

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00079/FUL	Claire Ringwood	5 th April 2023

Address: 153 Hill Top Drive Rochdale OL11 2SB

Proposal: Use of land as extension to private garden and erection of 1.8m high boundary fence - Resubmission of 22/00534/FUL

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?	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: RG

DATE: 05 April 2023

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 which faces towards 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 a 1.8m high fence up to the boundary with Hill Top Drive and Friars Crescent. Black metal fencing is proposed to the Hill Top Drive and Friars Crescent boundary and a timber fence is proposed along the boundary with 2 Friars Crescent at the rear. Cherry Laurel hedging is proposed along the rear of the fencing at a minimum of 1.2m in height.

The application is a re-submission of refused application 22/00534/FUL which was for the installation of a 1.8m high timber fence, set in by 1m from the footpath.

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.

CONSULTATION RESPONSES

Highways And Engineering

We have some concerns regarding the repositioning of the fence in relation to its impact in the visibility of any driveway to 2 Friars Crescent, but not enough to warrant an objection. The fence would not seem to have any impact on the safe operation of Friars Crescent and Hill Top Drive as the existing footpath and grass verge set it back an adequate distance.

Tree Officer

No comments received to date

REPRESENTATIONS

Letters of notification 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.

- ☐ 1.8m high fencing will look an eyesore.

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

ANALYSIS

Principle

The application proposes the change of use of the adjoining land to create additional private garden land including the installation of a 1.8m 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 is currently used as a separate 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. It is noted that there are similarly sized plots of land on the corners of this older housing development (including on the opposite side of Friars Crescent). 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 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.

The application site, along with the grassed open space to the side of 151 Hill Top Drive makes a valuable contribution to the open and spacious appearance of the local area. The proposal would introduce a 1.8m high fence constructed along the front, side and rear of the site. It is noted that there is no fencing on the neighbouring properties in the new development and low level boundary treatment on the older houses. This would lead to a narrowing of the visual break at the corner of the junction and result in a loss of this distinctive open green character.

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'. No additional 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, no alternative green space provision has been proposed elsewhere to compensate for the space that will be lost although it is acknowledged that the applicant does not own any other open space.

In view of the above it is considered that the proposal would fail to protect and enhance this area of urban greenspace, harming its character and the appearance of the surrounding area in general. The proposal is therefore considered to be contrary to Core Strategy Policy G6 and unacceptable in principle.

Design and Visual Amenity

Policies DM1 and P3 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 on to 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 the change of use of the whole of the adjacent green space to residential garden land and therefore to provide additional outdoor amenity space. On the opposite side of Friars Crescent at 151 Hill Top Drive, there is also open green space. Furthermore, the green space on the corner of junctions is found throughout the older housing development. The use of the green space on the corner plot is a continuation of this landscape character found on the older housing development. Additionally, the 'greening' and visual breaks created by the addition of the green spaces has continued in to the new development with the limited boundary treatment to the front, setting back of the properties from the highway and retention of land on the corner plots. This is particularly the case for the properties on Hill Top Drive. As such, the proposal would have a detrimental impact on the character of the local area by the loss of this green space which is considered to make a positive contribution to the visual amenity of the surrounding area by providing an element of 'greening' and a visual break to the predominantly urban area.

As noted above, the front of the properties within the new development have no boundary treatment. There are some properties, including 153 Hill Top Drive, that have timber fencing approximately 1.8m high however, this encloses the rear or side, depending on the layout and orientation of the dwelling. Additionally, where the boundary does project beyond the front elevation of the property, it does so slightly (approximately 1m). The proposed fence would project beyond the front elevation of the property by approximately 4m. Finally, the properties to the east, which are the older properties that were constructed as part of a previous housing development, have low level fencing. Due to the siting of the proposed fence, close to the highway, extensive projection and height, the proposed fence would represent poor design and an incongruous addition that would not be in keeping with the character of the local area. Additionally, the loss of this greenspace and the addition of the fence does not positively contribute to the character and appearance 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.

Residential 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.

The proposal is to extend the residential garden and to construct a 1.8m fence. It is considered that the proposal would not unduly impact on the amenity of any of the neighbouring properties. As such, it is considered the proposal accords with policies DM1, the SPD and the NPPF.

Trees

The plot of land has one tree located on it with another tree sited close to the boundary on a neighbouring property. The trees are not protected. The applicant has not provided any supporting information on the protection of this tree (although information was provided with refused application 22/00534/FUL). Had the application been acceptable in all other regards this information could have been requested or a condition imposed to ensure the protection of the tree.

As such, the proposal is considered to be acceptable in this regards and accords with policies G7 and DM1 of the Core Strategy 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 Highways department have raised a concern regarding the positioning of the fence in relation to its impact on the visibility of the driveway to 2 Friars Crescent but not enough to warrant an objection. The fence would not seem to have any impact on the safe operation of Friars Crescent and Hill Top Drive as the existing footpath and grass verge set it back an adequate distance.

The highways department have noted that the site may contain statutory undertakers equipment such as pipes and cables. Had the application been acceptable in all other regards an informative would have been included advising the applicant to contact the statutory undertakers to ensure that if such equipment does exist that they consent to the fence and agree any wayleave that may be required.

As such it is considered that the proposal is acceptable and is in accordance with policies T2 and DM1 of the Core Strategy.

Other matters

The submitted Planning Statement refers to anti-social behaviour associated with the current open space and the negative impact this has on both the applicant and the area and the reason for the proposal. This matter was not highlighted in the previous planning application. Policy DM1 of the Core Strategy states *'all development proposals, including changes of use of land and buildings, extensions and alterations, will be expected to demonstrate that they.....(h) minimise opportunities for crime against people and property'* whilst the UDP in paragraph 3.58 highlights the Community Plan which sets out a vision for the future and has 12 aims, one of which relates to personal safety and freedom from crime, drug abuse and neighbourhood problems.

Whilst the matters raised by the applicant are acknowledged, the issues arising do not appear to be as a result of poor design, with the same relationship between urban greenspaces and rear gardens existing across the local area. The application proposals by contrast would represent poor design and result in the unmitigated loss of urban greenspace. The metal fencing is an improvement on timber fencing previously proposed but its scale and siting is still considered to be visually intrusive

and inappropriate in its context. In conclusion the reasons for refusal attached to the previous application have not been overcome.

RECOMMENDATION Refuse

1. 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.

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 this decision relates to the following plans:

Site Location Plan

Drawing No: 22.2854.1D - Existing & Proposed Site Plans

Drawing No: 22.2854.2D - Existing & Proposed Elevations