

DELEGATED REPORT

Report by Jane Langan	Date of report: 27/09/2023	Ref: 69933/FUL
Registration: 10/08/2023	LDFC: 08/09/2023	Expiry Date: 05/10/2023
Site Visit: 23/08/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
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.

Works have commenced on approval 68627 for extensions and the widening of the driveway. This application is a resubmission for a wall and fencing along the east side boundary and the side adjacent to No.3. A previous application (69437) was refused on visual amenity and highway visibility issues and was submitted following a complaint to, and investigation by, the Enforcement Team. Following this, the agent engaged in pre application advice and this application proposes to address the reasons for refusal and the scheme comprises as follows.

The site slopes up to the north and the wall would start at the boundary with 8 Park Lane at the rear where it would be at a height of 1.64m with the fencing above reduced to 1m in height. There would be 4 pillars spaced 4m between and these would be slightly higher than the 1m fence infills by approximately 0.14m. Materials would be grey brick wall with feather edge timber fencing above. The wall/fencing would run along for approximately 17m where it would then reduce to wall only and, due to the levels, the end section would be 0.5m high brick wall with soft landscaping to the rear. To the side adjacent 3 Park Hill Drive the timber fencing adjacent its drive would be reduced from 1.6m to 1m. As can be seen from the site photos this work has already been carried out.

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

69437 - Erection of wall and fencing to side boundaries - Refused 03/05/2023.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions for remedial works and implementation of the visibility splays.

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 above 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 proposal to reduce the fence height above the wall to 1m would result in a boundary treatment that would not be an over dominant feature in the street. The addition of the pillars would also break up the solid length of fencing improving the appearance in the street scene.

Highway Safety - The Highways Section have no objection to the proposed revisions subject to conditions for the works to be implemented and within a timeframe of 3 months. This is considered reasonable to ensure works are carried out. Should the applicant require further time this could be agreed if necessary.

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 and as such would not impact on the residential amenity of this property. With the end section reduced to 1m it would allow visibility from the drive to No.3.

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

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to drawings numbered 202 Rev 1, 204 Revision 6, 205, 005, Proposed site plan, Proposed plans Wall Section Footway Reinstatement Construction 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.
- 2 The remedial works to the wall, pillar and fencing detailed on the approved plans, incorporating the provision of the low level wall adjacent to the bend with foundations that do not encroach under the adjacent adopted highway, shall be implemented to the satisfaction of the Local Planning Authority within 3 months of the date of this decision and prior to the amended access and parking arrangements approved under planning permission 68627 being 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, all in 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.
- 3 The highway remedial works required to reinstate the footway to its former condition prior to commencement of the construction of the boundary wall shall be implemented to the satisfaction of the Local Planning Authority within 3 months of the date of this decision.
Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the

construction period, in 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.

- 4 The visibility splays/forward visibility envelope indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	27/09/23		