

DELEGATED REPORT

Report by Amanda

Date of report: 15/06/2023

Ref:69347/FUL

Uhunmwagho

Registration: 13/02/2023

LDFC: 16/03/2023

Expiry Date: 10/04/2023

Site Visit: 10/03/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: 1m/1.3metre high fencing to the front boundary, 1m/1.9m fencing to driveway and 1.5m high fencing to the south side boundary.

Location: 43 Vernon Road, Tottington, Bury, BL8 4DD

Description

The application relates to a detached bungalow fronting on to Vernon Road with Dover Close to the side. There is driveway access from Vernon Road at the front and the original boundary treatment includes a short brick wall to the front and side with a hedge to the front corner.

A 1.5m fence has been erected to the front and side boundaries and a 1.9m high fence and gate between the drive and garden without planning permission. The applicant was advised that the fence erected is currently too tall and would need to be reduced in height.

The proposal is that the fence would be reduced to 1.3m along the front boundary and reduced to 1m to the front corner where it is adjacent to the drive. The 1.9m high fence and gate would remain alongside the drive and the 1.5m fence along Dover Close would remain. The hedge to the front corner of the site would also remain as it is currently.

Relevant Planning History

68912 - Proposed lawful development certificate for bi fold doors to replace existing window on front elevation of residential property - Lawful Development 23/11/2022
23/0008 - Erection of fencing to front and side - 23/02/2023

Publicity

Neighbours notified on 23/02/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations
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) 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 fence and gate along the side of the drive would remain as it is currently measuring 1.9m high and the 1.5m fence along the boundary with Dover Close would remain. These heights would be similar to other fencing at nearby properties.

The timber fence would be reduced in height to 1.3m along the front boundary and the corner adjacent to the drive would also be reduced to 1m in height to satisfy Highways

requirements. The height and materials of the fence would be considered acceptable in this location and there would not be any significant detrimental effect on the character of the existing streetscene.

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 fence is a sufficient distance away from neighbouring properties not to have any significant detrimental impact on residential amenity.
- The fence would be reduced in height to 1m at the front corner and 1.3m along the front boundary to ensure that visibility would be maintained for car users moving on and off the drive. A condition would be added to the decision to ensure that the fence would be lowered within three months of the date of decision and thereafter maintained.
- The fence does not interfere with existing parking arrangements within the site.
- The fence has been erected on the inside of the existing boundary wall. As such there is no encroachment on to the adjacent highway.

With the above in mind 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.

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 This decision relates to drawings numbered ZT22-196-00 and ZT22-196-01 received on 13/02/2023 and revised proposed drawing numbered ZT22-196-06 received on 13/06/2023 as modified by the email from Thorp Design Services Ltd dated 13/06/2023. 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.
- 2 The remedial works required to implement the visibility splays indicated on approved plan reference ZT22-196-06 shall be implemented within three months of the date of the decision, with the visibility splays subsequently maintained free of obstruction above the height of 1.0m.
Reason - To ensure the intervisibility of the users of the site and the adjacent highways in the interests of 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.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 15/06/2023		DM 15/06/23	