

APPLICATION NUMBER: 24/00952/HOUS

Application Number:	24/00952/HOUS
Location:	26 Linnet Hill Rochdale OL11 4DA
Proposal:	Proposed 1.0 metre high wall and 1.5 metre laurel hedge along front boundary of the residential curtilage including 1.8 high fence with automated gate
Applicant:	Mrs Claire Smith
Case Officer:	Sam Yuen
DETERMINATION DATE 05.12.2024	EXT OF TIME
RECOMMENDATION:	Refuse

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?	N

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

Location

The application relates to no. 26 Linnet Hill, a two-storey detached dwelling of rendered appearance located in a residential cul-de-sac in Bamford. The dwelling itself is set back 14m from the highway and is sited on an elevated position at a wide turning point of the road. The property therefore has a prominent presence on the street scene and offers a direct line of sight upon entry into Linnet Hill towards the south-west. The property benefits from a front driveway which slopes towards the highway to the north-east.

The ground level of the front curtilage falls away towards no. 28 Linnet Hill to the south, which shares its common boundary with the host dwelling alongside nos. 30, 32 and 34 Linnet Hill. To the north, the host dwelling shares its common boundary with Roche Hill and no. 471 Bury Road, both of which are substantially screened by mature trees. A row of redbrick terraced dwellings, nos. 20, 22 and 24 Linnet Hill, sits perpendicular to the host front boundary to the north-east.

As it stands, the property comprises 2m-high grey composite fencing and gate along its front curtilage boundary which do not benefit from planning permission.

Description of Proposal

Planning permission is sought for the erection of boundary treatments to the front curtilage of the dwelling which comprises the following:

- ☐ A low level wall of a maximum 0.9m height directly adjoining the highway. It would be constructed from rendered blockwork to match the host dwelling in terms of colour and texture;
- ☐ 1.5m-high laurel hedging set behind the low level wall; and
- ☐ 1.8-high grey vertical composite fence and electric sliding gate with powder-coated metal framing, set 2.1m from the front curtilage boundary and separated from the hedging with ornamental chippings.

The application follows numerous previous submissions (22/00193/HOUS & 21/00951/HOUS) seeking retrospective planning permission for the installed composite boundary treatments. The current resubmission constitutes minor amendments to the previous application including landscaping arrangements and a further 0.1m setback.

Relevant History

24/00243/CPL - Certificate of lawfulness for a proposed composite fencing and automated gates along the front boundary of the curtilage – Grant

22/00701/HOUS - Single storey outbuilding including excavation of land to form sub-zero level - Grant subject to conditions

22/00193/HOUS - Composite fencing with automated gates to front of dwelling (retrospective application) resubmission of 21/00951/HOUS – Refuse

Reason:

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.

21/00951/HOUS - Composite fencing with automated gates to front of dwelling (retrospective application) – Refuse – Appeal Dismissed

Reason:

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.

15/00735/HOUS - Proposed two storey and single storey rear extension with balcony including front dormer demolition of existing porch and erection of replacement porch
- Grant subject to conditions

Township/Member comments

N/A

Consultee responses

Highways and Engineering

No comments were received at the time of writing.

Representations

Neighbour notifications via letters were sent to surrounding properties. No comments were received.

Policy

National

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

Policy JP-P1 Sustainable Places

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

N/A

Assessment

Principle of Development

- ② A Supporting Statement was submitted during the course of the determination process which had put forward a 'fall-back' position where the composite fencing and gate may be secured through permitted development rights. A certificate was submitted prior to this application and subsequently granted (ref: 24/00243/CPL) for the same fencing and gate reduced to a 1m height. Whilst the statement affirms that the applicant has the legal right to implement this form of development, it also notes that this reduction would not be feasible with the existing structure which would have to be dismantled and rebuilt. In any event, if the fall-back position was to be implemented, the LPA considers the proposed scheme to result in greater visual harm by virtue of its excessive scale and intrusive presence to the street scene. As such, this fall-back scheme would be afforded limited weight in the planning consideration.
- ② The applicant also contends that by virtue of the 2.1m setback, the proposed composite fencing and gate would form an independent structure and thus questions the need for planning permission. In particular, the statement points to the term "adjacent to a highway" of Class A of Part 2 of Schedule 2 of the General Permitted Development Order 2015 (as amended) which relates to the erection of a gate, fence, wall or other means of enclosure. Whilst the basis of this report is not to assess the proposed works against the GPDO, for the purposes of this assessment, it would be relevant to set out the LPA's position with regard to the principle of the development in relation to permitted development rights.
- ② There is no set definition as to what constitutes works to be "adjacent to a highway" and decisions are a matter of fact and degree. However, it is noted *Simmonds v SSE and Rochdale MDC 1981* had established that the word "adjacent" did not mean that the boundary treatment had to be abutting or touching the highway.
- ② The proposed composite fencing and sliding gate would be set 2.1m away from the highway boundary and is separated by a low level wall, Laurel hedging and ornamental chippings. Notwithstanding, the 2.1m setback distance is insubstantial and the resultant composite fencing and gate and

the intervening low wall and hedging would appear as combined elements which cumulatively provide protection in physical and visual terms from the land which lay beyond. Given this spatial relationship, the proposed composite fencing and gate would not be considered to form an independent structure to the foremost boundary treatments.

- ② On this basis, as a matter of fact and degree, the LPA does consider the proposed fencing and gate to amount to development adjacent to the highway. The proposed works would therefore be determined on its individual merits as per the assessment below.

Design: DM1 and P3

- ② Achieving good design to achieve sustainable development is a key component of the NPPF, whereby decisions should ensure developments are visually attractive and sympathetic to local character. This is also reflected in Policy JP-P1 of the PfE and Policy DM1 and P3 of the adopted Rochdale Core Strategy, which require development to respect local context with regard to siting, size, scale, massing, height and materials. In addition, Section 5.1 of the SPD states development proposals should be in keeping with the host property and generally should be subservient to it.
- ② Of note, Paragraph 139 of the NPPF is clear that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”*
- ② As established in previous Officer’s reports and appeal decision (ref: APP/P4225/D/21/3287517), Linnet Hill is a leafy and suburban cul-de-sac mostly lined with low brick walls with hedging set behind them. At the time of the Officer’s site visit, this setting remains prevalent and continues to make a positive contribution towards the pleasant and open character of the locality.
- ② The revised scheme has substituted the previously proposed raised planter bed with a low level rendered wall which followed the fall of the land. Consequently, the proposed hedging is now positioned closer to the footpath boundary and appears more prominent against the front street edge. The existing 1.8m-high sliding gate and fencing has been retained but is set back 2.1m from the highway, a marginal difference of 0.1m from the previous scheme, with the intervening space comprising ornamental chippings. The rendered wall would instead run level against the slope with mismatched heights to either side of the gate. Whilst on the whole, the amendments made are minimal and the proposals for which permission is sought would appear more incongruent and of a poorer standard of design than those previously refused under 22/00193/HOUS.
- ② The use of grey composite and metal framed boundary treatments has already been established as an unsympathetic material, the colour palette and external finish of which is wholly at odds with the prevailing use of traditional boundary materials such as brickwork.
- ② Whilst no details of the rendered wall has been submitted, the supporting statement states the finish would match the host dwelling in its colour and texture. With the exception of no. 38 Linnet Hill, which comprises a rendered low boundary wall that does not benefit from planning permission, render is

not an established material in the street scene and would therefore appear out of character within the surrounding boundary treatments.

- ② It is acknowledged the colour palette and materiality of the composite fencing and rendered wall would be consistent with the appearance of the host dwelling. However, owing to its proximity to the footpath, the proposed works would be more commonly associated with the immediate street scene and therefore have a greater visual impact than the host dwelling.
- ② The proposed plans indicate the hedging would screen much of the composite fencing out of view. However, the effectiveness of this would solely depend on the hedging being grown and continually maintained at a specific height, which the LPA do not consider to be reasonable to control via planning conditions. In any case, the composite sliding gate of at least 3.4m width would remain readily visible in its closed position, which on the balance of probability would be effective for most of the day, as the gate would only be opened to allow vehicular access.
- ② The effect of this, when viewed along parts of the fencing which would be visible above the hedging, is the fencing and gate would remain a prominent and conspicuous part of the front boundary treatments. On this basis, the addition of the intervening hedging and low wall would not sufficiently offset the visual impact of the composite fencing and gate as an intrusive feature to the street scene.
- ② The use of a non-native species such as Laurel is also poorly considered, and would contrast the predominantly seasonal native species which contribute most positively to the verdant character of the area. In the event of any approval, a revised landscape plan would be sought by condition.
- ② It is also noted there are discrepancies in the dimensions of the repositioned fencing. More specifically, the heights of the fencing from the point on the ground where the front curtilage boundary meets the highway are shown to be unchanged in both the existing and proposed elevations. Given the gradient of the front driveway, the setting back of the fencing by 2.1m would likely result in the fencing appearing higher than what is indicated in the proposed drawings, resulting in greater prominence. Further inconsistencies relates to the width of the driveway entrance which is shown to be wider in the proposed plan view than the elevation view (drawing no. 772-03).
- ② In light of the above assessment, it is considered the proposed works would represent an obtrusive and incongruous form of development which sits wholly at odds with the established positive characteristics of the surrounding street scene. The proposals would not be well-designed and are therefore unacceptable and fails to accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD, Policy JP-P1 of the PfE and the NPPF.

Amenity: DM1 and SPD

- ② Protection of residential amenity is considered under Policy DM1 of the adopted Rochdale Core Strategy, which states development proposals should ensure they “*do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.*”
- ② As established in previous submissions, notwithstanding the scale of the proposed boundary treatments, owing to its siting, the proposal is not

considered to unduly harm the residential amenity of the neighbouring occupiers and of the host occupiers.

- ☐ 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

- ☐ Policy DM1 of the adopted Rochdale Core Strategy requires development proposals to *“provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.”*
- ☐ At the time of writing, the Highways Officer has not provided comments with regard to the proposed works. Notwithstanding, the revised scheme is not considered to be materially different to the previous proposal, as such the highways assessment from 22/00193/HOUS would remain relevant.
- ☐ The proposed gate comprises a height of 1.8m, and with the driveway gradient and the proposed hedging factored in, would amount to up to 2m of solid structure which would impact on visibility for vehicles emerging out onto the highway. Notwithstanding, the section of Linnet Hill fronting the host property is a lightly-trafficked part of the highway, therefore the potential risk for vehicular collision would not be so severe as to warrant refusal on highway grounds.
- ☐ The proposed works would not impact on the parking provision for the dwelling, where sufficient off-street parking space would be retained in compliance with the Council’s parking standards.
- ☐ The proposed parking arrangements are therefore acceptable in accordance with Policies T2 and DM1.

Other Considerations

- ☐ The Supporting Statement has also made note of the applicant’s wish to provide a reasonable level of security and privacy for her family. Whilst the need to provide safe and secure development is appreciated, this does not negate the need to ensure new developments are visually attractive and sympathetic to local character.
- ☐ There is no evidence to suggest that the proposals provide a necessary level of security for the application property, with all surrounding properties served by open driveways accessed from the highway. It is also considered that substantially less intrusive options are available for securing a dwelling and driveway.
- ☐ Whilst it is noted that the dwelling includes a large expanse of glazing to the front elevation at ground floor level (as approved under 15/00735/HOUS) the desired levels of privacy could be achieved through more appropriate boundary treatments of a reduced height and a complementary material palette. However, the applicant has yet to demonstrate that alternative options have been sufficiently explored.
- ☐ The NPPF promotes early engagements between applicants and LPAs through the pre-application process which can help facilitate preliminary

design discussions and improve efficiency in planning decision-making. The Council offer a chargeable pre-application advice service which has not be undertaken by the applicant.

Recommendation: Refuse

1. By virtue of its siting, excessive height and width, composite material and design, the proposed 1.8m-high fence and gate would constitute an obtrusive and incongruous feature which is wholly out of keeping with the prevailing character and appearance of the surrounding street scene and would result in undue visual harm in this regard. The proposal would not be well-designed and would fail to accord with Policies P3 and DM1 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development', Policy JP-P1 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Article 35 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.

	Date	Officer
Report Completed	05/12/2024	Signed: SY
Authorisation	05/12/2024	Signed: RK

INFORMATIVES

For the avoidance of doubt, this Decision Notice relates to the following submitted plans:

- Location Plan – Drawing No. 772-01 Rev. A received 30/09/2024
- Existing Site Plan – Drawing No. 772-02 received 30/09/2024
- Existing Site Plan – Drawing No. 772-05 received 30/09/2024
- Proposed Site Plan – Drawing No. 772-06 Rev. A received 30/09/2024
- Existing Front Elevation – Drawing No. 772-07 received 10/10/2024
- Existing Boundary Details – Drawing No. 772-08 received 10/10/2024
- Proposed Front Elevation – Drawing No. 772-04 received 30/09/2024
- Proposed Boundary Details – Drawing No. 772-03 received 30/09/2024

Report Author Sam Yuen