

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 11/01/2023	Ref: 69024/FUL
Registration: 26/10/2022	LDfC: 30/11/2022	Expiry Date: 21/12/2022
Site Visit: 31/10/2022	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:
		Stat Class: HOUS

Proposal: Increase in height of boundary wall to front, sides and rear up to 2m high

Location: 52-54 Water Street, Radcliffe, Manchester, M26 4DF

Description

The proposal relates to a former dental surgery that occupies a traditional red brick Victorian detached dwelling, which has planning permission for a change of use back to a single dwelling with extensions (68093). This is now partially implemented, but not in accordance with the approved plans.

The proposal is for the increase in height of the boundary wall to front, sides and rear up to 2m high and finished in white K-Render (it would be higher than the former boundary enclosure in every area). This is partially implemented by the removal of coping stones, decorative blocks, traditional gate posts and the addition of concrete blockwork above the existing red brick walls.

Relevant Planning History

68093 - Change of use from dental surgery E(e) to dwelling house C3(a), removal of roller shutters and security bars, with first floor rear extension, additional rear door for storage, new bay windows and porch to the front. - Approve with Conditions 31/05/2022

69008 - Non-material amendment following grant of planning permission 68093 - Differences in position of doors and windows, single storey rear extension, added more space from west side to the rear two storey by making the west side wall straight, 2nos. of small dormers and sky light windows to the rear. - Refused 11/11/2022

69124 - Change of use from dental surgery E(e) to dwelling house C3(a); removal of roller shutters and security bars, with single storey / two storey extension at rear; additional rear door, new bay window and porch to the front; 2 no. dormer windows and 3 no. loft windows to the rear and external alterations - Undetermined.

Publicity

Advertised by direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No comments received.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H2/1 The Form of New Residential Development

EN1/2 Townscape and Built Design
NPPF National Planning Policy Framework

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.

ASSESSMENT

Visual Amenity

UDP policies H2/1 and EN1/2 state that proposals should not have unacceptable adverse effects on the particular character and townscape of the Borough's towns, villages and other settlements by reason of external appearance and design, the relationship to the surrounding area and choice of materials.

DELEGATED REPORT

Whilst the conversion has not been completed, SPD 6 notes that boundary enclosures should respect the character of the street scene.

The subject site is located in a prominent position and is conspicuous from the main thoroughfare of Water Street. Boundary walls in the locality are generally finished in brick, with less frequent incidences of natural stone or railings. The immediately adjacent block of apartments has a low red brick wall at the front that adjoins the subject property's boundary wall with vertical timber fence behind.

The former boundary to the front garden comprised a low brick wall capped with stone coping with the later addition of decorative blockwork. At the rear, the brick wall was taller, with a step in height.

Planning permission 68093 approved the extensive application of white K-Render to the elevations of the building. However, the enclosing walls, particularly that to the front garden is positioned significantly forward of the building and frames a small area of highway landscaping and encloses the front garden area.

The proposed enclosure would forms a tall, robust and stark solid boundary immediately adjacent to the footway that would be unduly prominent and incongruous in the street scene and the context of the flanking (and adjoining) brick enclosures. It would therefore have unacceptably detrimental impacts on visual amenity, contrary to the above UDP policies.

CONCLUSION

The proposed enclosure would have unacceptable impacts upon visual amenity and the character and appearance of the street scene. As such, the proposal is contrary to the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal should be refused.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its height, position and design, be a prominent and intrusive feature in the street scene and would therefore be detrimental to the visual amenities of the area. The proposed development therefore conflicts with policies H2/1 and EN1/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u> DSC	<u>Date</u> 11/01/2023	<u>Sign off Officer</u>	<u>Date</u>
----------------------------	---------------------------	-------------------------	-------------