

DELEGATED REPORT

Report by Tom Beirne	Date of report: 03/10/2023	Ref: 69991/FUL
Registration: 14/08/2023	LDFC: 21/09/2023	Expiry Date: 09/10/2023
Site Visit: 26/09/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of 1.8m high boundary wall at rear and 1.5m high electric gate at front boundary

Location: 2 Bury And Bolton Road, Radcliffe, Manchester, M26 4LD

Description

The application relates to a detached dwellinghouse on the corner of Bury and Bolton Road and Higher Ainsworth Road. Currently the boundary hedge has been cleared and there is a low brick wall along the frontage. The neighbour to the east (No.4 Bury and Bolton Road) has a brick wall and railings along the front boundary to a height of 1.8m. The house on the other side (No.82 Higher Ainsworth Road) has a mature hedge along the front boundary to a height of approx 2m.

The proposed wall would be 900mm with brick pillars and infill panels to a height of 1.8m. The double gates at the rear would be 1.5m high and open inwards from the rear access track into the rear yard area. Currently the rear is open from the rear access road and used for parking.

Relevant Planning History

68316 - Two storey extension at side; First floor extension at rear and erection of detached outbuilding at front - Approve with Conditions 16/06/2022.

Publicity

Immediate neighbours notified by letter dated 30/08/2023. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection received.

Pre-start Conditions - N/A

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 streetscape - The site at this location is set well back from the adjacent roadway and situated at the back of the grass verges, the boundary wall and infill panels would be no higher than the adjacent boundaries on either side. With a white render, buff sandstone coping stone and grey infill panels, the boundary would not appear out of keeping with the existing streetscape which is characterised by a mix of boundary materials and styles. The proposal is acceptable and complies with UDP Policy and guidance relating to extensions and alterations.

Residential amenity - Given the scale and siting, the new boundary wall/fence and gates would not have a significant impact on residential amenity. Complies with UDP Policy and guidance relating to extensions and alterations.

Traffic - The gates at the rear would open inward and would not have an adverse impact on access arrangements. A condition requiring gates to open inwards only would be appropriate. Complies with UDP Policy and guidance relating to extensions and alterations.

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

DELEGATED REPORT

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 PL008/BR1 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 proposed gates at the rear shall open inwards only.
Reason. In the interests of highway safety and prevent obstruction in the interests of UDP Policy H2/3 and guidance in SPD6.
- 4 Foundations of the proposed wall shall not encroach onto the adopted adjacent highway. Any remedial work to the footway shall be carried out in consultation with the Council's traffic team and at the expense of the applicant.
Reason. In order to ensure the integrity of the adjacent adopted highway in the interests of public safety.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	03/010/2023		