

DELEGATED REPORT

Report by Jane Langan	Date of report: 31/01/2022	Ref: 67878/FUL
Registration: 21/12/2021	LDfC: 15/01/2022	Expiry Date: 15/02/2022
Site Visit: 10/01/2022	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: 1.8m fencing to the side/rear

Location: 29 Woodhill Fold, Bury, BL8 1UY

Description

The property is a detached house located on a corner plot on a residential estate. It has a drive at the side leading to a garage and fencing runs along from the back of the garage screening the garden. Adjacent the fencing the site has a grassed strip which runs alongside a service strip that abuts the road. To the rear of the site No.31 sits side on with its drive along the side.

The application proposes to remove the existing fencing to the rear of the garage and fence along the boundary with the service strip. A 3m section would come out from the side of the garage and include a gate. It would then run along the boundary with the service strip for 7.4m at which point it would be angled in and run for 0.9m to the rear boundary then extending back 5.6m along. The fence height would be 1.828m and comprise of concrete post and timber panels.

Relevant Planning History

None.

Publicity

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

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to a condition for the visibility splay and any required remedial works.

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 fencing would be typical in height and materials of fencing used to screen the rear of domestic gardens. Whilst it would bring fencing closer to the highway the service strip section separating would be retained and it would not be a lengthy section of fence along the boundary. There are a number of examples of similar fencing that abuts the footpath on this estate.

The proposal is considered acceptable and would not appear out of character or have a detrimental impact on the visual amenity of the area.

Highways issues - The proposal has considered the visibility issues to the neighbouring drive to the rear in the positioning of the fence. The condition as recommended by highways with regard to the minimum length from the kerb line is attached.

Residential amenity - The closest neighbouring property would be 31 Woodhill Fold to the rear. The relocated fencing would run adjacent the blank ground floor side elevation and as such there would be no significant impact to the amenity of this property.

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

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

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 the drawings received on 21/12/21 and 26/01/22 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 fencing and its foundations indicated on the approved plans incorporating a visibility splay at the back edge of the highway adjacent to the driveway serving No. 31 Woodhill Fold, shall be erected clear of the adjacent adopted service strip, a minimum of 2.0m from the existing kerbline on Woodhill Fold and, along with any necessary highway remedial works required to reinstate the adjacent adopted highway to its condition prior to commencement of the development, shall be implemented to the satisfaction of the Local Planning Authority.
Reason. To maintain the integrity of the adopted highway, 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	31/01/22		