
Appeal Decision

Site visit made on 30 January 2023

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/P4225/W/22/3302667

163 Leander Drive, Rochdale, OL11 2XE

- 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 Mark Goulden against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/00105/OUT, dated 21 January 2022, was refused by notice dated 17 May 2022.
 - The development proposed is outline application (all matters reserved) for the erection of 3 no. detached dwellings following demolition of existing bungalow.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 3 no. detached dwellings following the demolition of the existing bungalow at 163 Leander Drive, Rochdale, OL11 2XE in terms of the application Ref 22/00105/OUT dated 21 January 2022 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for subsequent approval. Plans submitted with the application, which show a site layout, sections and floor plans, are annotated as being for indicative purposes only. I have dealt with the appeal on that basis.

Main Issue

3. The main issue in this case is whether the development would provide future occupiers with satisfactory living conditions, having particular regard to the provision of useable outdoor space.

Reasons

4. No 163 Leander Drive is a large bungalow occupying a sizeable plot within a pleasant, well-established residential area. Permission is sought to demolish the bungalow, which is suffering from subsidence, and to replace it with three detached dwellings. The existing rear garden area slopes down very steeply towards Trow's Lane and has been terraced.
5. There is no dispute between the main parties that a residential use of the site is acceptable in principle. The site, which is already in residential use, lies in an accessible location close to services and facilities. In addition, the proposal would boost the supply of housing in the area, albeit by a moderate amount.

6. The indicative plans show three two-storey dwellings fronting Leander Drive, set out in a generally regular pattern reflective of the predominant character of the area where dwellings are set out in rows or groups of similarly designed properties. In addition, the plans show an engineered solution to the land levels at the rear with existing terraces remodelled to provide gently sloping lawned areas and a patio immediately adjacent to each of the houses.
7. I have not been made aware of any guidance setting out the minimum acceptable garden sizes although the Council's Supplementary Planning Document 'Guidelines and Standards for Residential Development' 2016 requires that 'an amount of garden area should be retained to meet the reasonable needs of existing and future occupiers'. The indicative plans indicate that the overall size of the gardens would be commensurate with, or in some cases larger than, the size of rear gardens in the immediate area. The gardens would be south facing, not directly overlooked and would offer an open outlook. Moreover, the suggested layout indicates that the gardens would offer opportunities for sitting out, socialising, clothes drying and for children's play. I note that the area of garden immediately adjacent to the rear of No 63 would be more limited than that at the other plots. Nevertheless, it would have a patio area and overall the size of that plot appears larger than that of its neighbours, with larger areas of lawn at the lower levels.
8. I acknowledge the Council's concern that the illustrative plans do not show how access would be gained between the levels although it was clear at my site visit that access is currently provided by a series of steps and paths. There is no convincing reason before me as to why such provision could not be made within any future development. A more detailed layout would be considered at the reserved matters stage and the construction details of retaining walls, paths and steps on the proposed development could be required by planning condition, a matter to which I will turn below.
9. For the above reasons I am therefore satisfied that the proposal would provide satisfactory living conditions for future occupants in terms of the provision of useable outdoor space. Consequently, the proposal would comply with the requirements of Policy DM1 of the Rochdale Core Strategy 2016 which sets out general development requirements and seeks to ensure, amongst other things, that development is compatible with surrounding land uses and incorporates high quality landscape schemes. In addition, the proposal would comply with the National Planning Policy Framework (the Framework) which requires that development should create places which promote health and wellbeing with a high standard of amenity for existing and future users.

Other Matters

10. I have taken into consideration a letter of objection by a third party at the application stage. Even though the application is in outline I agree with the Council that there is unlikely to be any greater harm caused to the living conditions of neighbouring residents in terms of overlooking and overshadowing than would normally be experienced in an established residential area. There is no reason why an adequate level of car parking could not be made within the site and whilst some existing on-street spaces might be displaced I am unconvinced that this would result in significant harm to highway safety or to the convenience of residents that would warrant the dismissal of the appeal. Similarly, whilst there is understandable concern about

the existing ground conditions, it seems to me a well considered, engineered solution to issues of land stability is a benefit of the scheme.

Conditions

11. The Council and the appellant have suggested conditions in the event of the appeal being allowed which I have considered in the light of advice in the Planning Practice Guidance (PPG). I have revised the wording of the conditions if necessary to provide clarity.
12. In the interests of proper planning, conditions setting out the standard time limits for the submission of reserved matters is necessary and in order to provide certainty. Given that the submitted plan is noted as being indicative only and all matters are reserved for subsequent approval, it would be unreasonable to require the development to be carried out substantially in accordance with that plan. Other ways of developing the site may also be appropriate. Nevertheless, in order to define the permission, and in the interests of the character and appearance of the area, it is reasonable and necessary to limit the number of dwellings on the site to 3.
13. Also in the interests of the character and appearance of the area, and given the steeply sloping nature of the site, a condition requiring the agreement of finished floor levels, and of earthworks, foundations and new retaining structures is necessary. Similarly, to provide a satisfactory standard of development, details of proposed foul and surface water drainage is also necessary. In order to safeguard the living conditions of adjoining residents in terms of noise, disturbance and air quality a construction management plan is reasonable and necessary. Given the nature of these works the pre-commencement terms of these conditions is justified. In order to promote biodiversity, a condition requiring the submission and agreement of scheme of biodiversity enhancements is reasonable and necessary in accordance with Policy G7 of the Core Strategy.
14. The Council has suggested a condition requiring a land contamination assessment to be carried out prior to the commencement of development. However, this is already a residential site and there is no evidence, or comment from environmental health officers, that the site is likely to be contaminated. Accordingly, such a condition would not be reasonable in this instance. The appellant has suggested a condition requiring the installation of electric vehicle charging points. However, whilst the condition would give rise to some environmental benefits there is no policy requirement for such a measure and as such the condition is not in itself necessary to make the development acceptable. Accordingly, these suggested conditions would fail the tests for conditions set out in the PPG.

Conclusion

15. Taking all matters raised into account, and subject to the conditions set out, the appeal is allowed and outline planning permission is granted.

S Ashworth

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The number of dwellings to be constructed on site shall not exceed 3.
- 5) No development shall take place on the site until the finished floor levels for the proposed buildings and proposed site levels relative to agreed off-site datum points have been submitted to and agreed by the local planning authority as part of any reserved matters application. The development shall be carried out in accordance with the agreed details.
- 6) No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the local planning authority. The CMP shall provide for:
 - i) loading and unloading of plant and materials;
 - ii) storage of plant and materials used in constructing the development;
 - iii) the erection and maintenance of security hoarding;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) any external lighting of the site.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) Prior to the commencement of development, full details of earthworks, the construction of foundations and any new retaining structures on site shall be submitted to and approved in writing by the local planning authority. Details shall include cross sections showing relevant technical information to demonstrate that the development will not result in land instability. The development shall be carried out in accordance with the approved details.
- 8) No development shall take place until a scheme for the disposal of foul and surface waters from the site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separately from foul water. The surface water drainage scheme should be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment

of the site conditions, and include details of how the scheme shall be managed after completion. The development shall be completed, maintained and managed in accordance with the approved details.

- 9) The dwellings hereby approved shall not be occupied until such time as a scheme of biodiversity enhancements for the site including, but not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks to be situated externally on, or integrated to the fabric of the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the dwellings and retained thereafter.