

Application Number:	22/01394/HOUS
Location:	9 Brooklands Court Rochdale Rochdale OL11 4EJ
Proposal:	Erection of front boundary wall and fencing including installation of gates for vehicle and pedestrian access - Retrospective (resubmission of 22/00358/HOUS)
Applicant:	Mr Daniel Dempsey
Case Officer:	Chelsea Petrillo
Recommendation:	Refuse

DELEGATION	Applicant a Council Member or officer?	N
	Contrary to previous decision?	N
	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

Location

The application relates to No.9 Brooklands Court, a two storey detached property located in a residential area of Bamford. The dwelling is positioned on a corner plot and faces west onto the highway. The property sits adjacent to No.7 Brooklands Court to the north-west and No.11 Brooklands Court to the east to which the rear boundary of curtilage borders the outdoor space and side elevation. The property benefits from off-road parking sited to the front of the dwelling and a generously sized rear and front garden as well as two outbuildings. The overall street scene features predominantly detached dwellings with mature street trees and hedgerows.

Description of Proposal

The application seeks retrospective planning permission for the erection of a front boundary wall and fencing including the installation of gates for vehicle and pedestrian access. The front boundary wall and fencing would measure approx. 1.6m from ground level, incorporating brick piers with black horizontal profiled metal panels between. The proposed gate is timber with metal frames.

Relevant History

19/01205/HOUS – Raise existing roof to facilitate loft conversion to create additional bedroom space – APPROVED

15/00936/WTTPO – Application to fell one Sycamore tree subject to Tree Preservation Order No. 026 (Brooklands Court) – APPROVED

12/55995/HOUS – First floor side extension to dwelling – APPROVED

07/D49291 – First floor and two storey side extension to dwelling – APPROVED

02/D40636 – Two storey side extension to dwelling - APPROVED

01/D38629 – Erection of 1.6m high boundary fence and 2m high gates – REFUSED

22/00358/HOUS – Erection of front boundary wall and fencing including installation of gates for vehicle and pedestrian access - Retrospective – REFUSED

Township/Member comments

Consultee responses

Highways and Engineering

This application is very similar to the previous application (22/00378) for a boundary wall and gates around the application site on Brooklands Court and at that time Highways raised no objection. Having reviewed the submitted information within this application our comments would remain unchanged.

This is a retrospective application and from the submitted information it would appear that the gate and boundary walls have been in place for a number of years.

When considering the position of fencing in and around junctions the main consideration would be the visibility for vehicles and any impact the proposals may have on road safety. The proposed boundary amendments and gate are situated at a junction within Brooklands Court which serves a small number of residential properties. The junction does not have a conventional layout as it is staggered and already has a reduced visibility splay on its approach. The length of the carriageways on the approach to this junction would mean that drivers are likely to approach it at a low speed.

Although the boundary amendments may have some impact on overall visibility at this junction if you take into account the number of vehicles using it, the fact that visibility would be substandard without the amendments and the expected speed of vehicles on the approach to the junction may indicate that a refusal on road safety grounds may not be sustainable. In addition we have also checked accident data in this location and there have been no reported injury accidents over the previous 5 years.

With regards to the gate we would ask that it is constructed and retained so that it opens internally and not out onto the highway.

On this occasion and for the reasons outlined above highways would not object to this application.

Tree Officer

No comments received

Representations

8 letters of notification were sent to surrounding neighbours. No comments were received.

Policy

National

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Local

Saved Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Area

Adopted Rochdale Core Strategy (CS) 2016:

The Rochdale Core Strategy was adopted on 19th October 2016. The following policies are relevant:

P3 Improving Design of New Development

DM1 General Development Requirements

T2 Improving Accessibility

Appendix 5 Schedule of Parking Standards

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

Amendments

None Applicable

Assessment

Design: DM1 and P3

- ❑ Policy DM1 of the Rochdale Core Strategy requires “development to be of high quality design taking opportunity to enhance the quality of the area”. Policy P3 of the Rochdale Core Strategy (CS Adopted 2016) requires that all proposed development must “enhance the boroughs identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general”.
- ❑ When assessing the overall street scene in relation to design context, it is noted that neighbouring properties sited within the surrounding vicinity of the area are set back from the highway and host a driveway to the front of the dwelling with either low level boundary walls or soft hedges. As No.9 sits on a corner plot and occupies a prominent location within the street, with regards to the materiality, siting and height of the proposed boundary treatment, the proposal would present a hard edge to the immediate highway which would appear entirely at odds with the verdant and sylvan character of the area, and restrict public view points across the site creating an insular form of development. Additionally, by virtue of placement of the proposed boundary treatment along the perimeter of the corner plot, the visual harm posed as a result of the development is apparent from public vantage points across the surrounding area.
- ❑ Overall, as a result of the siting, design and scale of the proposal, it would present an incongruous form of development which fails to achieve a satisfactory standard of design and would sit at a disharmony in line with the character and appearance of the street scene and is subsequently taken to represent a visually harmful form of development to a corner plot.
- ❑ The design of the proposal is therefore unacceptable and would not accord with policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Amenity: DM1 and SPD

- ② Policy DM1 of the Rochdale Core Strategy (CS Adopted 2016) outlines that development should not “adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy”
- ② The addition of the front boundary wall and fencing including the installation of gates for vehicle and pedestrian access would not cause any substantive harm to any nearby occupiers and would be acceptable.
- ② In view of the above assessment, the proposal would not unduly impact on the amenity of the occupants of neighbouring properties in accordance with policies DM1, the SPD and the NPPF.

Highways and Parking: DM1 and T2, Appendix 5

- ② Policy T2 of the Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements taking into account of the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on high way safety, or the residual cumulative impacts on the road network would be severe.
- ② The Council’s Highway’s Officer noted the application is very similar to the previous application (22/00378) for a boundary wall and gates around the application site on Brooklands Court to which at that time Highways raised no objections. Additional documents for this application were reviewed and it was concluded that the comments would remain unchanged. It was also noted from the submitted application that the gate and boundary walls have been in place for a number of years.
- ② The Officer confirmed that the proposed gate and boundary treatments are situated at a junction within Brooklands Court which serves a small number of residential properties. The junction does not have a conventional layout as it is staggered and already has a reduced visibility splay on its approach. Furthermore, the length of the carriageways on the approach to this junction would mean that drivers are likely to approach it at low speed.
- ② Although the boundary amendments may have some impact on overall visibility at this junction, when taking into account the number of vehicles using it, the fact that visibility would be substandard without the amendments and the expected speed of vehicles on the approach to the junction indicates that a refusal on road safety grounds may not be sustainable. The Officer also noted that there have been no reported injuries accidents over the previous 5 years. However, has advised that the gate is constructed and retained so that it opens internally and not out onto the highway. In view of the above assessment, highways raise no objection to this application.

Personal Circumstances: SPD

- ② Paragraph 5.11 of the SPD outline other considerations in respect to house extensions to which it states “Personal circumstances, such as disability, may

make it difficult to provide necessary facilities within the standards set out in this document. The council may interpret these standards flexibly in such circumstances, but proposals that significantly exceed the standards set out in this document are unlikely to be appropriate”.

- The SPD, Paragraph 5.11 also states “The more general planning considerations, such as the impact of a development on the character of an area and its impacts on the amenity of neighbouring occupiers are still the principal considerations by which the planning application will be judged; the needs of a person may exist for only a few years whereas built development is likely to last for decades”. Therefore the assessment of additional merits such as design, amenity and highways will only be overridden in exceptional circumstances.
- The applicant has submitted further information in support of the re-submitted application, stating that the works were carried out to urgently improve security following a break-in and robbery at the property. Nonetheless, taking the supporting document into consideration and assessing the overall merits of the application against the Core Strategy, the SPD and the NPPF, the personal circumstances are not considered sufficient to outweigh the harm to the visual amenity of the street scene.

Recommendation: Refuse

1. By virtue of its design and siting, the proposed boundary treatment would represent an incongruous form of development at a highly prominent location within the street scene and would appear discordant with the verdant character of the estate, resulting in visual harm to the character and appearance of the street scene. As such, the proposal would not accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development' and the National Planning Policy Framework.

Article 35 Statement

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.

	Date	Officer
Report Completed	17.11.22	Signed: C.Petrillo
Authorisation	22.11.22	Signed: A.Truman

