

APPLICATION NUMBER: 21/00753/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00753/FUL	Hamish Rigg	17 May 2023

Address: Land Adjacent to 529 Oldham Road, Rochdale OL16 4SP

Proposal: Use of land as extension to garden including erection of 1.4m boundary fencing to front and 1.8m boundary fencing to side and rear

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

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

RECOMMENDATION	Refuse
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CHECKED AND SIGNED OFF BY: R.Killeen

DATE: 25/05/2023

SITE

The application relates to a plot of land adjacent to 529 Oldham Road - a two-storey residential property at the end of a row of terraced houses. To the north-east of the site are 2-8 Charlotte Street, a row of residential terraced houses. On the opposite side of the road (west) to the site are two grade 2 listed buildings, namely St. Mary's Church of England and St Mary's Church of England Primary school – both are 19th century buildings.

The wider street-scene largely comprises terraced houses, however there is an array of green space, including public parks and playing fields within the locality. Additionally, there are numerous amenities such as shops, schools and eateries, as would be expected in a residential neighbourhood. On the opposite side of the road to the site

PROPOSAL

The application seeks permission for the erection of a boundary fence around the land adjacent to 529 Oldham road, including a double access gate at the north-west corner. Most of the fence would be 1.8m in height, however on the border with Oldham Road it would measure 1.5m in height. The land will be used as an extension to the garden of 4 Charlotte Street. Overlapping timber panels are the proposed material/design.

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
P2	Protecting and enhancing character, landscape and heritage
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

CONSULTATION RESPONSES

Highways and Engineering

No objection was raised by highways regarding the land being used as a garden extension. However, there was concern that the plot might be used as a vehicle parking/turning space considering the inclusion of a double gate. Oldham Road is a classified road, and if the land were to be used for parking vehicles, adequate internal turning provision must be provided, which the enclosed area would be unable to provide. Vehicles reversing out of the site would have limited visibility due to the proposed fence and adjacent wall, impacting on road safety.

The application would be supported by highways provided it were not used for vehicular access and parking.

Conservation and Design

The proposed development is located adjacent to 529 Oldham Rd, Rochdale. It is located across the street from St. Mary's CE Primary School and St. Mary's CE and impacts the setting of 2 no. Grade II buildings. This application is supported by a heritage statement; this statement is brief and does not adequately explore the significance of the heritage assets affected, nor does it properly engage with the relevant planning policies.

Impact on Designated Heritage Assets

The church and school, both Grade II listed are listed separately. They, however, refer to each other in their respective listings as they were designed together

The listing for the church reads:

Church. 1865-72. J.M. and H. Taylor. Coursed rubble with ashlar dressings and slate roof. Nave with aisles, clerestory, transepts, chancel and north west tower. Gothic Revival in a Decorated style. North elevation has 4-bay nave with elaborately buttressed aisles. Window openings to aisles are of two lights with Decorated tracery and hood moulds. Square-headed openings to clerestory are 3-light with cusped tracery. The transept has a rose window, and a central circular buttress with a carved animal finial and rises from a three stage hexagonal base. The chancel is of two bays and has diagonal buttresses and moulded eaves detail. Each part is roofed separately with patterned slates and has gable parapets and cross finish. The lofty tower with its diagonal offset buttresses is of 4 stages and has an octagonal stair turret in its left side. The bell stage has 2 cusped lancet openings, ball flower eaves detail and angel and animal gargoyles. The broach spire has gabled lucarnes and canopy pinnacles to each corner. Inside there is a four-light stone screen between chancel and organ chamber and vestry, polished granite nave arcade columns and a central space with high transeptal and chancel arches. The roofs are scissor trussed except for the chancel which is braced and panelled. The church forms part of a complete group with the school to the south, in the same style.

The listing for the school reads:

School 1866. J. M. and H. Taylor. Coursed rubble with ashlar dressings and slate roof. Central hall is entered by porch and is flanked at either end by cross-wings, the left projecting a little, the right considerably and having appendages to either side. The entrance porch has a flat balustraded roof and two semi-circular headed openings. It is accentuated by a small gable on the hall roof behind, and an elaborate bellcote on the roof ridge. The window openings generally in an Early English style are of 2, 3 and 4 lights, and circular windows are placed in the gables of the cross-wings. The steeply pitched roof has a crested ridge, several gables and numerous gabled dormer windows; it plays an important role in this balanced asymmetrical composition. Designed en suite with the Church.

The proposal for a timber fence and gate at the boundary of the land adjacent to 529 Oldham Road is not objectionable with regards to materials, although there are concerns with regards to the height of the fencing along Oldham Road. The proposed fencing at 1.8m is too high within the curtilage of the listed building and will unduly dominate the street frontage immediately across from the school; there is also no clear justification for perimeter fencing at this height. At most, this fencing should be 1.2m high, which would less obviously impact the setting of the listed building.

Additionally, details of the proposed gate to the existing entrance have not been provided. The proposed double gate should be timber and of an agreeable height within the setting of the listed building (ideally not more than 1.2m high). These details should be required for submission prior to instatement.

Conclusions

Should the proposed fencing along Oldham Rd be brought down to 1.2m high, this application is recommended for approval subject to the submission and approval of details of the proposed double entrance gate.

REPRESENTATIONS

Letters of notification were sent to the relevant surrounding properties on 22/04/2023.

One objection was received relating to the restriction of access to the rear of the properties on Charlotte Street.

ANALYSIS

Principle

The application proposes the change of use of the site to residential garden and would be used by the applicant who resides in a dwelling along Charlotte Street to the rear of this site.

The application site is 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.

The area of land proposed for change of use to garden is a irregularly shaped plot which previously accommodated two dwellings which were demolished circa 2009 and is not under any present use, serving only as a welcomed visual relief from the hard surfacing found across the surrounding area.

The land use in the area is mixed however a change the use of this land into residential would not undermine any surrounding land uses and would be appropriate for the established character of the area given the immediately adjacent uses are residential. This element of the application is acceptable in respect of principle and in accordance with saved policy G/D/1.

Design and Visual Amenity

Policies P1, P3 and DM3 of the Council's adopted Core Strategy requires development proposals to adhere to high quality design and enhance the borough's 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. In addition, paragraphs 126 of the National Planning Policy Framework (NPPF) state that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 goes onto state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Paragraph 134 states that development that is not well designed should be refused. Additionally, Policy G6 of the Council's adopted Core Strategy expects development proposals and other proposals affecting green infrastructure to have regard to local landscape character and contribute to its conservation or enhancement.

The application proposes a 1.5m fence along the border with the public pavement. Firstly, this is not consistent with the scale and materials of most other boundary treatments along Oldham Road, which are predominantly mid-low level stone or brick walls. Whilst the adjacent wall is taller in height, this is to protect the privacy of residents on Charlotte Street. A high timber fence would look out of character, and could appear low in quality and design. Furthermore, the boundary treatment would abut the pavement along such a length that it would appear as an unduly dominant and incongruous feature within the street scene, contributing towards a tunnelling effect and detracting from the character and appearance of the street scene.

Additionally, Oldham Road and its vicinity is characterised by patchwork green spaces and a sense of openness, for example at the junction with Platting Lane. Whilst the plot of land holds no significant value in appearance or quality, it maintains visual breaks and 'greening'. The addition of a high boundary fence would have a detrimental impact on the character of the local area through the loss of green infrastructure which is considered to make a positive contribution to the visual amenity of the surrounding area.

As such, the proposal is not well designed and would not comply with the requirements of the NPPF or Core Strategy policies G6, P1, P3 and DM1 which amongst other things, seek to protect urban green space, help 'green' urban environments and require development proposals to be of high quality design, and

respect the context where it is positive, having regard to scale, height, landscape, layout and materials of surrounding buildings and areas.

Heritage

The NPPF states that new developments should make a positive contribution to heritage assets by enhancing their significance, and avoiding any conflict between the heritage asset's conservation and any aspect of the proposal. Local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Furthermore, Rochdale CS policy P2 states that the borough's heritage will be protected through conserving, enhancing and promoting key heritage assets; this includes conservation areas, listed buildings, and non-designated heritage assets.

In respect of Listed Buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest in considering whether to grant planning permission for a development which affects a listed building or its setting.

The proposed fence sits directly opposite St Mary's Church of England School and approximately 50m from St Mary's Church – both are grade 2 listed buildings. Whilst the proposal does not directly alter or harm either building, as previously assessed, the structure would serve as a dominating and incongruous feature within the setting of these designated heritage assets, owing to their scale and low quality materiality.

Both buildings are included within the National List due to their historic, communal and architectural significance. The buildings also share group value due to their physical proximity, similar age, complementary function and shared design language, being constructed from local sandstone and slate in a gothic revival style. The Church in particular forms a distinctive landmark in the local townscape due to the height of its spire relative to the low built form surrounding the site.

Boundary treatments within the area are of a fairly cohesive design, typically low in form and constructed from traditional, hardwearing materials. The proposed fence, by reason of its scale, siting and materiality would comprise an incongruous feature within the setting of the Listed Buildings, and as such, the proposals would cause less than substantial harm to the significance of these buildings.

Regard has been had to paragraph 202 of the NPPF which requires less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the scheme as it is not considered that the scheme would give rise to any public benefits.

Overall, the proposal would result in less than substantial harm to the setting of the Grade II listed church and school, this harm is not justified, mitigated or outweighed by public benefit and the proposals therefore fail to accord with the requirements of the NPPF, Rochdale CS policy P2 and DM1 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity

The Council's adopted Core Strategy policy DM1 states that proposals need to demonstrate that they do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

Furthermore, policy DM1 of the Core Strategy requires development proposals to demonstrate that they will not have a negative impact upon the amenities of future residents and occupiers. Paragraph 5.1 of the SPD states that extensions 'should be carefully designed to protect the amenity of the occupants of adjoining properties.' Additionally, the National Planning Policy Framework (NPPF) advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

It is recognised that the land in question serves no particular purpose to residents and the proposal would have no impact on overshadowing or privacy. However, an objection was raised in relation to access to the rear of properties along Charlotte Street. Nonetheless, the proposal clearly indicates that the pathway at the back of the Charlotte Street properties would remain open, thus preserving access.

As such, it is considered that the proposal would not unduly impact on the amenity of any of the neighbouring properties, and accords with policies DM1, the SPD and the NPPF.

Highways

Policy T2 of the adopted 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 highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development proposals include a double gate with a width of 2.8m which would chamfer the northern corner of the plot and sit parallel to the facing rear boundary treatment at a distance of 7.5m. It is therefore feasible to assume that the enclosure could be capable of being used for vehicle storage.

The Local Highways Authority has been consulted on the application and has raised concerns over the potential for the site to be used for vehicle storage, which in the absence of internal turning provisions, would lead to vehicles being reversed onto Oldham Road (which is noted to be a classified road) with very limited visibility. As such, it is considered that the proposals would give rise to undue highway safety risks to pedestrians and other road users and the proposals therefore fail to accord with Policies T2 and DM1 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

Refuse for the following reason:

1. The proposed development of a 1.8m fence, by reason of its siting, scale and low-quality materiality would comprise a visually intrusive form of development that would appear conspicuous and inappropriate in its context, particularly in light of its proximity to the Grade II Listed Church of Saint Mary and Saint Mary's Church of England School. The proposal would fail to be

well-designed and as a consequence would result in less than substantial harm to the setting of designated heritage assets. This harm is not justified, mitigated or outweighed by public benefits and the proposals therefore fail to accord with the requirements of Policies P2, P3 and DM1 of the adopted Core Strategy, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development proposals would have potential to be used for vehicular parking due to the inclusion of a double gate. Use of the land for parking would see vehicles reversing onto Oldham Road which is noted to be a classified road, with very limited visibility, giving rise to unacceptable road safety impacts. The proposals therefore fail to accord with the requirements of Policies T2 and DM1 of the adopted 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.

Notes for applicant

For the avoidance of doubt, the application relates to the following drawings:

- Site location plan
- Existing site plan: 22.2774.1B
- Proposed site plan: 22.2774.2B

Report Author Hamish Rigg