

Application Number:	2023/0144	Application Type:	Full
Proposal:	Proposed detached 2 storey dwelling house and remodelling of existing outbuilding to form new garage	Location:	Hawthorne House Rochdale Road Edenfield
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	23.05.2023
Applicant:	Oaktree (Construction, Design and Management) Ltd	Determination Expiry Date:	30.05.2023
Agent:	PAB Architects Ltd		

Contact Officer:	Claire Bradley	Telephone:	01706 238636
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In	Yes
Name of Member:	Councillor Janice Johnson
Reason for Call-In:	Impact on existing amenity of neighbour
3 or more objections received	Yes
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

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1. RECOMMENDATION

That the application be refused for the reasons specified below.

APPLICATION DETAILS

2. SITE

The application site comprises an area of land fronting Rochdale Road and an outbuilding formerly part of a garden and access area to the now demolished Hawthorn House that was located to the south east. Three trees are present on the frontage set behind a stone wall that runs along part of the frontage and a small number of further trees are to the rear of and beyond the site.

The land lies between the properties of no. 32 Rochdale Road, an older stone cottage, which faces Rochdale Road and the newer semi- detached dwellings of no. 6 and 8 Merlewood which have their rear elevations to Rochdale Road and are sited at a lower level than the application site.

The neighbouring property at No 32 Rochdale Road has a garage accessed via the side elevation

3. RELEVANT PLANNING APPLICATION HISTORY

2018/0126 - Outline application (including access only) for the development of up to 9 no. dwellings on the site – Approved (Adjacent Site).

2021/0004/PREAPP - Request for pre-application advice in relation to the approval of reserved matters for the construction of 9 detached dwellings – Advice Issued (Adjacent Site).

2021/0312 - Reserved Matters Application for approval of access, appearance, landscaping, layout and scale pursuant to outline planning permission 2018/0126 – Refused (Adjacent Site).

2021/0454 - Full: Development of 9 Detached Residential Dwellings (with associated works) following demolition of Hawthorn House – Approved (Adjacent Site).

2021/0633 - Approval of details reserved by conditions 3 (materials), 5 (street management / maintenance), 6 (base to access road), 7 (management / maintenance of communal areas), 8 (preliminary risk assessment for contamination), 11 (archaeological work), 14 (sustainable drainage design), 15 (surface water pollution prevention), 17 (construction management plan / method statement) and 18 (wheel wash) pursuant to planning permission 2021/0454 – Approved (Adjacent Site).

2022/0190 - Full: construction of detached two-storey dwelling house, detached single garage and parking area, with associated works – Withdrawn

2022/0291 - Approval of details reserved by condition 8 (remediation strategy) pursuant to planning permission 2021/0454 (re-submission) - Approved (Adjacent Site).

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2022/0585 - Approval of details reserved by Condition 11 part ii (Formal Watching Brief prepared by The archaeology contractor) pursuant to application 2021/0454 - Approved (Adjacent Site).

4. PROPOSAL

The application seeks planning permission for the erection of one detached two-storey dwelling with access from Rochdale Road.

The proposed dwelling would be constructed of natural random stone, with a single storey rendered porch. The roof would be natural slate.

The dwelling would feature a pitched roof design, and would have relatively simple vertically-emphasised fenestration, with two parapet dormers on the front elevation and three on the rear elevation. There would be two patio doors on the rear elevation.

The dwelling would have grey timber windows and doors.

A natural stone wall to match the existing wall fronting Rochdale Road is to be included on the front elevation, and a 1.8m high timber panel close boarded fencing would be used to bound the proposed private rear garden area in addition to the existing stone wall.

Access to the site for vehicles is currently direct from Rochdale Road via a cobbled sett strip that extends into the site. This access would be retained and a permeable block paved driveway would be created between the dwelling and No. 32, in the place of the existing cobbled access.

The rear outbuilding would be remodelled to form a single garage with the frontage section removed and a garage door added. A further car parking space would be provided alongside with space for turning and exiting the garage provided to the front.

Pedestrian access to the dwelling front door would be via a narrow access point created in the frontage wall with gate posts added (to match existing) and via three steps; level access would also be possible via the front garden from the vehicular access area.

A number of existing trees are proposed to be removed to facilitate the development, and a full scheme of landscaping and replacement planting has been provided.

The proposed scheme also includes the provision of two new parking spaces to serve No. 32 Rochdale Road, located to the east of that property and accessed via the new access serving the approved scheme of nine dwellings approved under 2021/0454.

The proposed dwelling has been slightly reduced in footprint since the previous application was withdrawn, through a reduction in both width and depth; reduced height; and incorporating changes to the design, appearance and materials arrangement to address responses to the previous application.

Private amenity space for the dwelling would wrap around the front, northern side and to the rear (south west) side of the dwelling.

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POLICY CONTEXT

National Planning Policy Framework

Section 2 Achieving Sustainable Development
Section 4 Decision Making
Section 5 Delivering a Sufficient Supply of Homes
Section 9 Promoting Sustainable Transport
Section 11 Making Effective Use of Land
Section 12 Achieving Well Designed Places
Section 15 Conserving and Enhancing the Natural Environment

Development Plan

Local Plan Policies

Policy SS: Spatial Strategy

Policy SD1: Presumption in Favour of Sustainable Development

Policy SD2: Urban Boundary and Green Belt

Policy HS1: Meeting Rossendale's Housing Requirement

Policy HS5: Housing Standards

Policy HS8: Private Outdoor amenity space

Policy ENV1: High Quality Development in the Borough

Policy ENV4: Biodiversity, Geodiversity and Ecological Networks

Policy ENV6: Environmental Protection Policy ENV10: Tree and Hedgerows

Policy TR4: Parking

Other material considerations

National Planning Practice Guidance

5. CONSULTATION RESPONSES

Consultee	Response
Cadent	No comments received
Ecology	Recommend one dusk survey for bats is carried out prior to determination
Environment Agency	No comments received
Contaminated Land Consultant	No objections subject to conditions attached
Conservation Consultant	No comments received
Lancashire Archaeology	No comments received
LCC Lead Local Flood Authority	No objections subject to inclusion of a condition from the standing advice
LCC Highways	No objections subject to conditions

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Consultee	Response
RBC Building Control	No comments received
Tree Consultant	No objection to the proposed development as long as all of the information within the AIA is followed and additional information is provided before construction begins. The drainage plan is included within the report and additional information regarding the removal of the hard standing within T23 subject to conditions
RBC Operations	No comments received
United Utilities	No objections subject to conditions

6. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 19.04.2023 and neighbour letters were posted out on 06.04.2023.

As at 09.05.2023 7 objections have been received as follows:

Submitting application for 9 houses previously and now for an additional 1 dwelling is a way to get around providing affordable housing.

Proposal will impact the ability of resident of No 32 to use existing garage and park within curtilage.

Loss of too many trees

Privacy of dwelling on Merlewood would be compromised

Loss of sunlight and daylight to neighbouring properties

Impact on wildlife

Disturbance from continued construction

An additional house would cause overcrowding in a semi-rural area.

Increase in volume of traffic on poorly maintained small road system.

Traffic Regulation Order and reduction in speed of the road would be sensible Construction management plan would have been prudent

7. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Visual Amenity;
- 3) Neighbour Amenity;
- 4) Highway Safety
- 5) Ecology
- 6) Trees

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Principle

The Framework contains a presumption in favour of sustainable development, and as such a consideration in this case is whether the proposed scheme represents sustainable development or not. The sustainability of the site's location is a key part of such a consideration.

The site is immediately adjacent to the A680, and is within 200m of its junction with the B6527 (Market Street). The site is located within walking distance of bus stops which are served by local bus services and express services to various town centres.

The site is located within the defined urban boundary, where the Local Plan seeks to locate the majority of new development.

Given all of the above, it is considered that the proposed development is appropriate in principle.

Visual Amenity

Paragraph 130 of the Framework states that planning decisions should ensure that developments:

- "a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Policy ENV1 also relates to high quality development in the borough of Rossendale

The proposed scheme uses natural stone to the elevations of dwelling (with the exception of a porch), with a natural slate roof. The relatively simple pitched roof design of the dwelling is appropriate in the context of the site.

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The use of natural stone walling (retained) and the additional construction of a continued stone wall and pillars black metal railings to the front of the site would assist in securing an appropriate appearance to the development.

The character of the area consists of dwellings either facing or backing onto Rochdale Road. The predominant roofline in the immediate area is of uncluttered pitched roofs.

The dwelling proposed includes two parapet dormers to the front and three to the rear. This will introduce an incongruous feature into an area of traditional pitched rooflines, which would be detrimental to the visual amenity of the area.

There are currently mature trees fronting the site, which provide a natural visual effect to the streetscene. Whilst this will be discussed further in the section lower relating to trees, it is considered that the loss of the trees will be significantly detrimental to the overall visual amenity the site provides within the streetscene, and which is visible from the entrance to Rochdale road from Market Street/Bury Road.

Overall, the proposed plans show that the dwelling, whilst using natural materials, will not be of an appropriate style or design due to the inclusion of dormers which is an incongruous feature impacting on the character of the area.

In terms of visual amenity, the development includes features that are incongruous within the overall streetscene and results in the loss of trees that currently enhance the visual amenity of the site.

The proposal is contrary to the NPPF and contrary to Policy ENV1 of the Rossendale Local Plan in respect of visual amenity.

Residential Amenity

Policy ENV1 (c) requires development to be sympathetic to surrounding land uses, avoiding demonstrable harm to the amenities of a local area; and (d) states that the scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light;-nor should it be adversely affected by neighbouring uses and vice versa;

The proposed dwelling is located 0.614 metres from the eastern boundary of No 8 Merlewood. The proposed dwelling will create some overshadowing of the rear garden of No 8 Merlewood in the mornings, however, this is no different to the current level of light due to the location of the existing trees.

The proposed dwelling is located 4.2 metres from the side elevation of No 32 Rochdale Road. The side elevation contains a door which accesses the occupant's garage. In addition, the occupant currently also has a parking space to the rear of the existing dwelling between the outbuilding and the dwelling

The erection of the proposed dwelling will result in the neighbouring occupants not being able to utilise their garage to park a car, as there will be insufficient space to access the garage (a minimum of 6 metres between the existing dwelling and the proposed dwelling would be required).

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In order to remedy this matter, the applicant is proposing to provide two additional parking spaces within the neighbouring development. However, in order to access these spaces, rather than parking adjacent to the dwelling or within the existing garage, the neighbouring occupants would be required to walk across the front of their dwelling, and into the adjacent development.

Whilst in principle this is acceptable for a new dwelling, this will be detrimental to the current amenity enjoyed by the occupants of the existing dwelling.

In view of the above it is considered that the proposals will not safeguard the residential amenities currently enjoyed by the occupiers of the neighbouring property. It is therefore considered that the proposal does not satisfy the requirements of Policies ENV1, and ENV6 of the Rossendale Local Plan in neighbour amenity terms.

Highway Safety

It is not envisaged that the proposals will give rise to any undue highway safety concerns.

The Highway Authority have no objections to the proposed development, subject to conditions.

Ecology

Policy ENV3 of the Local Plan advises that:

The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions.

The Council's ecology consultants (GMEU) have commented as follows:

Bats

A valid bat assessment has been provided. This confirmed the findings of the 2021 and 2022 bat surveys that the outbuilding has low bat roosting potential and the trees negligible bat roosting potential. No emergence survey has however occurred since 2021 and whilst I accepted this was still valid in 2022 as long as the then full demolition was carried out in accordance with the recommended reasonable avoidance measures, I now feel that an updated emergence survey should occur prior to determination. It will be over 2 years by the time any works occur on the building now proposed for partial demolition and conversion. Prior to determination please request the finding of one dusk survey.

Nesting Birds

The development will result in the loss of trees and ornamental shrubs, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

Hedgehog

The site provides low value habitat for hedgehog. I recommend an informative along the following lines is applied to any permission.

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Invasive Species

Monbretia and Wall Cotoneaster were recorded on the site. Both are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. It is not an offence to grow in a garden location. The risk of an offence is therefore primarily related to spoil contaminated with either of these species being taken off-site as neither is likely to be accidentally translocated off-site, which can be the case for other species on this schedule such as japanese knotweed and himalayan balsam. I am therefore satisfied that an informative is all that is required.

Contributing to and Enhancing the Natural Environment
Section 174 of the NPPF 2021 states that the planning policies and decisions should
contribute to and enhance the natural and local environment. A biodiversity metric
(using the small metric) implies a net loss on site due to the loss of the mature trees
on the site. There are no other significant ecological issues on the site. I recommend
that more tree planting is provided as mitigation for the loss of trees or existing trees
retained, along with provision of bird and bat boxes.

In terms of protected species, as submitted the proposals cannot demonstrate that there will not be harm to protected species, and in addition, there will be a net loss in biodiversity on the site due to the loss of mature trees.

For this reason the proposed development is contrary to Policy ENV3 of the Rossendale Local Plan and paragraph 174 of the NPPF.

Tree Issues

Policy ENV10 of the Local Plan states:

"Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value."

The policy goes on to state that:

"Development proposals should, where appropriate:

- not result in the loss of trees or woodland which are subject to a Tree Preservation Order or which are considered worthy of protection"

The Council's tree consultant has stated:

"An AIA has been provided using the survey data from the adjacent development. The report states that 4 trees require removal to facilitate the development, these are all of category C quality. Due to the low quality of the tree the loss is acceptable and a planting plan has been included. A planting plan with 3 replacement tree are included though it would be beneficial to add an additional tree to this plan so the ratio of loss of tree to replacement is equal. The report does not include the impacts of the proposed drainage plan which is available and therefore should be included within the report. The AMS is sufficient for the information regarding the no dig root protection for the construction within T16 though additional information will be required regarding the construction of the parking space with the RPA of T23. Details regarding the removal and replacement of hard standing for the car parking space will be required. The

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proposed development is acceptable though additional information is required to the AMS."

There are two TPO's affecting the trees of the site. The Tree Report states as follows:

A 1972 TPO (East of Bury Road and West of Hawthorn Avenue, Ramsbottom) currently protects T23 (Beech). It could also possibly protect T20 (Sycamore) but this tree seems a bit young to have been protected 50 years ago. A more recent 2017 TPO (Edenfield Methodist Church, Rochdale Road, Edenfield) affects T16 (Horse Chestnut).

The trees on the site are categorised as follows:

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B – 1 tree (T23)
C – 5 trees (T16, T19, T20, T21 & T22)
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Whilst the trees are categorised as C, they are highly prominent in the streetscene and contribute to it very positively. They are highly visible when approaching the site from the junction of Rochdale Road and Market Street/Bury Road.

The removal of the trees would have a significantly detrimental effect on the visual amenity of the area which would be contrary to Policy ENV10 of the Rossendale Local Plan.

8. CONCLUSION

Whilst the proposed development would provide an additional house (towards the Borough's housing supply), this does not outweigh the harm in terms of impact on visual amenity, neighbour amenity, loss of biodiversity, and loss of trees at the site. As such, the proposals are contrary to the Rossendale Local Plan and the NPPF.

9. **RECOMMENDATION**

That planning permission be refused for the following reasons.

10. REASON FOR REFUSAL

- The development includes features that are incongruous within the overall streetscene. The proposal is contrary to the NPPF and contrary to Policy ENV1 of the Rossendale Local Plan in respect of visual amenity.
- The proposals will not safeguard the residential amenities currently enjoyed by the occupiers of the neighbouring property. The proposed development does not satisfy the requirements of Policies ENV1, and ENV6 of the Rossendale Local Plan.
- 3. The proposals cannot demonstrate that there will not be harm to protected species, and in addition, there will be a net loss in biodiversity on the site due to the loss of mature trees. The proposed development is contrary to Policy ENV3 of the Rossendale Local Plan and paragraph 174 of the NPPF.

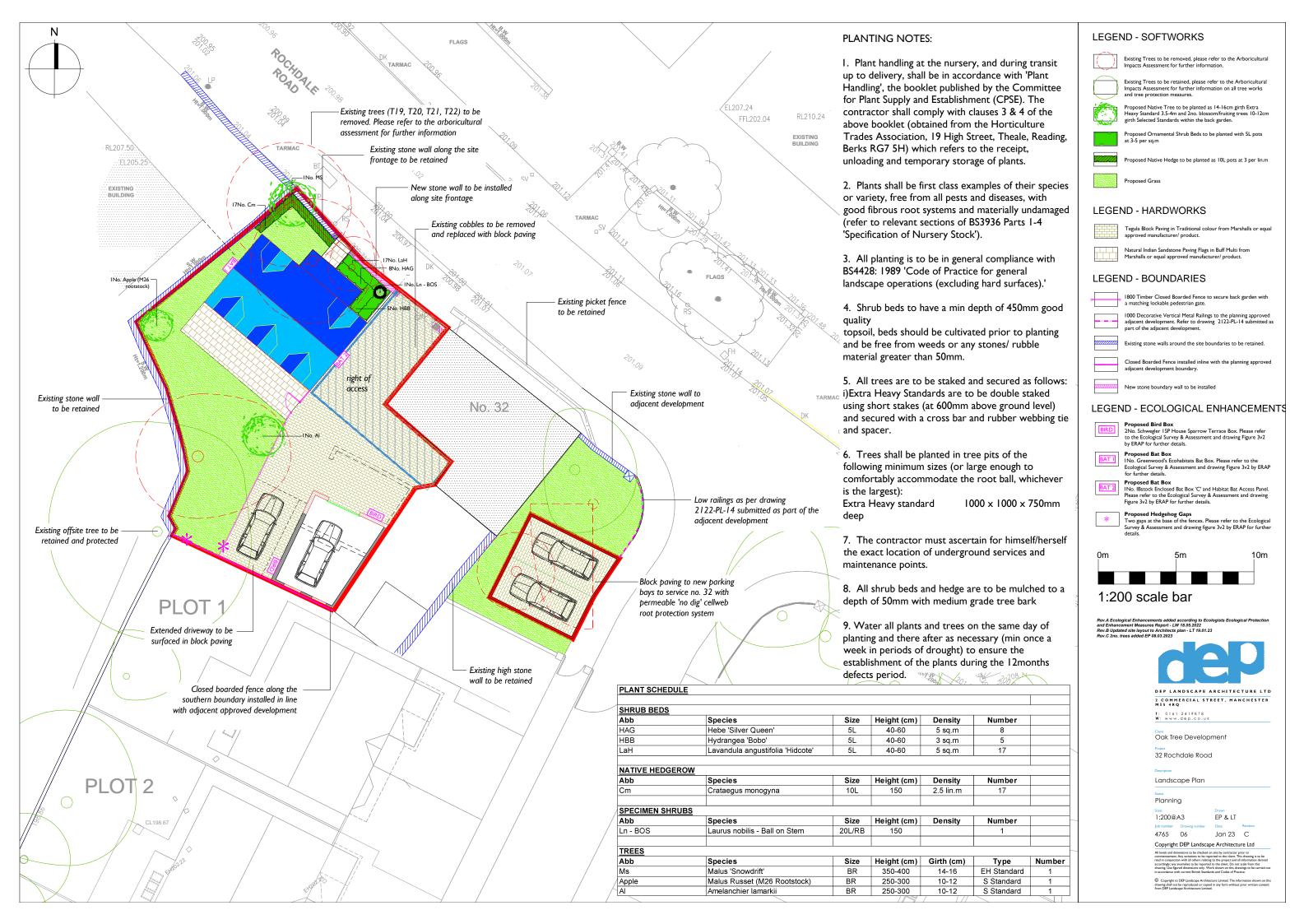
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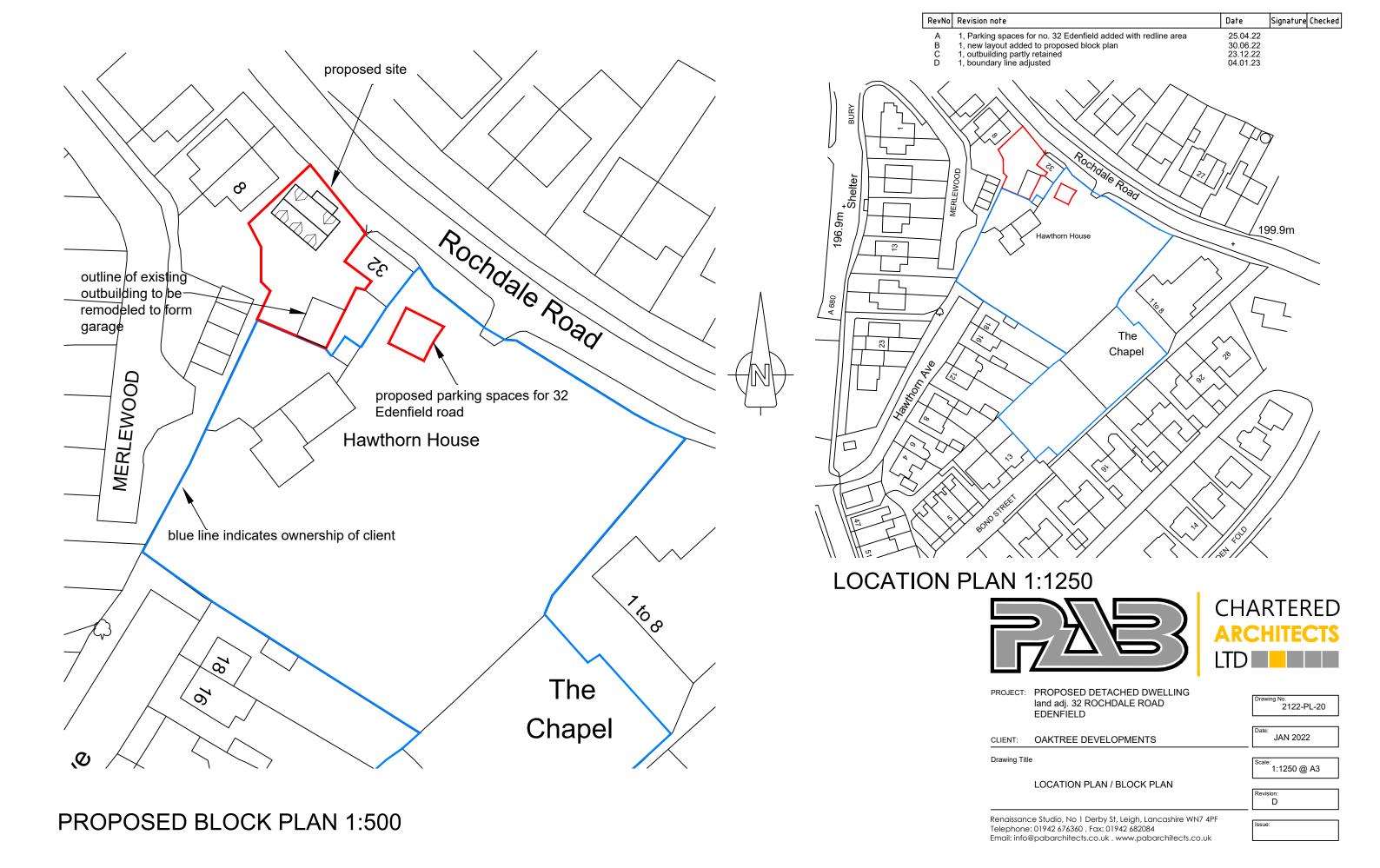
4. The loss of the trees would have a significant detrimental impact on the visual amenity of the area. This is contrary to Policy ENV10 of the Rossendale Local Plan.

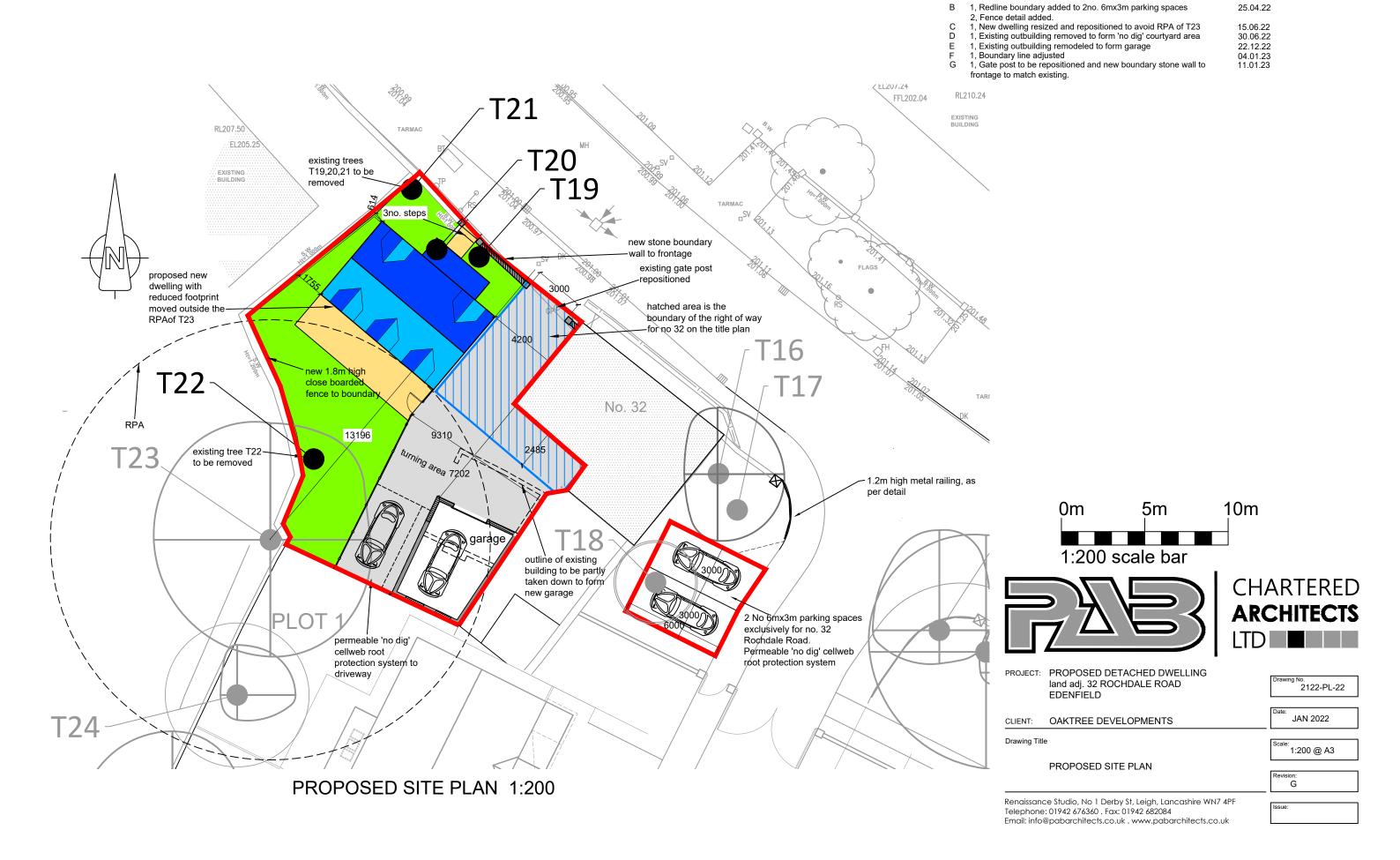
11. INFORMATIVES

1. The proposal would not comply with the development plan and would not improve the economic, social and environmental conditions of the area. 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. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

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RevNo Revision note

Signature Checked

Date

Natural Slate roofing material, colour and style to be agreed in accordance with L.A. Authority

Eaves and soffit boards, UPVC, Ash Black

Upvc rainwater goods, colour, Black

RevNo Revision note Signature Checked Date 25.04.22 1, National Space Standards Guidance comparison added. 2, bed 3 size increased.1, Floor plan reduced to avoid RPA 30.06.22 2, natural stone facing work and window style to be as per adjacent cottage at no.32 1, First floor layout altered, en suite window repositioned. 04.07.22 1, Materials to match neighbour at no. 32 22.12.22 1, Dimensions added 11.01.23 Timber windows and door frames, colour; dark grey GRP solid core entrance doors

buff coloured natural stone cills/heads, and surround to windows/doors

Natural Stone facings to match neighbouring property at no. 32 to be agreed in accordance with L.A.

Approval

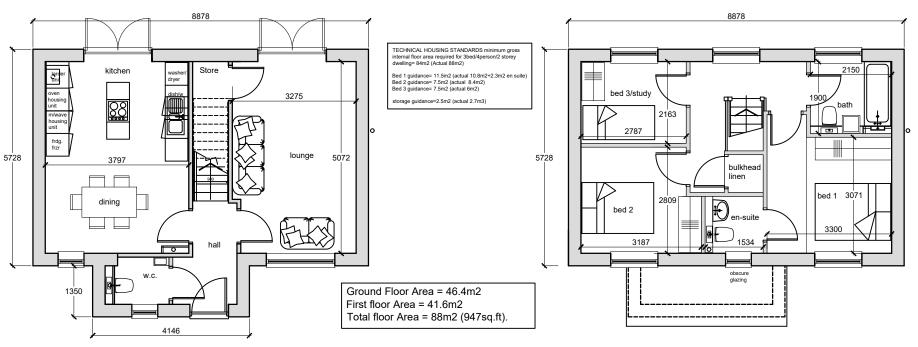
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FRONT ELEVATION (NE)

SIDE ELEVATION (SE)

REAR ELEVATION (SW)

SIDE ELEVATION (NW)



Natural Slate roofing material, colour and style to be agreed in accordance with L.A. Authority

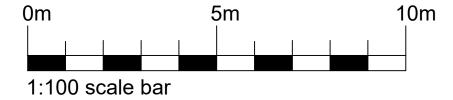
Eaves and soffit boards, UPVC, Ash Black

Upvc rainwater goods, colour, Black

Timber windows and door frames, colour; cream black GRP solid core entrance door

buff coloured natural stone cills/heads, and surround to windows/doors

Natural random length Stone facings to be agreed in accordance with L.A. Approval





PROJECT: PROPOSED DETACHED DWELLING land adj. 32 ROCHDALE ROAD 2122-PL-23

EDENFIELD

Drawing No. 2122-PL-23

Date: JAN 2022

Drawing Title

PROPOSED PLANS AND ELEVATIONS

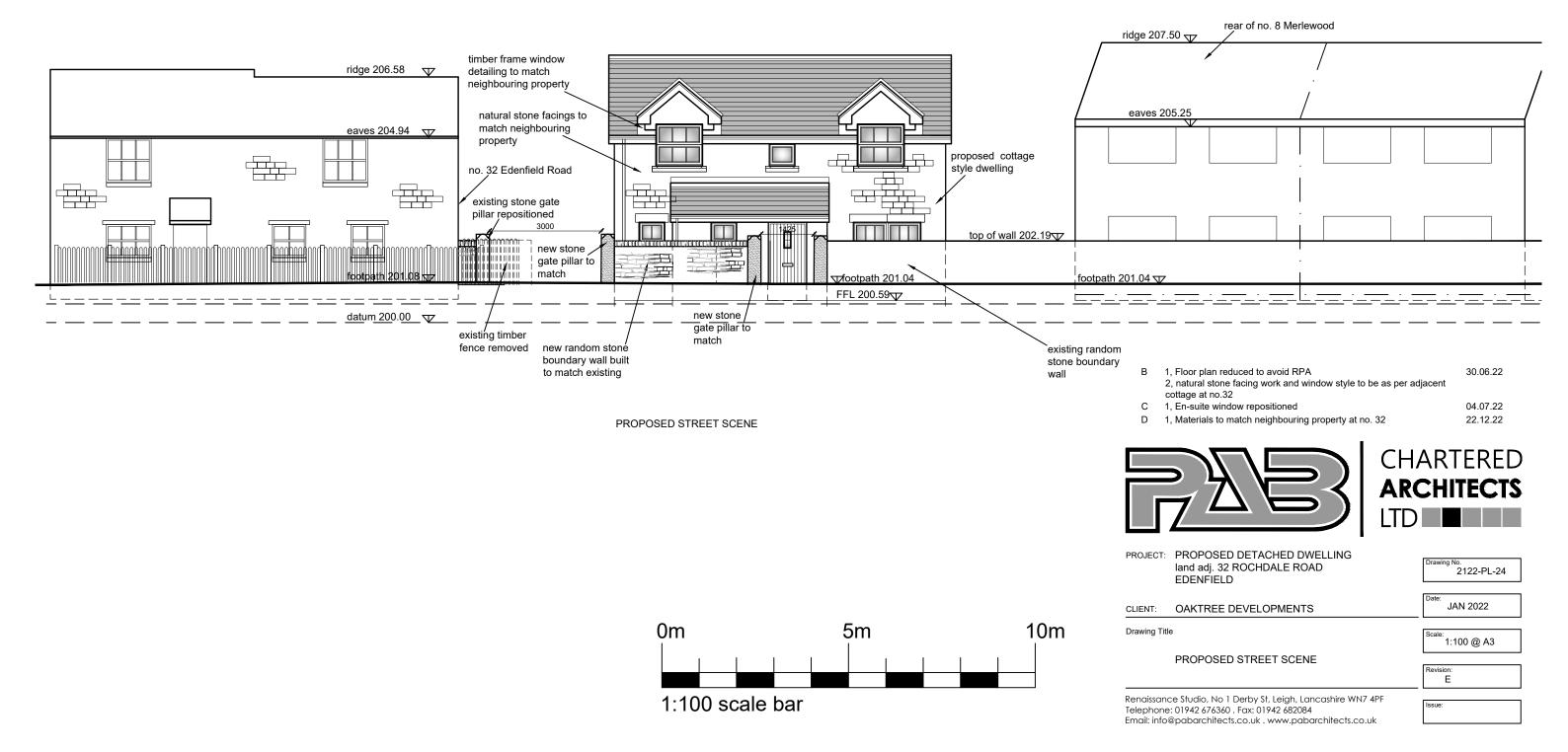
Renaissance Studio, No 1 Derby St, Leigh, Lancashire WN7 4PF
Telephone: 01942 676360 . Fax: 01942 682084
Email: info@pabarchitects.co.uk . www.pabarchitects.co.uk

Revision:

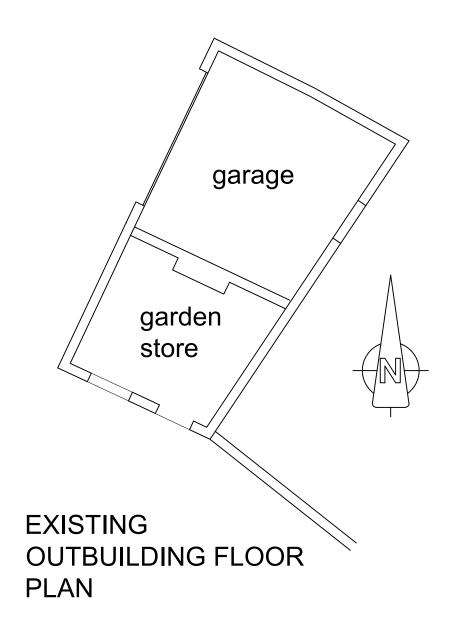
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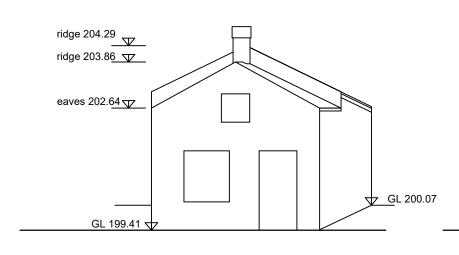
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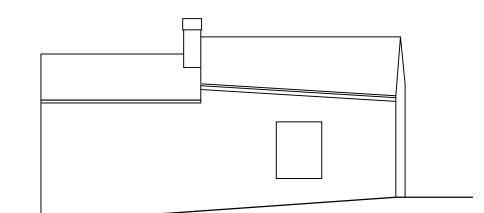
E 1, Gate pillar repositioned and new boundary wall and gate pillars to 11.01.23 front added.



RevNo	Revision note	Date	Signature	Checked



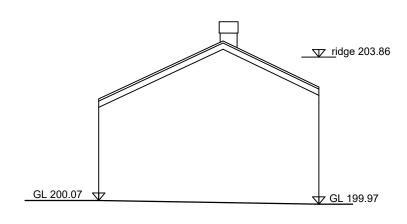




REAR ELEVATION (S)

5m

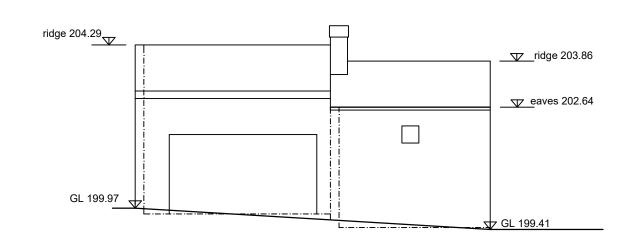
SIDE ELEVATION (E)



0m

FRONT ELEVATION (N)

1:100 scale bar

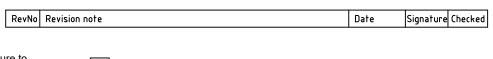


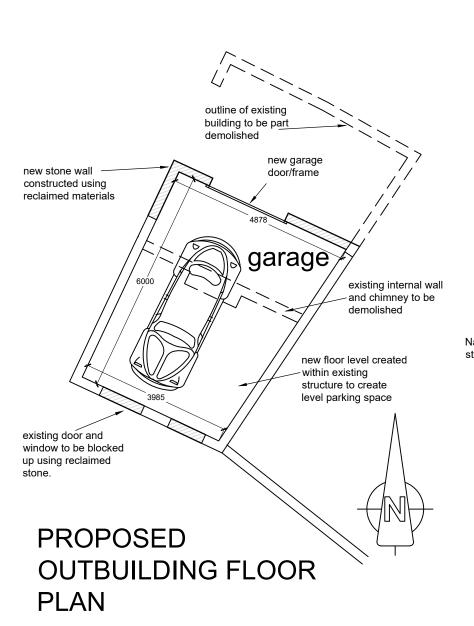
SIDE ELEVATION (W)

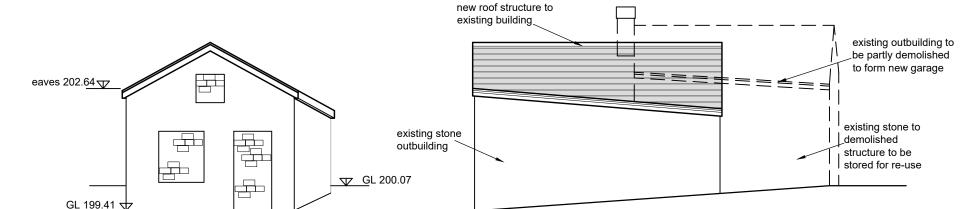




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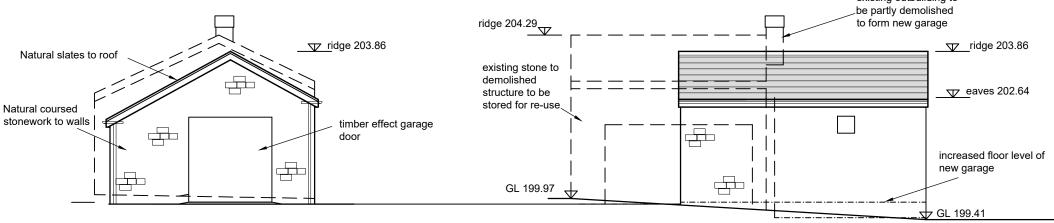






REAR ELEVATION (S) proposed

SIDE ELEVATION (E) proposed



FRONT ELEVATION (N) proposed

SIDE ELEVATION (W) proposed



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existing outbuilding to

