

DELEGATED REPORT

Report by Jane Langan	Date of report: 26/06/2023	Ref: 69623/FUL
Registration: 03/05/2023	LDfC: 15/06/2023	Expiry Date: 28/06/2023
Site Visit: 16/05/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of boundary wall/fence/gate to front/side and remove existing vehicular access at side and formation of new vehicular access/parking at area at front

Location: 11 Chatsworth Avenue, Prestwich, Manchester, M25 1LZ

Description

The property is a two storey semi detached house located on a corner plot. It is currently being extended at the side and rear. It has a low brick wall along the frontage and a drive at the side off Oaklands Drive. The rear boundary borders the drive to 1 Oaklands Drive.

The application includes relocating the drive to the front of the property and reinstating the existing drop kerb at the side. A new boundary wall 0.75m high with 1.3m pillars each side of the drive and a pedestrian gate would run across the front boundary and around the corner to the level of the front elevation of the extended house. At this point the boundary treatment would become 1.8m high feather edge fencing to within 1m of the rear boundary where it would be angled and set back 1m.

Relevant Planning History

68808 - Two storey side extension, single storey extension at side/rear and new front porch
- AC 14/10/2022.

Publicity

Surrounding neighbours were notified by letter on 10/05/23. A further letter sent was 26/05/23 regarding an amendment to the fence position. 4 responses have been received from nearby neighbours, 3 support and one objection. Their comments in summary are: -

- Will make the junction between Oaklands Drive and Chatsworth Avenue safer.
- Cars won't park on the pavement.
- The fence will provide privacy.
- Object to fence which will restrict visibility from drive. Original plan with fence at an angle created more visibility.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to a condition for the implementation of the parking arrangements and an informative.

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.

Visual amenity and design - The proposed wall would be low level along the front and where running around the corner. It would be constructed in reclaimed brick similar to the existing and with a brick-on-edge coping. The higher section of fencing would run along the side of the property and its rear garden. Higher fencing to screen rear gardens on corner plots is not uncommon and with the front wall at 0.75m the proposal would not be out of character or have a detrimental impact on the visual amenity of the area.

Parking - The proposal would see the drive relocated to the front providing two spaces and surfaced in permeable paving. The drive to the rear would now be redundant and the drop kerb reinstated. The proposed 1.8m fencing would be angled in where adjacent the drive to 1 Oaklands Drive in order to retain visibility from their drive.

Residential amenity - With the proposed wall and fencing to the front and footpath side of the property the proposal would not impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection - The proposal has been revised to include the set back of the fence to provide visibility to the drive to the property to the rear.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 11CA/01B and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The amended vehicular access arrangements indicated on approved plan reference 11CA/10B, incorporating the reinstatement of the redundant footway crossing, provision of a new footway crossing, 0.75m high boundary wall and 1.80m high boundary fence shown with splay adjacent to No.1 Oaklands Drive, foundations that do not encroach under the adjacent adopted highway, demarcation of the limits of the adopted highway at the new hardstanding, hardstanding in a permeable/porous material and/or measures to prevent the discharge of surface water onto the adopted highway and all associated remedial works required to reinstate the footway to its former condition prior to commencement of the development, shall be implemented to the satisfaction of the Local Planning Authority before the new parking facilities hereby approved are brought into use. Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway the interests of highway safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u> JL	<u>Date</u> 26/06/23	<u>Sign off Officer</u>	<u>Date</u>
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