

Class A – gates, fences, walls etc

Application Number:	24/00243/CPL
Location:	26 Linnet Hill Rochdale OL11 4DA
Proposal:	Certificate of lawfulness for a proposed composite fencing and automated gates along the front boundary of the curtilage
Applicant:	Mrs Claire Smith
Case Officer:	Chelsea Petrillo
Recommendation:	Grant

Sign Off: TH

Date: 14/05/2024

Location

The application relates to 26 Linnet Hill, a two storey detached property located in the Bamford ward of Rochdale

Description of Proposal

A certificate of lawfulness is sought for the erection of high fencing sited on sloping ground level, including gate, varying between 0.8m – 1m in height to the front curtilage boundary adjacent to the highway.

Relevant History

21/00951/HOUS

Composite fencing with automated gates to front of dwelling (Retrospective Application)

Refuse Aug 2021

1. Due to its substantial size, materials, design and siting the proposed boundary treatment would appear out of character with the leafy, open character of the immediate street scene. Therefore, the development would not accord with policies P3 and DM1 of the adopted Rochdale Core Strategy (2016) and the National Planning Policy Framework.

Appeal Dismissed February 2022

22/00193/HOUS

Composite fencing with automated gates to front of dwelling (Retrospective application) resubmission of 21/00951/HOUS

Refuse April 2022

1. By virtue of its size, design, materiality and siting the proposed boundary treatment would appear out of character with the leafy, open character of the immediate street scene. Therefore, the development would fail to accord with policies P3 and DM1 of the adopted Rochdale Core Strategy (2016) and the National Planning Policy Framework.

Permitted Development Rights removed?	No
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Representations

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

Legislation and Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment (Class A)

Class A of Part 2 of Schedule 2 of the GPDO allows for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure subject to it not being contrary to any of the following criteria:

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—
 - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
 - (ii) in any other case, 1 metre above ground level;

☒ **Complies**

☐ **Does Not Comply**

- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

☒ **Complies**

☐ **Does Not Comply**

- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

☒ **Complies**

☐ **Does Not Comply**

- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

☒ **Complies**

☐ **Does Not Comply**

Recommendation: Grant

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notes for applicant:

For the avoidance of doubt, the decision relates to the following drawings:-

- Location Plan
- 772-05 Proposed Block Plan
- 772-03 Rev A Proposed Boundary Detail
- 772-04 Rev A Proposed Streetscene

	Date	Officer
Report Completed	05/04/2024	Signed: CP
Authorisation	14/05/2024	Signed: TH

Report Author Chelsea Petrillo