

DELEGATED REPORT

Report by Tom Beirne	Date of report: 06/10/2025	Ref: 72286/FUL
Registration: 09/09/2025	LDfC: 02/10/2025	Expiry Date: 04/11/2025
Site Visit: 30/09/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Increase wall height of front boundary wall to maximum 2.8m high and installation of new gates to driveway

Location: 6 Tor Avenue, Tottington, Bury, BL8 4HG

Description

The application relates to a large two storey detached house on a residential road of similar styled properties. There is a low brick boundary wall along the frontage with mature hedges and trees behind. The hedge runs around the side of the front garden. The side boundary is comprised of a timber panelled fence approximately 2m high. The neighbouring properties have a mix of walls and hedging around the front gardens.

The proposal involves replacing the existing boundary hedges with a 2.6m high brick wall with 2.8m high pillars and a centrally positioned, double gated entrance.

Relevant Planning History

62682 - Single storey extension at side and rear - Approved 15/05/2018

Publicity

Immediate neighbours notified by letter dated 11/09/2025. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Pre-start Conditions - N/A

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/2	Townscape and Built Design

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 and streetscape - The existing streetscape is characterised by a mix of boundary walls (approx 1.5/1.6m high) and mature hedges, giving the road a distinctive appearance.

The proposed brick wall and timber gates with a height of almost 3m along the extensive frontage would appear extremely dominant and incongruous within the existing streetscape and have a seriously detrimental impact on visual amenity. The proposal is therefore unacceptable and would be contrary to UDP Policies H2/3, EN1/2 and associated guidance relating to extensions and alterations.

Residential amenity - Beyond the serious detriment to the visual amenity of the streetscape, there are no serious and specific residential amenity issues arising. The proposal is therefore complies with UDP Policy H2/3 and associated guidance relating to extensions and alterations.

Traffic - The wall and gates are sufficiently set back from the highway and as such there are no serious traffic issues arising from the proposal. The proposal is therefore complies with UDP Policy H2/3 and associated guidance relating to highway safety.

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 boundary wall, by reason of its height, would be seriously detrimental to the character and visual amenity of the existing streetscape. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:
EN1/2 Townscape and Built Design.
H2/3 Alterations and Extensions and associated 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>
Tom Beirne	06/10/2025	TB	10/10/25