

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 10/10/2023	Ref: 69919/FUL
Registration: 07/08/2023	LDfC: 30/08/2023	Expiry Date: 02/10/2023
Site Visit: 14/09/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Increase height of existing boundary wall to front and side up to 1.8M high

Location: 2 Butt Hill Road, Prestwich, Manchester, M25 9NJ

Description

The application relates to a detached bungalow on Butt Hill Road with Hilton Lane to the south east side. The site is raised to the highway on Hilton Lane and Butt Hill Road to the front and there is a brick wall with fence on top along the south and east boundaries. The brick wall continues around the site and there are currently railings on top of the wall to the north and west boundaries.

There is a vehicle and pedestrian gates to the front. There is a detached garage to the side of the dwelling. Given the way the land slopes the road and properties to the north and west have a higher level compared to that on site.

The proposal is to increase the height of the existing brick boundary wall to 1.8m along the side boundary adjacent with the existing garage. The boundary forward of the garage would remain as a brick wall to be built up to a maximum height of 1.25m, with railings along the top.

Relevant Planning History

43332 - EXTENSION ON NORTHERN ELEVATION AND LOFT CONVERSION WITH DORMERS - Approve with Conditions 04/11/2004

45008 - NEW BOUNDARY WALL - Withdrawn by Applicant 23/09/2005

45294 - EXTENSION ON NORTHERN ELEVATION & LOFT CONVERSION WITH DORMERS (RETROSPECTIVE) - Approve with Conditions 01/11/2005

65627 - Erection of detached garage - Approve with Conditions 21/08/2020

05/0105 - WALL -

11/0014 - Change of use car business - 28/01/2011

14/0225 - Banner been in front garden approx 5 weeks attached to the hedge jnct with Hilton Lane - 17/06/2014

21/0119 - Not being built in accordance with approved plans of planning permission 65627 (Erection of detached garage) - 20/04/2021

Publicity

Neighbours notified on 09/08/2023 - No comments or objections received.

A neighbour did contact the Council via telephone to ask for clarification of the proposal. During the phone call they advised they felt the proposal wouldn't affect them and no further contact was received from this, or any other neighbour.

Statutory/Non-Statutory Consultations

Traffic Section - No objection. Condition suggested.

Pre-start Conditions - Pre-commencement condition has been agreed by the agent on 05/10/2023.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

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 wall would be built up with bricks that would match the existing wall. It would measure 15.47m along the north west boundary along side the existing garage which measures around 10m long and at its highest point measures around 3.5m to the ridge. As such the from the opposite side of Butt Hill Road the wall would be viewed against the existing garage and therefore the impact on the streetscene would not be any more intrusive than the existing garage on site. The design of the proposal is considered acceptable in this location.

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 proposed wall would be a sufficient distance from properties opposite not to have any significant detrimental impact on residential amenity at those properties.
- As the proposal is to build on top of the existing wall there would be no concerns regards encroachment on to the adjacent highway.
- Along the rear boundary there is an existing fence along the boundary with no.4 Butt Hill Road. As the propose wall wouldn't be set forward of the fence along the rear boundary there would not be any significant detrimental impact on visibility for car users and pedestrians existing the drive at no.4 to the rear of the site.
- The wall forward of the garage would be built up to a maximum height of 1.25m and the railings would be re-installed along the top. It would be set far enough back from the junction not to have any significant detrimental impact on highway safety at the junction of Butt Hill Road, Barnhill Drive and Barnhill Avenue. A condition would be added to the decision to ensure that the railings remain in situ at all times in the future.
- As the proposed works would need to take place from the public highway a pre-commencement condition would be added to the decision stating that hoarding of some kind would need to be erected to ensure pedestrian safety throughout the build.

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 site and garage.

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 The development hereby approved shall not be commenced unless and until a hoarding permit has been applied for and construction method statement has been submitted to and approved by the Local Planning Authority incorporating appropriate pedestrian protection measures and retention of adequate pedestrian facilities/access arrangements on Butt Hill Road that abuts the site. The measures subsequently approved shall be implemented to the satisfaction of the Local Planning Authority and maintained for the duration of the works that affect the adjacent adopted highway.
Reasons - In the interests of pedestrian and road safety pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 This decision relates to drawing numbered 01 received on 19/07/2023 and revised drawing numbered 02A received on 02/10/2023 as modified by the email from The Wyvern Partnership LLP dated 02/10/2023. 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.
- 4 The external finishing materials for the proposal hereby approved shall match those of the existing boundary wall.
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.
- 5 The boundary wall and railings hereby approved shall be maintained in situ as indicated on the approved plan and shall not be otherwise altered or replaced.
Reason - In the interest of highway safety and the maintenance of intervisibility at the junction 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	10/10/23	DM	10/10/23