

DELEGATED REPORT

Report by Mo Warsame	Date of report: 16/04/2024	Ref: 70503/FUL
Registration: 15/02/2024	LDFC: 07/03/2024	Expiry Date: 11/04/2024
Site Visit: 05/04/2024	Site Notice: N/A	Press Date: N/A
10:00:00		
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 3m fence and raised decking to the rear

Location: 19 Ascot Meadows, Bury, BL9 0UD

Description

The property is a semi-detached dwelling located on Ascot Meadows, a cul-de-sac residential street. The premises has a drive to the front and a steep sloping garden to the rear. The adjacent neighbouring properties on either side are No.17 (attached) and No.18. To the rear, the property shares boundary with Bury CE High School.

Planning permission is sought for the erection of a fence and a raised decking platform to the rear. The proposed fence would be 3m high, 2m above the proposed decking platform and run the entire length of the rear boundary. This boundary is shared with Bury CE High School. The decking platform which would also be to the rear would be raised 1m from the ground and cover an area of approximately 36.5 square metres.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

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.

Situated to the rear, the proposed development would not be visible from the street scene at the front of the house. The proposed decking platform would be raised 1m from the ground and located on the bottom rear of a slopping garden with different levels. Additionally, there are existing high fences which corresponds with each level on either side. Overall, the proposed decking would be modest in scale, typical in design and would be constructed with materials that would be in keeping with the local area.

The proposed fence would also be located to the rear but would be 3m in height. This may seem excessive. However, given the slopping split-level garden, the proposed fence would appear relatively modest. Furthermore, there are existing high scrubs and trees on the shared site boundary with Bury CE High School.

Overall, the proposal is considered acceptable, in keeping with the existing property and the local area. As such, there would not be any detrimental impact on the visual amenity of the area.

Residential Amenity

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

The development would be situated on the bottom of a sloping split-level garden and there would be relatively high fencing along the shared side boundaries that correspond to each respective level. Therefore, there would be no adverse impacts in terms of privacy and outlook on the adjacent neighbours.

Moreover, there are existing high trees and scubs along the shared rear garden, as such, the impact of the 3m high fence would not be seriously excessive above and beyond the existing situation. Furthermore, none of the adjacent neighbour nor the school to the rear have objected to the proposed development.

The proposal would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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 15/02/2024 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	16/04/2024	DM	17/04/2024