraph 187 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

PfE Policy JP-G8 also states that through local planning and associated activities a net enhancement of biodiversity resources will be sought where relevant. In particular, development will be expected to achieve a measurable net gain in biodiversity of no less than 10%.

Policy G7 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

The application form indicates that the applicant believes the development be exempt from mandatory BNG as it relates to self-build and custom housebuilding only. Officers have reviewed the proposal, in consultation with GMEU, and accept that this is the case. Had the application been recommended for approval, a condition to this respect would have been recommended.

Notwithstanding this, whilst the development would be exempt from statutory BNG, Policy JP-G8 of the Places for Everyone Joint Development Plan requires development to have a net gain in biodiversity and ecology. Whilst no matrix, or information has been submitted as part of this application, Officers consider that had the application been recommended for approval, that such gain could be secured by way of condition (such as through bat boxes, or other mitigation methods as recommended by GMEU).

Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration which carries significant weight and includes a presumption in favour of sustainable development.

The proposed development would deliver a single additional dwelling within the Defined Urban Area, making a small but positive contribution towards the Borough's housing supply in a sustainable location with access to services and public transport. This weighs in favour of the proposal.

However, the benefits of the proposal are limited by its small scale. Against these benefits, the proposal would result in significant adverse impacts. In particular, the development would represent a cramped form of overdevelopment which would require an irregular and contrived plot arrangement that fails to respect the established pattern of development within Clover View, causing harm to the character and appearance of the area.

The proposal fails to comply with the Nationally Described Space Standards, resulting in inadequate internal accommodation and an unacceptable standard of amenity for future occupiers.

The identified harms attract significant weight and collectively outweigh the limited benefits associated with the provision of a single additional dwelling. The proposal is therefore contrary to Policies DM1, P3 of the adopted Rochdale Core Strategy, Policies JP-P1 and JP-H3 of the Places for Everyone Joint Development Plan, the Council's Guidelines and Standards for Residential Development SPD, and the relevant provisions of the National Planning Policy Framework.

Having regard to the Development Plan as a whole and all other material considerations, there are no material considerations which indicate that planning permission should be granted. The application is therefore recommended for refusal.

SUMMARY OF THIRD-PARTY REPRESENTATIONS

1No. objection regarding the development encroaching on the boundary of the dwellings to the rear of the application site.

Officer Response: Boundary disputes are a civil matter and are not a material consideration in the determination of planning applications.

1No. representation supporting the development was received from No. 5 Clover View. The Local Planning Authority, however, understands that the applicant is also the owner of No. 5.

SUMMARY OF CONSULTATION RESPONSES

Highways Department

"The application site is adjacent to an existing dwelling in an established residential area.

The traffic generation associated with this additional usage is not expected to be problematic.

The level of parking on site is adequate and clear of the highway.

The proposed site access is existing and adequate for use.

No changes to the existing highways network are expected.

No new highways are proposed as a part of this proposal.

No PROW will be obstructed by this proposal.

We have no new road safety concerns as a result of this proposal.

Refuse collection and servicing from this location will continue much as existing.

United Utilities

No objection subject to suggested conditions.

Greater Manchester Ecology Unit

"As the proposals tie into the existing roof of 3 Clover View, there is a risk that protected species (bats and nesting bird) could be impacted. Having examined aerial and street view images of the property, the roof appears to be good condition with no obvious missing tiles/gaps. Therefore, I would accept the risk to bats is low and therefore further survey work is not required in this instance.

However, the adjacent habitat surrounding the estate is likely to offer good quality foraging and commuting habitat for bat species, which are highly mobile and can turn up in unlikely places. As such, I would recommend that a condition such as the below be placed on any permission, if granted:

Whilst the works to the existing building have been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. The removal of any roof tiles should be undertaken by hand only and with the possible presence of bats in mind. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Work that will impact on habitats where nesting birds may be present (for example removal of roof), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.

Assuming Rochdale are satisfied that the application is a self-build, then GMEU would be satisfied with the exemption provided with regards to BNG. However, planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application, and we would advise that a condition is used to secure bird boxes (e.g. integrated universal nest boxes <https://standardsdevelopment.bsigroup.com/projects/2017-03102#/section>) and bat boxes on the proposed new dwelling."

PROCEDURAL STATEMENT

Article 35 Declaration

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.

Human Rights and Public Sector Equality Duty

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application. In particular due regard has been afforded to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers are satisfied that the application material and Officers' assessment has taken into account these issues.

The application has been considered in accordance with the Rochdale Equity, Diversity and Inclusion policy – Embracing All Voices (2024-2026), which seeks to promote a culture of equity, diversity and inclusion that benefit the community as a whole.

Recommendation: Refuse

Refusal(s) (2)

- 1 The proposed development would result in a cramped and contrived form of development requiring the creation of an irregular and splayed site boundary which would encroach into an established shared parking area in order to provide a functional residential plot. The resulting layout would appear incongruous and out of character with the established pattern of development along Clover View, which is characterised by regular, linear plots, and would fail to integrate appropriately with the surrounding townscape. The proposal therefore represents an unacceptable form of overdevelopment which would be harmful to the character and visual amenities of the area, contrary to Policies DM1 and P3 of the adopted Rochdale Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan, the Council's Guidelines and Standards for Residential Development SPD, and paragraphs 135 and 139 of the National Planning Policy Framework.
- 2 The proposed dwelling fails to demonstrate compliance with the Nationally Described Space Standard. The development would provide insufficient gross internal floorspace for a three-bedroom dwelling and would fail to provide bedroom accommodation of an adequate size to meet the minimum standards set out within the NDSS. Furthermore, insufficient information has been submitted to verify that the proposed loft accommodation would provide sufficient floorspace with a minimum headroom of 1.5 metres. Consequently, the proposal would fail to provide an acceptable standard of amenity and living conditions for future occupiers, contrary to Policy JP-H3 of the Places for Everyone Joint Development Plan.
- 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.

2 For the avoidance of doubt, this decision relates to the following plans/documents:

- Application Form
- Biodiversity Exemption Form
- DWG No. 035-P01 (Location Plan)
- DWG No. 035-P02 (Existing and Proposed Block Plans)
- DWG No. 035-P03 (Proposed Site Plan)
- DWG No. 035-P04 (Proposed Floor Plans)
- DWG No. 035-P05 (Proposed Elevations)
- DWG No. 035-P06 (Proposed Landscape)
- DWG No. 035-P07 (Proposed Street Scene)