



JAMES CAMPBELL ASSOCIATES LTD

CHARTERED ARCHITECTURAL SERVICES



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Date: January 2023

Our ref: 22.2744

Your ref:

PLANNING STATEMENT – RUSMISSION OF 22/00534/FUL

Address: 153 Hill Top Drive Rochdale OL11 2SB

Proposal: Use of land as extension to private garden and erection of 1.8m high boundary fence

BACKGROUND

Following the purchase of the property, the applicant has had series issues with the land at the side of the dwelling including, anti social behaviour, fly tipping, humiliation and violence. The applicant sought to purchase the land from RBH with a view to integrate the land within they're garden / curtilage and erect a fence to provide security and to allow the applicant to feel safe.

The previous application looked to deal with the above issues, the applicant was informed by RBH a planning application was needed to put the fence up, the applicant initially submitted a house holder application but it was invalid. They were informed they needed to submit a full application and appointed James Campbell Associates to produce drawings for the application. At that point the client didn't inform James Campbell Associates of the issues they were having with the anti social behaviour on the land as they assumed the application was a simple procedure.

The application was refused based on the following –

The proposed use of the land for residential use would be detrimental to the character and appearance of the surrounding area. The applicant has failed to demonstrate that the existing urban greenspace has limited value, or that the proposal would help meet other sustainability or local regeneration objectives and has not made alternative provision. In addition, the proposed fence would by reason of design, scale and siting represent a poor standard of design, with it appearing as a visually intrusive form of development that would appear conspicuous and inappropriate in its context. The proposal would therefore be detrimental to the character and appearance of the local area.

Following the refusal the applicant made James Campbell Associates aware of the issues set out below and we have produced amended drawings with fencing and landscaping, with justification for the land to be bounded and integrated into the garden curtilage of the dwelling with a view to achieve planning approval.

APPLICANT STATEMENT -

- 1) After receiving the keys and before moving in this house someone tried to open all the doors (kitchen, utility, reception and garage) from the back garden but couldn't open and just damaged all the locks.
- 2) After a few days someone smashed kitchen windows, utility door glass and reception door glass came from that adjacent land. We reported it to the police and they just gave the crime number.
- 3) People throwing old furniture and debris. It became a fly tipping area.
- 4) Police came in April 2022 to check our CCTV because there was shooting in the area and the suspects passed through that adjacent land which is very unsafe for my kids as anyone can see my whole garden from the footpath. No garden privacy due to its elevation.
- 5) We are facing severe anti-social behaviour, children of different ages from 10 to 18 started to play on that adjacent land, hitting football on walls and fence, jumping in our garden from the fence several times in a

day. They climb on a tree which is on adjacent land, throw stones on the tree and throw sticks, tyres etc in our garden. They deliberately do this just to disturb us as we asked them not to disturb us. Humiliating us in front of our own house.

- 6) My family feels insecure, my kids can't play in our own garden because of these safety and security concerns. It feels that we are imprisoned in our own house. We reported to the police and had many crime numbers. They said not to engage with them and asked us to cover this land.
- 7) If you need crime numbers and CCTV footage, I can provide all of them. Hope you understand the situation.
- 8) It is very important to erect a boundary around this land to keep my family unharmed mentally and physically.

Crime Numbers and details will be submitted separately as evidence, however, the we ask they are not to be made public.

PROPOSAL

The application proposes to change the use of the plot of land to a garden of no. 153 Hill Top Drive and construct a fence close to the boundary along Hill Top Drive and Friars Crescent. The fence would be set back from the footpath by approximately 1m along Friars Crescent and Hill Top Drive. The fence would wrap around a small plot of the front garden and join up with the side elevation of the host property. The fence would be constructed out of black powder coating metal timber and would be 1.8m tall. Cherry Laurel Hedge Plants, otherwise known Prunus laurocerasus 'Rotundifolia'. are to be planted within the 1m set back between the pavement and the new fence.

CONSULTATION RESPONSES

Highways And Engineering – No Concerns raised on previous application

Tree Officer - No comments received on previous application.

PRINCIPLE

The application proposes the change of use of the adjoining land in order to create additional domestic garden and construct a fence around part of that land. A 1 metre strip of land would be retained along the side and front. The site is identified as being within the Defined Urban Area as allocated under saved UDP policy G/D/1. This establishes that development should be concentrated in the urban area so as to protect the countryside. This plot of land is a grassed open space that is currently used as a separate green space which, is currently used for anti-social behaviour, it is also privately owned by the applicant. Although the space forms an open feel to the area, it is having a negative effect on the applicant and in turn a negative effect on the area.

It is noted that there a similarly sized plots of land on the corners of this older housing development (including on the opposite of Friars Crescent). Policies G6, P3 and DM1 of the Core Strategy collectively seek to protect and enhance such areas as well as requiring development proposals to be of a high quality in terms of their design and to respect the character of the area in which they are to be located. The loss of this area of land to domestic garden and the construction of the fence to enclose the land would lead to the loss of its open character. But as the land has been sold to the applicant and the gradient of the land impacts on the privacy of the applicant and aids anti social behaviour the boundary of the land would be a positive contribution in the area and have a massively positive impact on the applicants wellbeing, safety and mental health.

The applicant site may make a valuable contribution to the open and spacious appearance of the local area but it also has a negative effect on the occupiers of the applicant site, in this instance the open nature of the space encourages anti social behaviour and is forming an unsafe space.

No alternative green space provision has been proposed elsewhere to compensate for the space that will be lost because the applicant doesn't own any additional space. The balance of this application is the retention of open space against the health, safety and mental wellbeing of the applicants residing adjacent to the land, which, they have purchased from Rochdale Borough Wide Housing under the impression it can be used as garden space.

Design and Visual Amenity

Proposed fence is 1.8m high, hedging is proposed behind of the fence to prevent litter from blowing through the gaps in the metal fence. The fencing is also to restrict access to the fence and resit the ability to climb over the fence. Given the type of the fence, the space retains it's greenery, the landscaping enhances the greenery. The existing timber fence is to be retained to offer additional security to the applicant. The proposal is more sensitive that the previous refused 1.8m timber fence, the green landscaping, the metal fence retains the open feel of the area. Due to the siting of the proposed fence and landscaping, the proposed fence would represent good design and an addition that would be in keeping with the character of the local area. Additionally, the balance of reducing anti social behaviour in the area and against the applicant, highly outweighs the loss of this greenspace, as this open green space is the contributing factor enabling the anti social behaviour and violence against the applicant and family.

PROCEDURE STATEMENT

The following statement was added to the decision notice -

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.

Taking into account the additional information presented to within the application we feel the above statement cannot be included in any refusal and itself is a reason for the application to be approved. –

An approval to this application –

WILL improve the economic, social and environmental conditions of the area

WILL comply with the development plan

IS 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.