

DELEGATED REPORT**Report by** Amanda**Date of report:** 07/01/2026**Ref:**72539/FUL

Uhunmwagho

Registration: 12/11/2025**LDfC:** 18/12/2025**Expiry Date:** 07/01/2026**Site Visit:** 12/12/2025**Site Notice:** N/A**Press Date:** 27/11/2025**Objections:** 0**Con Area:** MARY**Adv Type:** CA**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** Reinstatement of wall/coping stones and erection of new fence and entrance gates**Location:** Eastholme, St Anns Road, Prestwich, Manchester, M25 9LD**Description**

The property is a large previously extended semi-detached house located within St Mary's Conservation Area and where an Article 4 Direction is in place. This means that Permitted Development Rights have been removed in the area in order to protect the local heritage, character and amenity of the conservation area. It helps to prevent alterations to historical features and finishings which in turn would help the erosion of those special architectural and historic qualities by controlling unsympathetic alterations and development, or loss from demolition. In this instance all permitted development rights have been removed, with the exception of boundary walls, fences, which means the applicant could build a boundary wall to a maximum height of 1m without the need for planning permission. Anything higher than 1m would require planning permission.

The site is set well back from the main road with a drive and mature gardens. To the rear part of the elevation projects out two storey and there is a single storey extension to the party wall side Westholme is the adjoining property and also projects at the rear two storey. The section where the properties adjoin is set back and separated by a brick wall and hedges. The rear garden of the site borders the rear garden to 26,28 & 30 Prestwich Park Road South which are screened by the site planting. An Area Tree Preservation Order (No.48) covers the site and a large part of the surrounding area. There is a detached garage and parking area to the rear of the site as well as parking to the front of the property. The site has a low stone wall along the front boundary, which has a brick wall behind it serving as a retaining wall for the front garden, and following previous development at the site there is a low red brick wall along either side of the drive.

The proposal is to replace the wall/coping stones as well as adding a new fence and gates to match the neighbouring property. The proposed wall would measure around 854mm high and the overall height including the wrought iron fence/railings along the top of the wall would be around 2.29m. The wrought iron fence/railings would extend across the front boundary and also along either side of the drive for around 4.98m where the applicant proposes to erect wrought iron gates which would measure around 2m high.

Relevant Planning History

- 00069/E - Conversion of house to form 5 flats -
- 64924 - Single storey extension at rear - Approve with Conditions 16/01/2020
- 68762 - Part single/Part two storey extension at rear; Extended driveway - Approve with Conditions 01/12/2022
- 02828/E - Proposed rear extension to form new hydro pool for a disabled individual - Enquiry completed 31/03/2023
- 69549 - Single storey rear extension to form new level access changing room facility

and hydrotherapy pool building with associated plant equipment - Withdrawn by Applicant 16/05/2023

- 69648 - Two storey rear extension with new link to hydrotherapy pool building and changing room facilities; External works to adapt the existing driveway to form accessible driveway for adapted vehicle - Approve with Conditions 30/06/2023
- 70209 - Non-material amendment following grant of planning permission 69648 for Two storey rear extension with new link to hydrotherapy pool building and changing room facilities: To move the extension away from the boundary with Westholme by 1.5m - Approve with Conditions 23/11/2023
- 70304 - Two storey rear extension to include 2 no. windows to rear elevation and 1 no. window to existing side elevation with new link to hydrotherapy pool building and changing room facilities; External works to adapt the existing driveway to form accessible driveway for adapted vehicle; New air conditioning unit installed at parapet wall level to the rear elevation - Approve with Conditions 07/02/2024
- 70960 - Tarmacadam driveway with block paved edging installation - (approved application 70304 Heritage paving) - Withdrawn by Applicant 03/09/2024
- 72000 - Garage conversion in rear garden with pergola - Approve with Conditions 24/07/2025

Publicity

14 neighbours notified on 21/11/2025 - No comments or objections received.

Press advert - 27/11/2025.

Site notice erected - 12/12/2025.

Statutory/Non-Statutory Consultations

Conservation Officer - Objection received.

- The application site is within St Mary's Conservation Area.
- The reinstatement of the original coping is acceptable.
- The proposed new railing on top of the existing boundary wall is not acceptable as it would not be an original architectural feature of the conservation area. The boundary treatments in the conservation area are intrinsic to its character and appearance, characterised by low stone walls with hedgerows set behind.
- As such the addition of a railing would not preserve or enhance the appearance of the conservation area constituting less than substantial with no identified public benefit as a private residence that would outweigh the harm identified.
- The proposed gate is acceptable in principle subject to amendments to its design. The top of the gate should be level, not curved and set below the capital of the gate posts. It should be in a traditional design, not contemporary. The gate posts are part of the application and should be included in the description. The applicant needs to provide details of the gate posts, if they are a reinstatement or a replacement.
- Relevant National Planning Policy Framework policies: 212 and 215.

Traffic Section -

Whilst there are no objections in principle to this, the proposed foundations shown would encroach under the adjacent adopted highway, so need to be amended. In addition, the limits of the adopted highway should be demarcated across the access between the new gate posts and remedial works proposed to address works undertaken previously/level issues at the interface with the driveway.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework
PFE	Places for Everyone

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity, as well as the impact on the surrounding conservation area.

Impact on Conservation Area and Visual Amenity -

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 212 of the National Planning Policy Framework (NPPF) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 215 of the NPPF states, Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 216 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

This is further supported by UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control that require any development within a Conservation Area to preserve or enhance the special character or appearance of the area.

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.

In the heritage statement it is stated that the boundary wall is in a poor state due to the removal of the fence and coping stones, as well as small sections of the wall. The wall may have been damaged following removal of the coping stones but Google streetview images from (next door fence erected between Aug 22 and June 23) 2008 of the front boundary walls at Eastholme and Westholme (next door), do not show any fence to the top of either of the two walls. Railings are shown at Westholme on images from 2023, but nothing at Eastholme. It is noted that the railings at Westholme have been erected without planning permission.

The conservation officer has objected to the proposal as it would not be an original feature of the conservation area. Boundary treatments in the conservation area are characterised by low stone walls with hedgerows set behind. As such it is considered that the addition of railings along the top of the boundary wall would not preserve or enhance the appearance of the conservation area.

The conservation officer has advised that the reinstatement of the original coping stone along the wall would be acceptable, and that the proposed gate, which would be set back from the front boundary, may be also acceptable subject to amendments to its design. The conservation officer advised that the gate should be level, not curved, as this would be considered to be more in keeping with the character of the dwelling on site, and all railings

should be set below the capital of the gate posts. They also advised that the applicant would need to provide more details about the proposed gate posts, if they are a reinstatement or a replacement.

The agent has advised that the proposed railings would match those at Westhome, next door. However, the railings at Westholme appear to have been erected without any planning permission, and the fact that the railings have been installed above and over the gate pillars, would most likely mean the boundary fence/railings at Westholme would be unlikely to be approved. It is noted that the railings at Westholme have been referred to the enforcement team for investigation as they appear to have been installed within the last 4 years.

Although the conservation officer has advised that walls with railings along the top would not be considered appropriate in terms of the conservation area, permitted development rights have not been removed with regards to boundary walls/fences meaning a wall with railings along the top could be erected up to a maximum height of 1m without the need to apply for planning permission.

Most boundary treatment along St Anns Road consists of lower level walls and planting. However, there are some sites that have walls with railings, or just railings, along St Anns Road, within the conservation area. Albeit they are generally much lower than the proposed railings at Eastholme, and those at Westholme. It is possible that planning permission might be granted for a wall and railings along the front of the site, but they would need to be much lower in height and set down below the top of the pillars and gate posts. This would need to be assessed with a fresh application.

Taking the above into account it is considered that the proposal as it stands would have a significant detrimental effect on the character of the conservation area. The railings would not preserve or enhance the appearance of the conservation area. As such the proposal does not conform to Bury UDP Policies EN2/1 - Character of conservation areas, EN2/2 - Conservation Area Control, 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 reinstatement of the wall and coping stones and railings along the front boundary wall would not cause any significant harm in terms of residential amenity.

The railings along the driveway leading to the proposed gate would not cause any significant harm in terms of car users leaving and entering the site. Car users would be able to view through the railings and the gate would be set back from the rear of the pavement in front by just under 5m. As such a vehicle could be clear of the pavement when waiting to enter or exit the site.

Taking the above into account 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.

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 for several vehicles to the front and side of the dwelling.

DELEGATED REPORT

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 design, height and siting of the proposed railings is neither appropriate to, nor sympathetic with the existing property (which is a Non-designated heritage asset (NDHA)), within the streetscape, and would be significantly detrimental to the character and appearance of the surrounding conservation area thereby neither preserving or enhancing the Conservation Area.
The proposed development therefore conflicts with the Bury UDP policies EN2/1 - Character of conservation areas, EN2/2 - Conservation Area Control, 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>
AU 7/1/26		DM 7/1/26	