

Supporting Planning Statement

26 Linnet Hill, Rochdale, OL11 4DA

- 1) Proposed erection of a 1.0 metre high wall and 1.5 metre laurel hedge along front boundary of the residential curtilage
- 2) Proposed erection of an independent 1.8 metre high fence and automated gate within the front garden area of the property. The fence and gate is to be set back into the property a distance of 2.1 metres from the front boundary and the back of footway on Linnet Hill.

Statement prepared by MRH Planning Services

Date: October 2024

SITE LOCATION



1.0 Introduction and Background

1.1 MRH Planning Services have been commissioned by Mrs Claire Smith to submit to the Local Planning Authority (LPA) a householder planning application for the proposed development works detailed below at 26 Linnet Hill, Rochdale, OL11 4DA.

- 1) Proposed erection of a 1.0-metre-high wall and 1.5 metre laurel hedge along the front boundary of the residential curtilage
- 2) Proposed erection of an independent 1.8-metre-high fence and automated gate within the front garden area of the property. The fence and gate are to be set back into the property a distance of 2.1 metres from the front boundary and the back of footway on Linnet Hill.

1.2 26 Linnet Hill is a large modern two-storey detached Class C3 dwellinghouse and it is situated in an established residential area in Bamford. The property benefits from having an extensive residential curtilage and there are large open garden areas at the front and rear of the house. A surfaced driveway on the site frontage provides off road parking provision for several vehicles at the property and this is accessed directly from the public highway on Linnet Hill.

1.3 The residential properties in the immediate vicinity are varied in terms of their siting, size, design, appearance, materials and boundary treatments. This variation reflects the timescale in which development has occurred on Linnet Hill. There are traditional terraced properties that were built in the early 1900s along with detached dwelling houses that were built in the later 1900s adjoining the application site. The maps, photograph images and other additional supporting information provided in this Statement clearly identify the exact site location and the surroundings.

1.4 Background to the application submission

1.5 The applicant (Mrs Smith) erected some composite fencing and automated gates along the front boundary of her dwelling house (adjacent to the highway on Linnet Hill)

in 2021 without the necessary planning permission, and this boundary treatment remains in place at the present time. Mrs Smith has completely renovated and modernised her dwelling house in recent years, and she did not wish to cause any upset or annoyance to the neighbours or the amenity of the area when she chose to erect this taller and modern form of boundary treatment. She just wanted to provide something that she considered suitably matched and complemented the house, and which provided a reasonable level of security for the family. The failure to obtain the necessary prior planning permission for the development was a genuine mistake.

- 1.6** The Council's Planning Enforcement Service received a complaint about the fencing and gates that Mrs Smith had erected, and they subsequently investigated the matter and established that a breach of planning control had taken place due to the height and positioning of the fencing and gates. The reason for this is because the boundary treatment is sited adjacent to a highway used by vehicular traffic (back of footway on Linnet Hill) and it measures more than 1 metre in height. The existing fencing and gates range in height between 1.8 - 2.4 metres due to the sloping nature of the land as shown in the photograph image below.



- 1.7** Mrs Smith is a reasonable person, and she has engaged with the Council to try and resolve the breach of planning control. She has previously sought to regularise the situation through the submission of two materially different planning applications (Refs. 21/00951/HOUS and 22/00193/HOUS, but these have unfortunately been unsuccessful. The Council refused retrospective application (Ref. 21/00951/HOUS) for the existing boundary treatment on 31 August 2021, and a subsequent appeal to the Planning Inspectorate was dismissed on 1 February 2022. The alternative scheme proposal (Ref. 22/00193/HOUS) involving the set-back of the fencing and gates into the front garden area along with some screen planters in front was refused on 25 April 2022. The reasons for refusal for both applications are detailed below and on the following page.

21/00951/HOUS - Reason for refusal

Due to its substantial size, materials, design and siting the proposed boundary treatment would appear out of character with the leafy, open character of the immediate street scene. Therefore, the development would not accord with policies P3 and DM1 of the adopted Rochdale Core Strategy (2016) and the National Planning Policy Framework

22/00193/HOUS - Reason for refusal

By virtue of its size, design, materiality and siting the proposed boundary treatment would appear out of character with the leafy, open character of the immediate street scene. Therefore, the development would fail to accord with policies P3 and DM1 of the adopted Rochdale Core Strategy (2016) and the National Planning Policy Framework.

- 1.8** Following these decisions and the recent notification from the Council of their intention to commence formal enforcement proceedings to remedy the breach of planning control, the applicant (Mrs Smith) sought some further professional advice on the lawful alternatives that are available from a planning point of view to secure her

property boundary. A Certificate of Lawfulness application (Ref. 24/00243/CPL) was submitted to the Council on 11 March 2024 for proposed 1.0-metre-high composite fencing and automated gates along the front boundary of the curtilage, and this application was granted by the Council on 14 May 2024. Mrs Smith would therefore have the legal right to implement this development in the future should she wish to.

- 1.9** The fencing and automated gates that are currently in situ at the property were expensive to fabricate and install, and Mrs Smith has explored the possibility of altering / reducing them to 1.0 metre with her fencing contractor, but it appears that this cannot be easily achieved using the existing structure and components and it would all basically have to be scrapped and re-made. Mrs Smith has also had second thoughts and concerns that the low fencing and gates may not provide her with an adequate level of safety, security, and privacy that she requires for the family home. She is also concerned that they will not look particularly attractive in visual appearance terms in the wider street scene. This is the reason why a new alternative scheme has been considered and designed and it is hoped that this proposal will be acceptable to the Council. We believe that the new scheme that Mrs Smith wishes to put forward is a significant improvement on the current situation and hopefully addresses the previous concerns raised by the Council. The scheme details are fully described and shown in Section 4 of this statement.

2.0 Site Planning History

- 2.1** According to the published on-line Rochdale Council Planning records there are six planning applications showing for the site (26 Linnet Hill) from 2015 onwards, as detailed below and on the following page.

24/00243/CPL - Certificate of lawfulness for a proposed composite fencing and automated gates along the front boundary of the curtilage – Granted 14/05/2024

22/00701/HOUS - Single storey outbuilding including excavation of land to form sub-zero level – Granted 02/08/2022

22/00193/HOUS - Composite fencing with automated gates to front of dwelling (retrospective application) resubmission of 21/00951/HOUS – Refused 25/04/2022

21/00951/HOUS - Composite fencing with automated gates to front of dwelling (retrospective application) – Refused 31/08/2021 (Appeal Dismissed)

17/00045/AM - Application for minor material amendment to conditions 2 and 3 on planning permission 15/00735/HOUS – retrospective – Deemed Withdrawn

15/00735/HOUS - Proposed two storey and single storey rear extension with balcony including front dormer demolition of existing porch and erection of replacement porch – Granted 30/09/2015

3.0 Site Constraints

3.1 Heritage

The application site does not contain a Listed Building, Locally Listed Building and it is not located in a Conservation Area according to the Council and Historic England on-line records. The site is also not situated adjacent to any of these types of Heritage Assets so does not affect their setting.

3.2 Trees

The proposed works will not impact on any trees that are subject to an individual, group, or woodland Tree Preservation Order. There are also no existing mature or other high amenity value trees present on site or on the adjoining land that will be directly affected.

3.3 Ecology and Biodiversity

There are no known ecology or biodiversity related concerns on the site that are a material consideration in respect of the determination of this proposal.

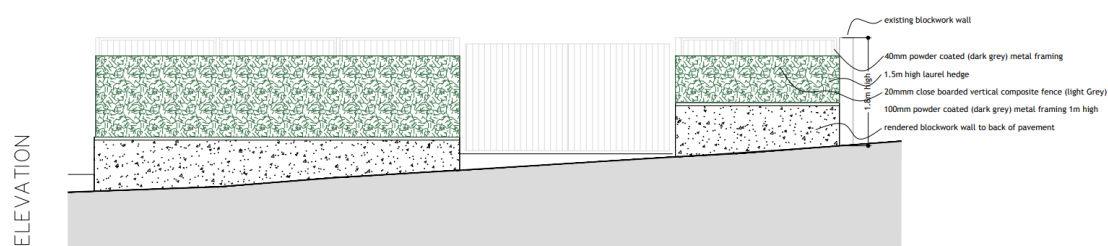
4.0 The Planning Application

4.1 The new application proposal involves the provision of a low-level render covered wall positioned adjacent to the highway (1.0 metre maximum) with a 1.5-metre-high laurel hedge planted directly behind it. The render covered wall would be a suitable match to the host dwelling house in terms of its colour and texture. This front boundary treatment would be similar to many others that are in existence along Linnet Hill as shown in the photograph images included below and on the following pages.

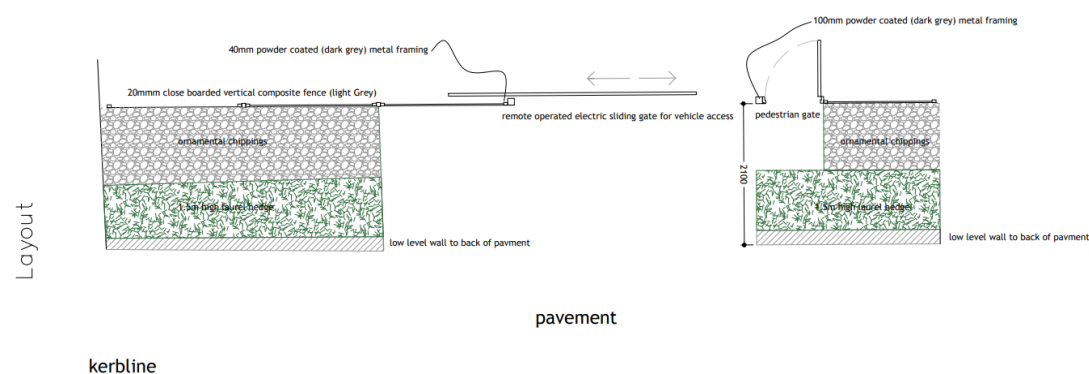


4.2 The applicant also wishes to retain a reasonable level of security for the property, and

she proposes to remove, alter and re-use the existing composite fencing and electric gates and to reposition them in a recessed (set back) location in the front garden area. The composite fencing and gates would be set back a 2.1 metre distance into the front garden area (from back of footway) basically forming an independent structure. The fencing and gates would be reduced in height to 1.8 metres (currently 2.4m in part) so would be significantly less visible in the street scene and largely screened behind the new principal boundary treatment of the front boundary wall and 1.5-metre-high hedging. Only a small amount of the fence would be visible above the top of the hedge, and this may reduce further as the hedge grows / establishes. Extracts from the scheme drawings showing the proposed elevation and layout are shown below.



Proposed Elevation



Proposed Layout

- 4.4** The photograph on the following page shows the street scene immediately adjacent to the application site and the existing composite fencing and gates are currently noticeable. This would no longer be the case following the implementation of the proposed development, and the principal front boundary treatment consisting of the render wall and 1.5-metre-high hedging would only be seen.



- 4.5** There is a slight slope on the driveway leading up to the dwelling house from the highway, and we would wish to point out that the fencing and gate will still be positioned on the lower part of the garden just beyond the current strip of red block paving. The garden level on each side of the driveway remains relatively uniform at this point, and the fencing contractor has confirmed that the fence and gate can be cut into the ground on the left side (as facing) should the Council have any height concerns. The gate is currently raised off the ground so there is scope to lower it.



- 4.6** The surfaced driveway on the site frontage that provides off road parking provision for a minimum 4no. vehicles at the property is being fully retained and this will be unaffected by the proposed development works. The on-site spaces will still be able to be easily and safely accessed by the owner and any visitors to the property.
- 4.7** The applicant is prepared to purchase and plant established laurel bushes on the site to ensure that the hedge screen is formed quickly, and she is also prepared to accept the insertion of a planning condition on this basis. She is willing to agree condition wording specifying that the hedge must be maintained in perpetuity and replaced should any parts of it die off in the future. This would appear reasonable and provide suitable assurance and potential enforcement control for the Council in respect of the development.
- 4.8** The scheme drawings that are being submitted for the proposed development have been prepared by MAHE Architecture and they include the following.
- Location Plan (772-01a)
 - Existing Site (772-02)
 - Proposed Boundary Detail (772-03)
 - Proposed Streetscene (772-04)
 - Existing Block Plan (772-05)
 - Proposed Block Plan (772-06a)
 - Existing Streetscene (772-07)
 - Existing Boundary Detail (772-08)

5.0 Local Planning Policies

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 Rochdale Borough Council's Local Plan includes the Adopted Rochdale Core Strategy dated October 2016 and the Saved Rochdale Borough Unitary Development Plan dated June 2006. The Places for Everyone Joint Development Plan Document (PfE) 2022 to 2039 now also forms a part of the statutory development plan for Rochdale, and it came into effect on 21 March 2024. Places for Everyone is the joint development plan of nine Greater Manchester local authorities (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, and Wigan) dealing with strategic planning issues including jobs, homes, transport, and natural environment.

5.3 In submitting this planning application, the following policies are considered relevant to the determination of this application: -

Saved Rochdale Unitary Development Plan

Policy G/D/1 - Defined Urban Area

Rochdale Core Strategy

SD1 Delivering sustainable development

DM1 General Development Requirements

P3 Improving design of new development

T2 Improving accessibility

Supplementary Planning Documents (SPD)

Supplementary Planning Guidance Note 'Guidelines and Standards for Residential Development' (Adopted June 2016)

Places for Everyone (PfE)

Policy JP-P1: Sustainable Places Policy

6.0 National Planning Policy

6.1 Government guidance is set out in the revised National Planning Policy Framework (NPPF) dated December 2023. The NPPF expresses a presumption in favour of sustainable development. The NPPF is a material consideration in the determination of the application. The Planning Practice Guide (PPG) is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalizing and streamlining the material.

6.2 The following sections of the NPPF are considered of most relevance to the application proposal: -

- Chapter 2: Achieving Sustainable Development (paras. 7-14)
- Chapter 4: Decision Making (para. 38)
- Chapter 8: Promoting healthy and safe communities (paras. 96-107)
- Chapter 9: Promoting sustainable transport (paras. 108-117)
- Chapter 12: Achieving well-designed and beautiful places (paras. 131-141)

7.0 Assessment

7.1 The key planning issues for consideration in the determination of this application are: -

- i) Principle of development.
- ii) Design considerations
- iii) Impact on residential / neighbouring amenity
- iv) Highway Safety / Parking / Accessibility

7.2 Principle

7.3 The applicant (Mrs Smith) lives in a modern detached dwelling house in an established residential area, and she is proposing to improve and secure her property by carrying

out the proposed development works in the front garden area as detailed in the application. This would enable the applicant and her family to feel safe and secure and enable them to live happily at the property as their long-term family home. This would appear to be a reasonable aspiration for most homeowners. Mrs Smith is also taking positive steps to try and resolve a current breach of planning control with the submission of this new application, and she is keen to try and work proactively with the Council in the hope of finding an amicable resolution to the matter.

7.4 In terms of gates, fences, walls or other means of enclosure, the view and approach as to what distance constitutes being ‘adjacent to a highway’ differs from authority to authority and there is no specific published national planning guidance on it. Some authorities apply a consistent 2 metre rule (‘beyond physical reach view from the highway’), but there are others who consider it to be more, and case law is quite varied on the subject. Each case and site circumstance therefore must be assessed on an individual basis.

7.5 In the case of the proposed 1.0-metre-high render wall and 1.5 metre hedge that is included in this application along the front boundary of the curtilage, we would not dispute that this is positioned adjacent to the highway on Linnet Hill. As Rochdale Council does not offer any formal guidance on ‘what distance constitutes being adjacent to a highway’, the situation with the independent recessed structure consisting of the 1.8-metre-high composite fencing and automated gates is less clear, and it is therefore down to the Council to determine and outline why this development may or may not require planning permission. Under the circumstances, it was decided that the submission of a planning application rather than a new Certificate of Lawfulness would be the best course of action to speed things along in trying to resolve the current enforcement matter. If the Council consider the scheme presented to be permitted development, then it is hoped that this could be confirmed at an early juncture for the applicant. Alternatively, if the Council consider the proposal requires formal planning

permission, then the scheme should be assessed on its merits and determined accordingly.

- 7.6** Should the Council take the view that all the development works included in the application do require planning permission, then we would respectfully wish to highlight that a Certificate of Lawfulness application (Ref. 24/00243/CPL) for proposed 1.0-metre-high composite fencing and automated gates along the front boundary of the curtilage was granted on 14 May 2024. Therefore, Mrs Smith would have the legal right to implement this form of development in the future should she wish to do so. We consider that this ‘fallback position’ should be an important material consideration in the determination of the application, especially if the Council raise concerns about the modern construction materials, their conspicuous appearance, and them being out of character with the open leafy character of the local area, which were included in the previous refusals. The new proposed development scheme would provide a significant visual improvement in aesthetic terms over the 1.0-metre-high composite fencing and gates immediately adjacent to the highway that the applicant could lawfully implement.

7.7 Design

- 7.8** Design is a high priority and is of great importance as detailed in both the NPPF and the Council’s local plan. Paragraph 135 of the NPPF requires that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policies P3, DM1, and JP-P1 of the local development plan reinforce the requirement for good design and that development should respect the character of the area in which any proposal is to be located. The character of an area is reflected in the layout, massing, scale, height, style and materials of buildings and the spaces around them including landscaping.
- 7.9** 26 Linnet Hill is a large, detached property that has been extended and modernised and it lies off the main section of the highway that is used by vehicular traffic. There is a triangular area of highway beyond the dashed lines of the main roadway (outside

Nos.20-28 Linnet Hill) and this has the appearance of a cul-de-sac and it is used on a lesser basis and mainly for parking, turning and access to the respective driveways that adjoin it.

7.10 Linnet Hill contains a mixture of housing types including bungalows, terraced, and detached and the construction materials and boundary treatments also differ considerably, so there is not a strong or distinct local vernacular in place. It would be fair to say that No.26 Linnet Hill is only generally noticeable when you first enter the street, as it is positioned at the end of the first straight section of road. The modern design and visual appearance of the house and the tall grey composite fencing positioned along the front boundary accentuate its prominence. Many of the other properties on the street are original and relatively unchanged and have low level walls / fences and mature evergreen hedging in place along the front boundaries.

7.11 As mentioned earlier in this statement, the new scheme being put forward to the Council is a significant improvement on the current situation. The low-level render covered wall positioned adjacent to the highway (1.0 metre maximum) with a 1.5-metre-high laurel hedge directly behind it would be very similar to other front boundary treatments that are in existence along Linnet Hill. The composite fencing and electric gates would be set back a 2.1 metre distance into the front garden area (from back of footway) basically forming an independent structure. The reduction in height to 1.8 metres (currently 2.4m in part) would ensure that they are significantly less visible in the street scene and largely screened behind the principal boundary treatment of the front boundary wall and hedging.

7.12 This relationship would be much better in design and appearance terms than the 1.0-metre-high composite fence and gates that was granted in the Certificate of Lawfulness scheme (as shown on the following page), and which could lawfully be built on the property frontage by the applicant.



1.0-metre-high composite fencing and gates scheme granted in Certificate of Lawfulness

7.13 We would also wish to highlight that the applicant is one the first on Linnet Hill to fully upgrade and modernise her property, and it is likely over the coming years that other dwelling houses on the street will also be subject to change in their visual appearance, as property ownerships change. This is the normal evolution of time with new owners wishing to upgrade and modernise their homes to reflect current design trends and standards. The Council were previously reasonable in allowing the significant modern visual design changes to No.26 and deemed them acceptable when they supported planning application Ref. 15/00735/HOUS in 2015. The applicant understandably wishes to deliver a scheme for the front boundary treatment that is complementary to the existing house.

7.14 For the reasons explained, we believe that the proposed development is well designed and will assimilate well with existing house, the neighbouring residential properties and will respect the existing character of the local area. Therefore, we consider that the

proposal meets the expectations of Chapter 12 of the NPPF and Rochdale local development plan policies P3, DM1, JP-P1.

7.15 Impact on residential / neighbouring amenity

7.16 There must always be consideration taken regarding the impact the proposed development will have on the occupiers of adjoining property or land, and this can include issues such as loss of privacy, safety and security, noise, pollution, access to daylight, visual appearance, crime and anti-social behaviour, parking and traffic. It is also important that developments do not have a negative impact upon the amenities of future residents and occupiers. This is outlined in Policy DM1 of the Council's adopted Core Strategy, the Residential Development Guidelines SPD and in the NPPF.

7.17 The properties that adjoin and are situated opposite the application site on Linnet Hill are all residential. No.28 lies to the south and there is mature planting in place on the boundary screening the application site from view. No.24 is set away from the boundary to the northeast at an oblique angle, and Nos.3 and 5 are located across the width of the highway to the southeast and there is tall mature hedgerow planting in place covering both front boundaries.

7.18 Due to the positioning of 26 Linnet Hill and the scale and nature of the proposed development works, we do not consider that they will adversely impact upon the amenity of the occupants of neighbouring properties in terms of the various criteria detailed above in paragraph 7.14. Therefore, we believe that the development meets the expectations of policy DM1, the Residential Development Guidelines SPD and the NPPF.

7.19 Highway Safety / Parking

7.20 Linnet Hill is an adopted highway that is maintainable at public expense, and it provides easy and safe access to the application site for vehicle users and for any other modes of transport. There is a surfaced driveway on the site frontage that provides off road

parking provision for several vehicles at the property (minimum of 4no.) and this is being fully retained and will be unaffected by the proposed development works. The on-site spaces will still be able to be easily and safely accessed by the owner and any visitors. This level of provision would appear to meet the standard parking requirements as set out in Appendix 5 of the adopted Core Strategy.

7.21 The applicant is proposing to use an automated electric sliding gate that would be positioned over two metres away from the highway on Linnet Hill, so there would be no concerns about the gate opening out and obstructing the highway. The low-level wall and green hedging on the site frontage (each side of the driveway) may slightly hinder advanced visibility, but it is likely that vehicle speeds will be low when leaving the driveway. The driveway is also situated on part of Linnet Hill that lies off the main section of the highway that is used by vehicular traffic, which significantly reduces the potential risk for accidents. There is a triangular area of highway beyond the dashed lines of the main roadway (outside Nos.20-28 Linnet Hill) and this has the appearance of a cul-de-sac, and it is used on a lesser basis and mainly for parking, turning and access to the respective driveways that adjoin it.

7.22 We would also wish to highlight that the Council's Highways Service raised no formal objections on highway safety / parking grounds to the two previous planning application proposals that were refused. The new application does not reduce the parking provision or introduce any new highway safety related concerns, so we would hope that Highways retain the same opinion. Paragraph 115 of the National Planning Policy Framework (NPPF) advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.23 For the reasons explained, we consider that proposal is acceptable and meets the aims and expectations of local development plan policies T2, DM1 and Chapter 9 of the NPPF.

8.0 Planning Balance and Conclusion

- 8.1** At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the development plan to be approved without delay and where the development plan is absent, silent or out of date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 8.2** The proposed development will provide economic, social and environmental benefits and constitutes sustainable development.
- 8.3** The design and visual impact of the proposed development will not harm the appearance of the existing property or the local area. The front boundary treatment including the low-level render wall and 1.5-metre-high evergreen laurel hedging suitably blends in with the host dwelling and respects the leafy character of Linnet Hill. The secondary independent structure involving the recessed and reduced height (1.8m high) composite fencing and gates would be largely screened by the principal front boundary treatment.
- 8.4** The materials to be used in the construction of the wall, gates and fencing will be of a high quality and will suitably match the host dwelling house.
- 8.5** There will be no significant adverse effect on the outlook, privacy or amenity of nearby residents as a result of the proposed development.
- 8.6** There is no highway safety implications associated with the proposal. The site can be accessed easily and safely from the adopted highway on Linnet Hill. The existing in-curtilage car parking spaces are being retained and they can be safely manoeuvred to and from.

- 8.7** The applicant is prepared to purchase and plant established laurel bushes to ensure that the hedge screen is formed quickly, and she is also prepared to accept the insertion of a planning condition on this basis. She is willing to agree condition wording specifying that the hedge must be maintained in perpetuity and replaced should any parts of it die in the future. This would appear reasonable and provide suitable assurance and potential enforcement control for the Council in respect of the development.
- 8.8** The applicant has established an important fall-back position following the Council granting a Lawful Development Certificate for 1-metre-high composite fencing and an automated gate along the front boundary of the property, but she would prefer to construct the development proposal detailed in this application submission for the aesthetic and security reasons highlighted. She is proactively trying to work with the Council to find a mutually acceptable and sensible compromise solution to the current enforcement matter and this scheme would appear to deliver it.
- 8.9** For the reasons stated in this report, we believe that the proposed development is consistent with local and national planning policy, and it will assist in resolving a longstanding enforcement matter in a fair and sensible way. Therefore, we respectfully request that planning permission should be granted for this development.