

APPLICATION NUMBER: 24/00289/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00289/FUL

CASE OFFICER

Sam Yuen

DETERMINATION DATE 24.06.2024 EXT OF TIME 03.07.2024

Address: 37 Milbury Drive, Littleborough, Rochdale, OL15 0BZ

Proposal: Change of use of part of highway into extension of residential curtilage and erection of new boundary wall

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

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

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION

REFUSE

CHECKED AND SIGNED OFF BY: RK

DATE: 03/07/2024

SITE

The application relates to no. 37 Milbury Drive, a detached bungalow located in the suburb of Smithy Bridge. The dwelling is sited at the end of the cul-de-sac and is adjacent to no. 35 Milbury Drive to the north-east and faces no. 44 Milbury Drive and the highway to the north-west. The property is bounded by Green Belt land to the south-west and south-east. An unadopted access road and public right of way, known as Peanock Lane, runs adjacent to the southern curtilage boundary of the property and connects Milnrow Road to Hollingworth Lake.

Milbury Drive is residential in character and comprises grass verges on both sides of the highway which separate the pavement from the vehicular road. There is uniformity in the front edge of the properties, which is clearly defined by low boundary walls and soft landscaping. There is no pavement to the front of the host property; access to Peanock Lane is continued across the road via a gated access adjacent to no. 44.

PROPOSAL

Planning permission is sought for the change of use of part of the highway to residential use through the extension of the host dwelling curtilage to include the grass verge to the north-west of the property.

The proposal also seeks to construct a front boundary wall set circa 3m forward of the existing front curtilage boundary, following the removal of the existing boundary wall and shrubbery. The boundary wall measures 15.27m in length and 1m in height with piers measuring 1.45m. In addition, a 3m-wide wall and a wrought iron gate are proposed to be sited at the boundary between the pavement and the existing driveway. The proposed boundary walls would be constructed in brickwork.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

Policy JP-P1 Sustainable Places

Adopted Rochdale Core Strategy (CS):

P3	Improving Design of New Development
DM1	General Development Requirements
T2	Improving Accessibility
Appendix 5	Schedule of Parking Standards

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

Highways and Engineering

We have no objections to this proposal.

The area of highway now serves no useful purpose and is unlikely to be required in the future.

Subject to the formal closure of this area of this highway we would have no objections to this proposal.

REPRESENTATIONS

Neighbour notifications via letters were sent to surrounding properties and a site notice was posted in the vicinity of the site. Two objection letters were received with the following representations:

- ☐ The proposed works do not sit well with its surroundings;
- ☐ The proposed works would remove the existing grass verge which contributes towards the symmetrical appearance and openness of the highway;
- ☐ The proposal would annex part of the public pavement;
- ☐ The proposal would contribute to further highway safety issues regarding limited turning and manoeuvring space; and
- ☐ The proposal may set a precedent for other properties to proposed similar works.

Officer's Comments:

- ☐ Concerns relating to the visual impacts are addressed under the 'Design and Appearance' heading of the report.

- ☐ Concerns relating highway impacts are addressed under the 'Highways and Parking' heading of the report.

ANALYSIS

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. 37, and the site is situated within an established residential development. The land subject to the change of use currently forms part of the adopted highway but has served as a grass verge and therefore serves no functional purpose for vehicular access.

On this basis, the principle of development of this change of use to residential use 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 Policy JP-P1 of the PfE and Policy DM1 and P3 of the adopted Rochdale Core Strategy, which require development to respect local context with regard to siting, size, scale, massing, height and materials. In addition, Section 5.1 of the SPD states development proposals should be in keeping with the host property and generally should be subservient to it.

Milbury Drive comprises of rows of detached bungalows separated by a carriageway lined with grass verges on either side. Relative to the building height, the street width is wider than the conventional residential street in the locality, creating a sense of openness that feels comfortably enclosed and is appropriate in the context of the adjacent Green Belt. It is also characterised by a highly legible and symmetrical layout; pedestrian footpaths are clearly demarcated and strong edges are defined by the building line and low boundary walls and soft landscaping which together provide an uninterrupted direct line of sight towards the south-west.

Whilst the proposed change of use of part of the highway to residential use in isolation would not result in material changes to the appearance of the grass verge, the proposed boundary walls would protrude forward of the established line of boundary treatments, resulting in an obtrusive and incongruous form of development which undermines the openness of the street layout and the character of the street scene.

In addition, it is noted the proposed plans indicate the existing boundary shrubbery would not be reinstated following the removal of the existing boundary wall. Given the existing landscaping serves as a transition from urban area to the open Green Belt land, the removal of landscaping would result in additional harm to the verdant character of the street scene.

In light of the above assessment, the proposed development would not be well designed and would therefore be contrary to Policies DM1 and P3 of the adopted Core Strategy, the SPD, Policy JP-P1 of the PfE, and the NPPF.

Residential Amenity

Protection of residential amenity is considered under Policy DM1 of the adopted Rochdale Core Strategy, 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 change 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 proposed change of use would form part of an enlarged existing residential curtilage of no. 37. 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 treatments would be sited 3m forward of the existing front curtilage boundary and comprise a height 0.6m above the existing boundary treatments. Whilst it is noted this height is noticeably greater than existing edges along Milbury Drive, given its siting at the end of the cul-de-sac and the considerable 15.7m separation distance from no. 44, it is considered the proposed wall would not result in significant overbearing and overshadowing impacts to the neighbouring occupiers.

With regard to occupier amenity, the proposal would not affect provision of natural light to the existing habitable rooms of the host dwelling and would retain sufficient garden space of a functional layout.

The proposal would not unduly impact on the amenity of the occupants and is therefore in accordance with Policies DM1, the SPD and the NPPF.

Highways and Parking

Policy DM1 of the adopted Rochdale Core Strategy 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 section of the adopted highway subject to the proposed change of use to residential use currently serves as a grass verge. Notwithstanding the probability of vehicles using the grass verges at the end of the highway to reverse in the absence of adequate turning space, the grass verge does not serve a functional purpose for vehicular access. The Highways Officer has also raised no objections to the proposed plans on highway grounds. On this basis, the proposal would not affect the

operations of the remaining highway and thus would not inflict significant harm to highway safety.

The proposed works also comprise a minor widening of the existing driveway entrance to 3.6m, which would be of a sufficient width for vehicular access. Otherwise, the existing driveway and off-street parking arrangements would not be impacted by the proposed works. Adequate visibility splay would also be retained.

It is noted the proposed boundary wall and gate would effectively block continuous pedestrian access on the footpath. However, considering there is currently no pavement beyond the existing driveway access, and that access to Peacock Lane on the opposite side of the highway would not be impacted by the proposed works, it is considered a refusal on highway safety grounds could not be reasonably substantiated.

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

RECOMMENDATION: REFUSE

1. By virtue of its siting, scale and design, the proposed boundary wall would project forward of the established front boundary edge and constitutes an obtrusive and incongruous form of development which undermine the spatial relationship and character of the street scene. The proposed works would not be well-designed and therefore fails to 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', the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Procedure 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.

Notes for Applicant:

INFORMATIVES

For the avoidance of doubt, this Decision Notice relates to the following submitted plans:

- ② Location Plan – Drawing No. 2330.01 received 23/04/2024
- ② Existing Site Plan – Drawing No. 2330.02 received 23/04/2024
- ② Proposed Site Plan – Drawing No. 2330.03 received 29/04/2024
- ② Existing and Proposed Elevations – Drawing No. 2330.04 received 23/04/2024

Report Author Sam Yuen