

DELEGATED REPORT

Report by Jane Langan	Date of report: 27/04/2023	Ref: 69437/FUL
Registration: 20/03/2023	LDfC: 12/04/2023	Expiry Date: 15/05/2023
Site Visit: 05/04/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of wall and fencing to side boundaries

Location: 1 Park Hill Drive, Whitefield, Manchester, M45 7PD

Description

The site relates to 1 Park Hill Drive, a detached house located on a corner plot. It has garden and a drive to the front and a garden to the rear. Along the east side boundary is a brick wall with timber fencing above. The neighbouring property to the opposite side is 3 Park Hill Drive, a two storey detached house. The site has a timber fence to this side which runs adjacent the drive to No.3 and up to the boundary with the footpath. To the rear the site garden borders the rear garden to 8 Park Lane, a detached house at a lower level.

The application relates to the site wall and fencing along the east side boundary and the fence to the side adjacent to No.3. It has been submitted following a complaint to, and investigation by, the Enforcement Team. The development comprises of a grey brick wall with feather edge timber fencing above. The site slopes up to the north and the wall would start at a height of 1.596m with 1.84m fencing above at the boundary with 8 Park Lane at the rear. It would run along for approximately 20m where due to the levels the end section would be 0.5m high brick wall with 1.84m high timber fence above and a 2m brick pillar. To the side adjacent 3 Park Hill Drive a 1.675m high timber fence running up to the footpath.

A statement accompanying the application noted the proposal as an application for the erection of a 1.8m fence above a low boundary wall. This was queried at validation stage with the agent who accepted that the wall was not the original low wall and agreed to the revised description. The statement also sets out the reason for the replacement of the bushes with the wall/fence noting that the bushes were broken and needed constant maintenance and caused obstruction to pedestrians.

Relevant Planning History

68627 - Two storey extension at front; First floor extension at front/side and alterations to front elevation; Widening of existing driveway - AC 14/10/2022.

Publicity

Surrounding neighbours were notified by letter and one response has been received by a nearby neighbour their concerns in summary are :-

- Fence erected between No.1 & 3 blocks any visibility of the pavement & road
- Double the height of the original fence.
- Dangerous when pulling off the drive

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal on visibility grounds.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

SPD 6 Section 8.4 notes that boundary enclosures should respect the character of the

street scene and proposals for new or replacement fences, walls or other means of enclosure will be considered in terms of their impact on the character of the locality, residential amenity and highway safety.

Visual amenity and design - The general character of Park Hill Drive is that of low level walls to the front gardens. At the approach in from Park Lane the properties whose rear gardens run along each side have timber fencing to the low walls. This screens the rear gardens and this is not uncommon on corner plots to provide privacy. Prior to the current construction the east side of the site boundary was low level brick wall with hedges screening and this provided privacy from soft landscaping. The wall and fencing erected at the site, due to size, siting and appearance result in a solid, overdominant and incongruous feature in the street scene and is detrimental to the visual amenity of the area. The fencing erected along the boundary with the drive to No.3 also appears out of place, due to its height adjacent the footpath, and is an intrusive feature in the street.

Highway Safety - The Highways Section recommend refusal on highway safety grounds due to the reduction in forward visibility at the bend on Park Hill Drive to sub-standard levels. Also the reduction in visibility at the junction of the access to the property and Park Hill Drive to sub-standard levels and reduction in visibility at the back edge of the footway to sub-standard levels at the driveway to No. 3 Park Hill Drive.

They also note that wall incorporates weep holes that will lead to the discharge of surface water onto the adjacent adopted highway, contrary to the Highway Act 1980. Also, that the application and submitted plans contain insufficient information in relation to the physical impact of the wall and its foundations on the adjacent adopted highway or the need to incorporate a scheme of footway remedial works as part of the proposed development. These two issues are added as informatives.

Residential amenity - With property located on a corner plot the wall and fencing located along the east side boundary would have no neighbouring properties located in close proximity for it to have any significant impact. The fencing to the opposite side would run along the drive to No.3. It would not then impact on the residential amenity of this property however, as noted above, it would impact on highway safety.

The proposal is contrary to UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties with regard to visual amenity and highway safety.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The wall and fencing, by reason of its height, position, design and materials, is a prominent and intrusive feature in the street scene, out of character with the area and therefore seriously detrimental to the visual amenities of the area. The development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated

Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

- 2 The proposal results in the reduction in forward visibility at the bend on Park Hill Drive to sub-standard levels, which would be detrimental to highway safety. The development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The proposal results in the reduction in visibility at the junction of the access to the property and Park Hill Drive to sub-standard levels, which would be detrimental to highway safety. The development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 4 The proposal results in the reduction in visibility at the back edge of the footway to sub-standard levels at the driveway to No. 3 Park Hill Drive, which would be detrimental to highway safety. The development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	27/04/23	DM	02/05/23