

DELEGATED REPORT

Report by Mo Warsame	Date of report: 12/02/2025	Ref: 71277/FUL
Registration: 01/11/2024	LDFC: 06/12/2024	Expiry Date: 27/12/2024
Site Visit: 10/01/2025	Site Notice: N/A	Press Date: N/A
13:00:00		
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Application for the retention of timber fence with brick walls and pillars

Location: 6 Park Lane, Whitefield, Manchester, M45 7PB

Description

The site relates to 6 Park Lane, a detached house located on a corner plot. It has a drive to the front and a garden to the rear. Along the west side boundary on Park Hill Drive there is an existing brick wall with pillars with the timber fencing above yet to be installed.

Planning permission is sought for the retention of timber fence with brick wall and pillars. The fence would have 4 timber panels each with corresponding pillars and with brick walls below.

Relevant Planning History

23/0181 - Building works - 20/07/2023

24/0380 - Extending wall height adjacent to the highway and erection of outbuilding in rear garden - 29/10/2024

Publicity

Neighbour letters sent on 15/11/2024. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section -No objections.

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 and design

Situated on a steep hill, the general character of Park Lane/ Park Hill Drive is that of low level walls to the front gardens and high fencing to the side/rear. At the approach in from Park Lane the properties whose rear gardens run along each side have mostly high timber fencing above low walls, though some higher walls than others particularly the fence in this application and the fence from the adjacent property across the road.

The wall and pillars of the fence are already in place but the timber panels are yet to be installed. Situated on a steep hill, the walls would be erected 1.2m (rear) to 1.65m (front) from the ground. The proposed 4 timber panels would each measure 1.5m in height and would effectively slot in place as well as aligning with the existing pillars. The total height of the fence would range from 2.6m to 3.3m depending on where it is measured from. This may seem excessive. However, given its location and the fact that there are similar fences with similar design and scale in this area, the development would be considered acceptable.

Overall, the development would not be an over dominant feature in the street. The addition of the pillars would also break up the solid length of fencing improving the appearance in

the street scene.

Residential amenity

With property located on a corner plot the wall and fencing located along the west side boundary would have no significant impact on any of the neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties with regard to visual amenity and highway safety.

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 11/11/2024 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	12/02/2025		