

DELEGATED REPORT

Report by Amanda

Date of report: 15/08/2024

Ref:70703/FUL

Uhunmwagho

Registration: 26/04/2024

LDFC: 22/05/2024

Expiry Date: 21/06/2024

Site Visit: 10/05/2024

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Replacement of 1.2m high wooden fence panels with 1.85m high wooden fence panels to the side/rear boundary

Location: 17 Bloomfield Drive, Bury, BL9 8JX

Description

The application relates to a 1.85m high boundary fence at 17 Bloomfield Drive which was erected without planning permission. The fence is located to the front and side of the site.

The proposal is to retain the 1.85m fence along the part of the side boundary (5 panels) and to then erect 1.85m fencing from the boundary fence to the side elevation of the dwelling. This would separate the rear garden from the front. A gate would be installed adjacent to the side elevation for access. The 1.85m high fence to the north east corner of the site would be chamfered at the corner to retain visibility for car users of no.19 to the rear of site.

Three fence panels close to the front corner of the site would be reduced to 600mm and the remainder of the fence at the front would be removed completely.

Relevant Planning History

47719 - SINGLE STOREY EXTENSION AT FRONT, 1ST FLOOR EXTENSION AT SIDE, SINGLE STOREY & TWO STOREY EXTENSION AT REAR, DETACHED GARAGE AT REAR - Approve with Conditions 24/07/2007

08/0145 - NOT BEING BUILT IN ACCORDANCE WITH PLANS - 18/09/2009

24/0059 - Erection of fencing -

24/0123 - Erection of fencing, over 2m height -

Publicity

6 neighbours notified on 29/04/2024 - Two objections, one comment and one email of support received;

- I would like the council to consider, when fencing is erected around residential and commercial properties, to consider access for small mammals. In particular hedgehogs which are on the IUCN Red list as vulnerable to extinction in the UK. This iconic British species has suffered from loss of habitat and also loss of access to suitable habitat. Hedgehog highways are an easily implemented solution. Small gaps/holes in commercially made fencing and concrete base panels is readily available.
- The fence location right next to the footpath and the new height is a visual obstruction on the corner. When cars are parked adjacent to the fence, cars come around the corner on the opposite side of the road. This is dangerous, especially went on a bicycle, the height of the fence right next to the footpath is not only dangerous for that reason, but also built right next to the footpath is not in keeping with immediate area.
- Concerned about the height and positioning of the fence in its current location and the

- impact on road safety.
- As the fence has been increased in height and sits directly on the site boundary, the effect has been to create a problematic corner and a blind spot for road traffic on Bloomfield.

Neighbours were notified of revised drawing numbered SHT 2 of 3 Rev A on 23/05/2024 - No objections received. One comment received;

- The new proposed scheme looks a lot better than what is currently in place and will hopefully alleviate the problems I mentioned in my objection. So thank you once again for looking into this and putting together, what looks like, a workable solution.

Neighbours were not notified of the further revised drawing numbered SHT 2 of 3 Rev C received on 17/06/2024 as the difference between this drawing and revised drawing numbered SHT 2 of 3 Rev A is that the fencing towards the front of the site would be reduced from the proposed 1.2m down to 600mm. This would be considered to be permitted development.

Statutory/Non-Statutory Consultations

Traffic Section - No objections to revised drawing numbered SHT 2 of 3 Rev C received on 17/06/2024.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations
PFE Places for Everyone

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

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.

The proposed fence would have concrete posts with timber panels which would not be considered unusual on this type of estate. By removing the fencing at the front of the site and reducing three panels down to 600mm high would be considered to be more in keeping with other boundary treatments along Bloomfield Drive. The design of the proposal is considered acceptable in this location. A condition will be added to the decision giving the applicant 3 months to reduce the fencing in accordance with the approved plans.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- The five 1.85m high panels to the side boundary would be along a straight section of the highway. As such it is considered that it would not have any significantly detrimental impact on highway safety along this section of Bloomfield Drive.
- The rear corner of the fence would be chamfered which would ensure that highway visibility would not be hindered for users of the driveway at no.19 Bloomfield Road.
- The three panels to the front corner of the site would be reduced to 600mm which would be considered to be permitted development. In addition the 600mm height would not have any seriously detrimental effect on highway safety.
- The applicant intends to remove all of the fencing which would be forward of the front elevation of the dwelling. This would ensure that there would be clear visibility for car users around the front corner of the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front of the dwelling.

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 revised drawings received on 22/05/2024 as modified by the email from I.Planning Services dated 22/05/2024. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The external finishing materials for the fencing hereby approved shall be timber panels and concrete posts.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 3 Within three months of the date of decision the fencing to the front of the site shall be removed and all remaining fencing shall be amended in line with the approved drawing numbered SHT 2 of 3 Revision C received on 17/06/2024.
Reason - To maintain the integrity of the adopted highway, in the interests of highway pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in 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>
AU - 15/08/2024		DM - 16/08/2024	