



Appeal Decision

Site visit made on 16 March 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2022

Appeal Ref: APP/P4225/W/21/3286549

Queens Bay House, 15 Lake Side, Littleborough OL15 0DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Watkins against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 21/00175/OUT, dated 3 February 2021, was refused by notice dated 2 July 2021.
 - The development proposed is described in the application form as 'demolition of existing bungalow and construction of 2 number, 5 bedroom detached houses'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline seeking approval for access and scale with layout, appearance and landscaping reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to layout, appearance and landscaping.

Main Issues

3. The main issues are the effects of the proposal on the character and appearance of the area and on protected species.

Reasons

Character and Appearance

4. The appeal site is located close to the end of Lakeside, a cul-de-sac running parallel to the banks of the adjacent Hollingworth Lake. Dwellings tend to be detached and are arranged in a linear fashion to either side of the road. Those backing onto the lake, although substantial in scale, are commensurate to the scale of their expansive plots and, with the exception of that between No 9 and No 11, tend to be set away from site boundaries. These properties are seen in a row close to the water's edge from the circular path around the lake. I saw that dwellings tended to get larger towards the end of the cul-de-sac.
5. The large size of the dwellings, the space between them and their linear arrangement gives Riverside a distinctive and coherent character that is readily observable from much of the lake, its circular path and nearby roads. Dwellings on the opposite side of the road tend to be smaller and located at a higher level, in line with the prevailing topography. Due to screening from those

opposite, these dwellings are much less prominent in the aforementioned views.

6. The appeal site contains a large bungalow with dormer windows, No 15, that is located centrally within its plot and reasonably close to the water's edge. Given its scale, the space to either side and its alignment with its neighbours, this is reflective of the prevailing character of the area.
7. No 15 was constructed in the 1990s although, I am told, has never been occupied. The appellant states that the bungalow is incomplete and defective and has alleged that a number of works internally and externally are necessary in order to correct this, based on surveys of the property.
8. It is however proposed to demolish the existing building and subdivide the existing plot to construct a pair of two storey detached dwellings. Whilst these are intended as 5 bedroom properties, each would have significantly smaller footprint and plot size than the existing building or those of the neighbouring dwellings to either side, leading to an incongruous appearance that would not be reflective of the prevailing character.
9. The indicative plans show the dwellings positioned close to one another and the opposing site boundaries. Notwithstanding that layout is a reserved matter, given the proposed scale of the dwellings, it is highly likely nonetheless that the dwellings would be positioned in a similar way in order to accommodate them within the site. As such, in my view they are likely to appear crammed into the site, leading to a cramped appearance. Indeed, the proposal would lead to four dwellings being positioned closer to one another, when previously there were three that were more evenly spaced out and reflective of the character of the area.
10. The significantly smaller scale of the dwellings, set in noticeably smaller plots would lead to a discordant appearance that would be highly conspicuous in views from the lake or the circular path, at odds with the character and appearance of the area. Here, the two dwellings, would clearly and adversely stand out against the distinctive row of substantial properties.
11. The appellants have referred to the similarity in plot width and space between boundaries at No 10 to No 16. However, these do not back onto the lake and are located on the opposite side of the road to the appeal site where properties are markedly different as reasoned above. Furthermore, the appeal proposal would not be seen alongside these properties in the views from the lake and circular path.
12. I accept that the existing bungalow has a neglected appearance, that is exacerbated by the security fencing enclosing it. However as reasoned above the bungalow is otherwise reflective of the character of the area. Nonetheless, I accept that there would be benefits to the character and appearance of the area arising through the permanent occupation of the site, including through redevelopment. However, in my view, the benefits of the scheme in that respect would not outweigh the clear harm that would result.
13. For the above reasons I conclude that the proposal would significantly harm the character and appearance of the area. The proposal would therefore conflict with Policies P1, P2, P3 and DM1 of the Rochdale Core Strategy (2016) (the CS) which amongst other things, in summary, seek to ensure proposals are of

a high quality design that take the opportunity to enhance the character of the area whilst preserving character and appearance and local distinctiveness. The proposal would also conflict with the provisions of paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure planning decisions provide development that adds to the overall quality of the area, is visually attractive and sympathetic to local character.

Protected Species

14. Bats are protected by law¹ and their presence is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. There is a statutory duty on me to have regard to the conservation of biodiversity.²
15. The appellant has provided a Preliminary Bat Roost Assessment (the Report), which includes a preliminary scoping survey. The neighbouring gardens, adjacent lake with woodland and farmland beyond are considered by the Report to offer optimal foraging and commuting habitat for multiple UK bat species. Furthermore, it highlights existing bat records indicating a high level of bat activity within a 2km radius of the site, including within buildings.
16. The Report identifies a number of potential roosting opportunities for bats within the existing building at the appeal site including around the dormer windows and chimney stacks, beneath roof tiles, within the roof void and to the upper parts of the north and south gables. On this basis it concludes that the building has a high potential for roosting bats, which is consistent with the site being vacant for a number of years (and therefore maintenance and illumination that would normally be associated with residential occupation being absent).
17. Whilst the Report could not identify evidence of bat activity or roosting behaviour at the appeal site, it notes that external signs of bats, such as droppings, can be removed by wind and rain. Therefore, it cannot confidently ascertain the status of bats utilising the structure. As such, given the high potential for bats being present, the Report recommends the carrying out, during the main bat activity season, of at least one dusk emergence and one dawn re-entry survey followed by a repeat dusk or dawn survey. No activity surveys have been provided. Whilst I note the appellants state that they were not informed of the need for such surveys by the Council, that recommendation was nevertheless clear in the Report itself.
18. ODPM Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
19. In the absence of the recommended surveys, and on the basis of the information before me, I cannot be certain as to the extent to which protected species may be affected. Furthermore, if protected species were to be affected, I cannot be certain as to what mitigation, if appropriate, may be required. There is no evidence before me, including from the Council's ecologist or the appellants, that would lead me to take a different view.

¹ Conservation of Habitats and Species Regulations (2017) & Wildlife and Countryside Act (1981).

² Section 40 of the Natural Environment and Rural Communities Act 2000, as amended.

20. In this regard, paragraph 180 of the Framework states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
21. I therefore cannot conclude that the proposal would not adversely affect protected species, specifically bats. The proposal would therefore conflict with Policy G7 of the CS which states that development proposals which would affect a species protected by law or its habitat will not be permitted unless it can be demonstrated that there is no adverse impact on the species concerned, damage to habitats is minimal and alternative habitat provision is effective in maintaining those species. It would also be contrary to paragraph 174 (d) of the Framework which amongst other things, seeks to minimise impacts on and provide net gains for biodiversity.

Other Matters

22. I sympathise with the appellants with regard to the long term difficulties they have had. Whilst I have had full regard to the history as presented to me, including Annexe 3 of the appellant's statement of case, many of the points contained therein relate to administration, or to regimes or processes outside of planning. My decision, however, necessarily focusses squarely on the planning merits of the scheme. I also note the Council has expressed concerns over the current appearance of the site. However, I am not convinced that the appeal proposal is the only means of redeveloping the site and that redevelopment could not be delivered in another less harmful form.

Conclusion

23. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, and with regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR