

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00935/FUL	Rosalind Gralton	16/12/2024

Address: 153 Hill Top Drive Rochdale OL11 2SB

Proposal: Use of land as extension to private garden and erection of 850mm high boundary fence

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	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?	N

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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RG

DATE: 13 January 2025

SITE

The application relates to a plot of land to the side of 153 Hill Top Drive, which is a two storey residential property. The plot of land is located by the junction between Hill Top Drive and Friars Crescent. To the rear of the plot of land is 2 Friars Crescent. On the opposite side of Friars Crescent, by the junction and adjacent with 151 Hill Top Drive is a similarly sized plot of land which is also green space.

153 Hill Top Drive is on the edge of a recently constructed housing development under planning application 16/01101/FUL. The neighbouring properties of 2 Friars Crescent and 151 Hill Top Drive, are older dwellings constructed as a part of a previous housing development.

PROPOSAL

The application is for the change of use of the plot of land to the side of 153 Hill Top Drive for the use as garden land for 153 Hill Top Drive. The proposal involves the installation of an 850mm high fence up to the boundary with Hill Top Drive and Friars Crescent.

The application was invalidated due to an incomplete application form. On receipt of the correct application form the application was validated.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO3	To improve design, image and quality of space
G6	Enhancing Green Infrastructure
P1	Improving Image
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

15/01165/DEM - Application for prior notification of demolition of existing houses and flats on Friars Crescent, Hill Top Drive and Rudyard Grove (excluding 13/15 Rudyard Grove). Approved November 2015.

15/00801/DEM - Application for Prior Notification of Proposed Demolition of buildings. Approved August 2015

16/01101/FUL - Erection of 76 dwelling houses, with associated roads and sewers. Approved March 2017.

17/00353/DOC – Submission of details to comply with conditions 5 (landscaping), 7 (construction management plan), 9 (Japanese Knotweed), 10 (access roads), 12 (drainage) and 16 (waiting restrictions) on planning permission 16/01101/FUL.

18/00443/AM - Application to vary condition 2 of planning permission 16/01101/FUL to allow for the replacement of a section of the highway with a footpath link and amended housing layout. Approved July 2018.

19/00661/DOC - Submission of details to comply with conditions 5 (landscaping), 10 (adoptable highways scheme), 12 (drainage scheme), 19 (gates and fencing detail), 20 (footpath link barrier detail) and 21 (footpath lighting scheme) on planning permission 18/00443/AM.

19/00904/DOC - Submission of details to comply with condition 5 (Landscaping) of planning permission 18/00443/AM.

22/00534/FUL - Use of land as extension to private garden and erection of 1.8m high boundary fence. Refused 25/07/2022.

23/00079/FUL - Use of land as extension to private garden and erection of 1.8m high boundary fence - Resubmission of 22/00534/FUL – Refuse 05/04/2023

23/00644/TPO – Request for Tree Preservation Order to protect one Sycamore tree – Pending consideration

CONSULTATION RESPONSES

Highways And Engineering

'As with the previous similar application for this site the proposed fence is at the junction of Hill Top Drive and Friars Crescent and any impact on the safe operation of this junction must be fully assessed, as its height may impact on visibility.

Hill Top Drive has the benefit of traffic calming and a wide highway verge on the approach to the junction in addition the proposed fence line is set back from the adopted footway, therefore on this occasion we do not expect that the fence would create a visibility issue in this location.

We have also assessed the visibility for vehicles emerging from the driveway of number 2 Friars Crescent and as the proposed height of the fence in this location would not impact on this visibility.'

Highways officer conclude that they have no objection to the proposal but would draw the applicant's attention to the fact that the area may contain statutory undertaker equipment such as pipes and cables.

Tree Officer

No comments received to date

REPRESENTATIONS

The application was publicised by way of notification letters were sent to neighbouring properties and one objection has been received in regards to:

- ☐ Loss of green space for children to play.

Officer comments: Discussed in the analysis section of the report.

☐ The fence will look an eyesore.

Officer comments: Discussed in the visual amenity section of the report.

The objection letter also refers to the requested Tree Preservation Order. This is pending consideration.

ANALYSIS

The application is effectively an amended version of the proposals submitted under 22/00534/FUL and 23/00079/FUL. The most recent application was refused for the following reason:

'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. As such the proposal is contrary to policies G6, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.'

The current application proposes the change of use of the adjoining land to create additional private garden land including the installation of an 850mm high boundary fence to the front, side and rear. 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 has historically been publically accessible green space which makes a positive contribution to the visual amenity of the surrounding area by providing a sense of openness and creating a visual break in a predominantly urban area. Similarly sized plots of green space are found on the corners of the older housing development (including on the opposite side of Friars Crescent), as an important urban design feature. Such features provide, visual, recreational, drainage and ecological benefits and are one of the distinctive character features of the estate. 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 newer housing estate as approved under 18/00443/AM excluded the application site and these areas in order to protect the feature of open green corners found throughout the estate. Whilst not fully implemented, the previously approved landscaping details (19/00904/DOC) included a hedgerow to the front and side of the residential property but this would again retain the open area beyond as an important feature reflecting the character of the area and retaining its function outside of residential curtilage. The loss of this area of land to private garden and the construction of the fence to enclose the land would lead to the loss of its open character. It is acknowledged that the proposed fencing height and materials are an improvement since the previous refusal and would now fall within permitted development.

Policy G6 of the Council's adopted Core Strategy expects development proposals and other proposals affecting green infrastructure to 'avoid the loss of existing urban greenspace or features e.g. trees unless suitable alternative provision is made, it has limited value, and its development or change of use will help to meet other sustainability or local regeneration objectives'.

Despite being the basis for the previous refusals, no additional or supporting information has been provided to demonstrate that the land has no or limited value as urban greenspace or that the proposals would help meet any other sustainability or local regeneration objectives. Furthermore, given the nature of the proposal, no alternative green space provision would be proposed elsewhere to compensate for the space lost. As part of each application for the proposed change of use, an objection(s) have been raised by neighbouring properties due to concerns over the loss of a valued green space.

Overall, whilst the revised proposals have reduced the impacts on visual openness through the revised fencing height and type, the principle of the change of use of green spaces within the estate to residential curtilage is not justified. These spaces have various benefits which would be largely lost or unsecured by such a change of use. The proposal would result in a change to the character of the area and create a notable and negative variation from the other similar corners within the state.

In view of the above the proposal is considered contrary to Core Strategy Policies G6, P3 and DM1, and is unacceptable in principle.

Biodiversity Net Gain

The application has been made invalid and revalidated following submission of a corrected application form. The application was however submitted prior to statutory BNG requirements and as such this has not been applied to this application.

It is however considered appropriate to note that if the application or a similar form of application was submitted now or in the future, that statutory BNG is likely to apply. The site area exceeds the de minimis exemption test, and does not fall within any other exemptions. Whilst the proposal does not specify any direct works on the onsite habitat, the Biodiversity Gain Requirements (Exemptions) Regulations 2024 confirm that '*a habitat is impacted where the habitat is lost or degraded such that there is a decrease in the biodiversity value of that habitat*'. In the case of the current proposals, the proposed change of use would result in the area being reclassified from 'modified grassland' to urban vegetated garden' which would result in a loss of habitat value.

RECOMMENDATION

- 1 The proposed use of the land for residential use would be detrimental to its function, and 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. As such the proposal is contrary to policies G6, P3 and DM1 of the adopted Rochdale Core Strategy 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.

Informative:

For the avoidance of doubt this decision relates to the following plans:

Site Location Plan
Proposed Fence 2031/1
Proposed Fence 2031/2