APPLICATION NUMBER: 19/00392/HOUS

Application Number:	19/00392/HOUS
Location:	136 Norden Road Rochdale OL11 5PT
Proposal:	Erection of 1.8m high fencing and gates to front boundary (retrospective)
Applicant:	Mr Andrew Bradley
Case Officer:	John Van Eker
Recommendation:	**Grant subject to conditions**

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?	**Y**

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

Location

The application relates to a semi-detached property located in the Bamford Area of Rochdale. The property is adjoined to no. 138, located to the north, and adjacent to no. 134 located to the south. No. 134 is an end of terrace style property located forwards of the application property.

Land to the front of the property once included a grass verge and unmade path which was converted to be included as part of the residential curtilages of nos. 136-150.

Description of Proposal

The application seeks retrospective planning permission for boundary treatment across the front boundary to the property, adjacent to Norden Road. The scheme includes a close boarded timber fence and matching gates measuring approximately 2m in height. The proposed fence is set back from the front boundary shared with the highway by approximately 1.6m and a space for planting has been retained in this gap between the highway and the fence. The gates to the front are set back further from the highway, by approximately 3m.

Relevant History

88/D22674
(Land Fronting 136-162 Norden Road Bamford Rochdale)
Use Of Land As Private Gardens And Provision Of Off-Street Parking

Approved 12/01/1089

Township/Member comments

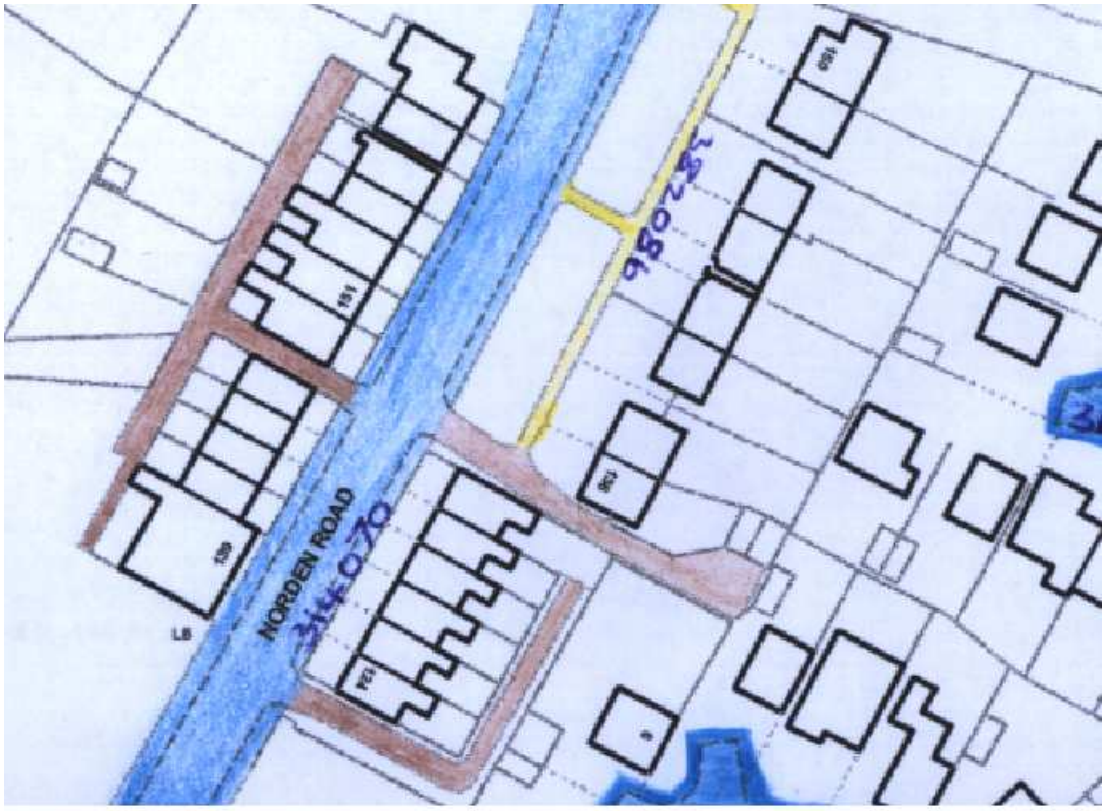
N/A

Consultee responses

Highways And Engineering
Erection of gates and fencing at this location would block access to Unadopted Highway 382086 which is identified in Yellow on the Definitive map. I have attached a clip below.

Whilst this Highway does appear to be gone on site I can see no evidence of it being formally closed.

The Brown Area shows an unmade unnamed unregistered Highway. Blocking of this route is less important.



No Consent should be given for this proposal until the Unadopted Highway has been formally closed.

Case Officer:
Planning permission has previously been granted to change the use of the land to the front of these properties to residential curtilage, and on this basis it would be unreasonable to refuse the current application for reasons relating to the unadopted highway. However, the presence of the unadopted highway will be brought to the attention of the applicant in an informative.

Representations

Letters of notification have been sent to neighbouring proeprties as well as a site notice posted in the area and one neural response has been received citing the following:

- *I have seen the notice outside my home but don't understand why there is an application when the fences and gates have been there over 12 months?*

Case Officer:
The application is retrospective and has been advertised as such.

Policy

National

National Planning Policy Framework (NPPF) February 2019
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

- The close boarded timber fence is in keeping with similar boundary treatments to other properties located in this area. Whilst this boundary treatment will be sited across the front boundary of the site and adjacent to the highway, the fencing is appropriately set back to allow for vegetation to be planted across the front of the site between the highway and the boundary fence.
- The gates are also set back from the highway but will not be screened by planting and when closed are considered to be unacceptable in the street scene, blocking any views through to the site. A condition is therefore proposed requiring the replacement of the existing gates with an alternative design which would be of a more open design.

- Subject to the proposed condition, the design of the proposal is therefore acceptable and accords with policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Amenity: DM1 and SPD

- The proposed gates, being set back approximately 3m from the highway, are not considered to impact on the amenity of the occupiers of the adjacent property at no. 134. The gates will be sited behind the front elevation of this adjacent property and there is no fenestration to the side of this neighbouring property that will be affected by the gates.
- Owing to the large front garden spaces that this and the adjoining property at no. 138 benefit from the fence and gates will be sited away from any habitable room windows and the proposal is not considered to have an adverse impact on the occupants of the adjoining property at no. 138 or application property.
- It is not considered that the amenity of any other neighbours will be affected by the installation of the fence and gates at this location.
- 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

- The parking arrangements at the property remain unaffected by the proposal and enough space has been retained to allow vehicles to enter and exit the site in a forwards gear which is beneficial at this location.
- The Council's Highways Officer has noted that the application would have the potential to prevent access to an unadopted highway, which no longer exists on the ground but has not been formally closed. Planning permission has previously been granted to change the use of the land to the front of these properties to residential curtilage, and on this basis it would be unreasonable to refuse the current application for reasons relating to the unadopted highway. However, the presence of the unadopted highway will be brought to the attention of the applicant in an informative.
- The Highways Officer has not raised any issue in respect of vehicles entering and leaving the site and it is considered that as the gates are appropriately sited away from the highway, vehicles entering and exiting will not block the highway while opening or closing the gates.
- The proposed fence, being set back from the boundary shared with the pavement, will not obscure the view of motorists entering or leaving the site.
- The proposed parking arrangements are therefore acceptable in accordance with policies T2 and DM1

<u>Recommendation:</u> Grant subject to the following conditions

1. This permission relates to the following plans:-

- Location Plan
- Plan and Elevation drawing dated May 2019

and the development shall be carried out in complete accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

2. Within 3 months of the date of this permission, the existing close boarded timber gates shall be removed and replaced with gates of a more open design, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

   Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Article 35 Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay.

Informative

The Highways Authority records indicate the presence of an Unadopted Highway 382086 at the front of the property that has not been formally closed.

	Date	**Officer**
Report Completed	09/07/2019	Signed: JVE
Authorisation	06/08/2019	Signed: AT

Report Author John Van Eker