



Appeal Decision

Site Visit made on 31 August 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2021

Appeal Ref: APP/P4225/W/21/3275915

Wardle and Smallbridge Community Centre, Wardle Road, Wardle, Rochdale OL12 9ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Chaudhry Hasan against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 20/00904/FUL, dated 29 July 2020, was approved on 4 December 2020 and planning permission was granted subject to conditions.
 - The development permitted is change of use and conversion of community centre to dwellinghouse including removal of existing fire escape to side elevation.
 - The condition in dispute is No 5 which states that: *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 (or any equivalent Order following the amendment, re-enactment or revocation thereof) no boundary treatment shall be erected between the front of the property and Wardle Road under Schedule 2, Part 2, Class A of the above Order except with the prior written approval of the Local Planning Authority.*
 - The reason given for the condition is: *In the interests of visual amenity and to protect the non-designated heritage asset in accordance with policies P1, P2 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the appellant in the appeal form is not the same as the applicant in the application form. However, the appellant has confirmed that his first name was omitted from the application form. Therefore, I have taken his name from the appeal form in the banner heading above.
3. Planning permission was granted for change of use and conversion of community centre to dwellinghouse. Planning condition No 5 imposed on the decision removes permitted development rights for boundary treatments between the front of the property and Wardle Road.
4. The revised National Planning Policy Framework (the Framework) was published in July 2021 and I have therefore had regard to it in the appeal.

Main Issue

5. The main issue is whether condition No 5 is reasonable or necessary in the interests of the character and appearance of the area and for the protection of heritage assets.

Reasons

6. The appeal property is the former Wardle and Smallbridge Community Centre. It dates from the early 20th century and it is an imposing detached red brick Arts and Craft style building by Butterworth and Duncan, who were notable Victorian architects in Rochdale. It is a non-designated heritage asset. It is in a primarily residential area, prominently sited to the front of a public open space and widely separated from buildings to either side. It is adjacent to the Wardle War Memorial, which is a Grade II listed designated heritage asset, the significance of which derives in part from its historic and design interest.
7. Policies P1, P2 and P3 of the Rochdale Core Strategy Adopted October 2016 (the CS) require development, among other things, to maximise the contribution of heritage assets to local identity and sense of place, to conserve and enhance heritage assets including through sensitive restoration, and to respect its context and contribute positively to the townscape. This is consistent with the aims of the Framework in relation to design and the protection of heritage assets.
8. The appeal site is separated from the War Memorial by a low wall. The other side boundary and the rear boundary are enclosed by metal railings. With the exception of a short section of railing fencing, the frontage is open with only low stone walls separating it from the footway. The front boundary treatment is visually unobtrusive in the setting of the Listed War Memorial and in the context of the principal elevation of the non-designated heritage asset appeal property.
9. The permitted development rights that have been removed by condition No 5 would allow the erection of a boundary treatment up to 1m in height. While this would be relatively low, an unsympathetic form of boundary treatment could harm the significance of the non-designated heritage asset and possibly, by virtue of being in its setting, the designated heritage asset. Furthermore, a boundary treatment that was out of keeping with the historic surrounding context would erode local distinctiveness and the strong sense of place.
10. The Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case, the absence of details of boundary treatments on the approved plans, and the likelihood of harm to heritage assets and thereby visual amenity, does provide clear justification for condition No 5. The Planning Practice Guidance confirms that where it is justified, the ability to impose conditions requiring submission and approval of further details extends to aspects of the development not fully described in the application. Given the site sensitivities, it is not unreasonable of the Council to require a planning application for the erection of a front boundary treatment.
11. Therefore, the condition removing permitted development rights for the front boundary treatment is necessary and reasonable on grounds relating to the character and appearance of the area, with particular reference to heritage assets. The proposed variation, which would remove of the condition, would conflict with the aims of CS Policies P1, P2 and P3. It would conflict with the design and heritage protection aims of the Framework.

Other Matters

12. The appellant was unaware of the Council's concerns in relation to the boundary treatment before the application was determined. However, condition No 5 is not a pre-commencement condition. It does not require the front boundary to be kept open or for the existing boundaries to be removed. I have no reason to think that the Council would refuse permission for a boundary treatment that was well-related to the heritage asset. There is little compelling evidence that the condition imposes an unreasonable burden or that it affects the appellant's ability to occupy the property. Consequently, while it would have been best practice for the condition to be discussed before permission was granted, it was not essential to do so.
13. Some of the future occupiers of the property are vulnerable, including children with medical conditions and limited mobility. The appellant's desire to enclose the garden in the interests of security and privacy for his family is therefore understandable. However, condition No 5 does not relate to the rear or side boundaries and it does not preclude the erection of a contextually appropriate front boundary. Therefore, while I am sympathetic, the appellant's personal circumstances carry little positive weight in favour of the appeal proposal.
14. A plan (ref A107 rev BR1) has been submitted with the appeal to illustrate a front boundary treatment that would extend from roughly the side elevation building line of the property to the side boundary. It would comprise roughly 2m high modern metal railings with automatic gates immediately to the rear of the footway. Even if I allowed the appeal, the illustrated fencing would not benefit from the permitted development rights. It is development for which planning permission would be required.

Conclusion

15. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
16. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR