

DELEGATED REPORT

Report by Mob War same	Date of report: 14/05/2024	Ref: 70594/FLU
Registration: 14/03/2024	LDfC: 09/05/2024	Expiry Date: 09/05/2024
Site Visit:	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 1.9 metre high boundary fence at side and rear

Location: 37 Ashington Drive, Bury, BL8 2TS

Description

The application relates to a detached bungalow, which is constructed from brick with stone cladding and a tile roof. There is a conservatory at the rear and a large flat roofed garage is attached at the side. There are gardens to the front, side and rear and a long driveway that can accommodate several cars. The boundaries are surrounded by high fencing and fir trees. There are bungalows to the east and two storey dwellings to the north and south. Lowercroft Primary School is located to the west.

Planning permission is sought for a retrospective application for the erection of a new boundary fence. The boundary fence would replace the existing damaged fence and would have a height of 1.35m and would be above the existing 0.55m high garden wall to the rear along Chatton Close (west elevation). The rest of the other sides, the proposed fencing would be 1.45m high and the existing garden wall 0.45m high. This would equate to a total height of 1.9m around the site. The fence would be a timber structure with stained finish.

This is a resubmission of application 70260 with a reduced height.

Relevant Planning History

02696/E - Ground floor extension to rear - Enquiry completed 02/03/2022
67443 - First floor addition to existing bungalow; Increase height in roof; Adding bay windows to the front elevation; Removal of conservatory; New entrance to both sides - Withdrawn by Applicant 28/10/2021
68390 - Single storey extension at rear; New porch at side. - Approve with Conditions 13/07/2022
70260 - Erection of new boundary fence - Refuse Refused 22/01/2024
23/0417 - Erection of fencing - 30/11/2023
24/0046 - Erection of fencing -

Publicity

Neighbour letters sent. Two objections received.

Comments

Objection 1

The concerns of the objecting party relates to the size and design of the boundary fence and its relationship with the public highway due to its setting along with the potential impact it will have on the street scene and the adjacent neighbours whilst citing planning policies to supports their arguments.

Objection 2

The other objecting party is concerned about the height of the fence and in particular around Ashington Drive where the proposed fence would be visible from the public arena.

Statutory/Non-Statutory Consultations

Traffic Section- No objection.

Comments

Raising no objections to the above proposal as the fence that has been erected lies just outside of the visibility splay to the right at the junction of Chatton Close with Ashington Drive.

Pre-start Conditions

N/A

Development Plan and Policies

EN1/1 Visual Amenity

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposal is for a retrospective application for the retention of a boundary fence. Most of the boundary fence is readily visible from the public arena. However, the fence would provide a degree of privacy and security for the residential occupiers using the side and rear garden. Furthermore, the total height of the proposed fence would be drastically reduced from 2.2m under last application (70260) to 1.9m on this scheme.

In terms of design and appearance the proposed fence with the reduced height would appear more appropriate in contrast to the existing scheme and as such, would no longer be out of keeping with the street scene and the surrounding neighbourhood. Therefore, although the proposed fence would be readily visible from the public arena it would be considered acceptable.

Overall, it is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed development would have no adverse or detrimental impact on the residential amenity on the adjacent neighbouring properties and as such, the proposal would comply with UDP Policy H2/3 and associated guidance in SPD6. in that aspect.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Response to Objection

The concerning comments from the objecting parties have been thoroughly examined on the sections above. The proposed development would have no detrimental impact on the residential amenity enjoyed by neighbouring properties.

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 SC2021-251-L(-0)008 Rev C 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	14/05/2024		