

DELEGATED REPORT

Report by Mo Warsame	Date of report: 29/01/2024	Ref: 70302/FUL
Registration: 05/12/2023	LDfC: 29/12/2023	Expiry Date: 30/01/2024
Site Visit: 26/01/2024	Site Notice: N/A	Press Date: N/A
08:00:00		
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 boundary wall/pillars to front/side/rear (maximum height of 2.4 M) with new vehicular access/dropped kerb

Location: 2 Skegness Close, Bury, BL8 1EQ

Description

The property is a detached house located on a corner plot on a residential estate. It has been recently extended following planning permission 65834.

Planning permission is sought for a part retention part proposed application for the erection of boundary wall/pillars to front/side/rear with new vehicular access/dropped kerb. The boundary wall/pillars would have a maximum height of 2.4m and the proposed new vehicular access with the dropped kerb would open onto Hunstanton Drive at a position immediately at the junction with Skegness.

Relevant Planning History

65834 - Two storey extension at side, first floor extensions at side and rear, single storey extension at side/rear and single storey extension at front - Approve with Conditions 05/10/2020

69916 - Non-material amendment following grant of planning permission 65834: Changes to the position and style of windows, K-render property walls and garage conversion to habitable space - Approve with Conditions 08/08/2023

23/0165 - Creation of new vehicular access and erection of wall and installation of new windows to front elevation - 19/07/2023

Publicity

Neighbour letters sent. No objections received.

Traffic Section

The comments received from the Traffic Section stating "the proposal result in the creation of sub-standard additional vehicular access onto Hunstanton Drive at a position immediately at the junction with Skegness Close".

Statutory/Non-Statutory Consultations

Traffic Section

Pre-start Conditions

N/A

Unitary Development Plan and Policies

SPD11 Parking Standards in Bury

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

UDP Policy H2/3 and SPD 6 Alterations and Extensions to Residential Properties 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 proposal is for the erection of boundary wall and pillars to front, side and rear with maximum height of 2.4m. The development would also include a new vehicular access and a dropped kerb.

Most of the boundary fence would be readily visible from the public arena, whilst it may provide a degree of privacy and security for the residential occupiers using the rear garden. It would not justify the detrimental impact it would have on the street view. Overall, the design would be unacceptable and not in keeping with the surrounding neighbourhood and street scene. Furthermore, the comments from the Traffic Section states that "the proposal result in the creation of sub-standard additional vehicular access onto Hunstanton Drive at a position immediately at the junction with Skegness Close".

Overall, the proposal would be considered unacceptable and therefore would not comply with UDP Policy H2/3 and associated guidance in SPD6 and SPD11.

Residential amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed development would have no adverse or detrimental impact on the residential amenity on the adjacent neighbouring properties and as such, the proposal would comply with UDP Policy H2/3 and associated guidance in SPD6. in that aspect.

Highways

The proposed parking arrangement and drive would be inadequate development that would create safety concerns particularly via the new drooped kerb which would result in the creation of a sub-standard additional vehicular access onto Hunstanton Drive.

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 boundary fence would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan: UDP Policy H2/3 and associated guidance in SPD6.

- 2 The proposal would result in the creation of a sub-standard additional vehicular access onto Hunstanton Drive at a position immediately at the junction with Skegness Close, served from an existing dropped crossing intended to be used only by pedestrians crossing at the junction and from a property already adequately and safely accessed from Skegness Close, all of which would be detrimental to road and pedestrian safety and to the detriment of the free flow of traffic on the highway.
- 3 The application and submitted plans contain insufficient information to properly assess the physical impact of the proposed development on the adopted highway and do not include sufficient highway remedial works to rectify damage caused to it or form the widened vehicular access onto Skegness Close, to the detriment of ensuring that the integrity of the adopted highway is maintained

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	29/01/2024		