

Officers Report

Case Reference: 25/01058/FUL
Location: 2 Shakespeare Close Littleborough OL15 9QF
Proposal: Change of use of land to side of property to form extension to residential curtilage including erection of 1.8m fencing (Retrospective)
Recommendation: Approve with Conditions
Officer: Bob Melling

SITE DESCRIPTION AND CONTEXT

The application relates to a circa 30m² parcel of land to the side (south) of the existing rear garden area of no. 2 Shakespeare Close. The application property is an end terrace at the junction of Shakespeare Close and Barnes Meadows, and the land in question extends up to the back of the footway. The land is bounded by a 1.8m timber fence with a single gate providing access onto Barnes Meadows.

PROPOSAL

Retrospective permission is sought to change the use of the land to form an extension of the residential curtilage of no. 2 Sussex Avenue including the formation of a 1.8m timber fence. The fence is to be stained using 'Ronseal Country Oak'.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

N/A

RELEVANT PLANNING POLICIES

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Regional Guidance

Places for Everyone Joint Development Plan (PfE)

JP-P1 Sustainable Places

Saved Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Area

Adopted Rochdale Core Strategy (CS):

P3 Improving Design of New Development

DM1 General Development Requirements

T2 Improving Accessibility

Appendix 5 Schedule of Parking Standards

Supplementary Planning Documents (SPD): 'Guidelines and Standards for Residential Development' (June 2016)

PUBLICITY

Site Notice: N/A

Press Notice: N/A

Neighbour notification letters: 21.12.2025

ASSESSMENT

Principle of Development

The application site is located within the 'Defined Urban Area' as allocated under saved UDP policy G/D/1. The proposed change of use constitutes an enlargement of the existing residential curtilage of no. 2 Shakespeare Close, and the site is situated within an established residential development.

On this basis, the principle of development of the change of use to residential within the Defined Urban Area would be acceptable, subject to the proposal being acceptable against all other material considerations, including design and appearance, residential amenity, highway safety and parking provision.

Design and Appearance

Achieving good design is a key component of the NPPF, whereby decisions should ensure developments are visually attractive and sympathetic to local character. This is also reflected in PfE Policy JP-P1 and CS Policies DM1 and P3, which require development to respect local context with regard to siting, size, scale, massing, height and materials.

It is not considered that the use of the land as residential curtilage would unduly harm the character and appearance of the locality. Although the proposed 1.8m fencing would erode the open space between the side of the application property and Barnes Meadows, it is not considered that this open space makes a significant contribution to the overall character of the street scene. When travelling along Barnes Meadows,

there are examples of fences and other structures extending up to the back of the footway. Furthermore, the fact that the building line is staggered reduces the prominence of the fencing. In order to further reduce its prominence, the applicant has amended the plans to indicate the use of a stain that would darken the colour of the timber.

In light of the above assessment, the proposed development would comply with CS Policies DM1 and P3, PfE Policy JP-P1 and the NPPF.

Residential Amenity

Protection of residential amenity is considered under CS Policy DM1, which states development proposals should ensure they 'do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.' With regard to applications for changes of use to residential use, Section 4.10 of the SPD states 'the Council will take into account the impact of residential use on the area and will also seek to secure a good standard of amenity for the future occupants.'

The plot of land subject to the change of use forms part of the enlarged residential curtilage of no. 2 Shakespeare Close. The immediate locality is also of exclusively residential use. As such, the proposal is expected to be subject to the standard of amenity experienced by existing residential dwellings in the area which would be satisfactory.

The proposed boundary fence is not considered to result in significant overbearing and overshadowing impacts to neighbouring residents.

With regard to occupier amenity, the proposal would improve the standard of living for the occupants of the application property through an enlargement of their outdoor amenity space.

The proposal would not unduly impact on the amenity of the occupants of neighbouring properties or the application property and is therefore in accordance with CS Policy DM1, the SPD and the NPPF.

Highways and Parking

CS Policy DM1 requires development proposals to 'provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.'

The proposal would not affect the operation of the highway network or the provision of off-street parking. Moreover, the servicing arrangements are considered acceptable by virtue of the inclusion of a side gate.

The proposed development is therefore acceptable with regards to highway safety and parking provision and would accord with CS Policies T2 and DM1.

SUMMARY OF THIRD-PARTY REPRESENTATIONS

N/A

SUMMARY OF CONSULTATION RESPONSES

N/A

PROCEDURAL STATEMENT

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application, and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

Human Rights and Public Sector Equality Duty

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application. In particular due regard has been afforded to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers are satisfied that the application material and Officers' assessment has taken into account these issues.

The application has been considered in accordance with the Rochdale Equity, Diversity and Inclusion policy – Embracing All Voices (2024-2026), which seeks to promote a culture of equity, diversity and inclusion that benefit the community as a whole.

RECOMMENDATION: Grant subject to the following conditions

Condition(s) (2)

- 1 The development hereby approved shall be carried out in accordance with the following drawings and documents hereby approved:

Location Plan

Existing Plan. Revision A

Proposed Plan

Elevations. Revision A

Reason for the avoidance of doubt and to ensure a satisfactory development in accordance with the policies within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 2 Within 6 months of the date of this permission, the fencing hereby approved shall be stained in accordance with the approved plans.

Reason: In the interest of visual amenity and in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.