

DELEGATED REPORT

Report by Tom Beirne	Date of report: 16/06/2022	Ref: 68339/FUL
Registration: 12/04/2022	LDFC: 27/05/2022	Expiry Date: 07/06/2022
Site Visit: 01/06/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Removal of existing fence at front and erection of 1.5 metres high brick wall with pillars at front

Location: 1 Clyde Terrace, Radcliffe, Manchester, M26 4PL

Description

The application property is a two storey semi-detached house situated on a small cul-de-sac comprising of five pairs of semi-detached homes. The house is currently being extended to the front and side under planning reference 67001.

The proposal is to replace the existing front boundary fence with a brick wall (blue/grey brick) and pillars with infill panels to a maximum height of 1.5m. There are no gates proposed.

Relevant Planning History

65741 - Proposal A - Dropped kerb and creation of parking space.

Proposal B - Single storey front/side extension. - 15/04/2021

67001 - Single storey extension to side and front, with porch and canopy to the principal elevation (partially retrospective) - Approved 01/07/2021

Publicity

Immediate neighbours notified by letter dated 06/05/2022. One objection received from the attached neighbour. Concerns about the height of the perimeter wall that divides number 1 and 2 Clyde Terrace. The reason being that it will restrict light entering the front living area, and also due to the close proximity of the wall to the front window, and it being higher than the base of the window, the view will be severely restricted.

Statutory/Non-Statutory Consultations

Traffic Section - Retain sufficient pedestrian visibility.

Pre-start Conditions - N/A

Unitary 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) 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.

Visual amenity and streetscape - The short cul-de-sac is characterised by a mix of front boundary treatments, including fencing/concrete posts, hedges at varying heights. The proposed new boundary wall and fence at a height of 1.5m, would not be significantly higher than the existing fence. It is noted that there would be no gates which would retain a degree of openness on the frontage. Whilst the finishing colour would be a dark blue/grey, this would not appear particularly incongruous within the streetscape. It is not considered that a reason for refusal could be sustained in relation to the proposed colour/ finish.

In terms of visual amenity, the proposed fence is acceptable and complies with UDP Policy H2/3 and associated guidance relating to extensions and alterations.

Residential amenity - As the new boundary only relates to the replacement of the existing fence, there are no significant residential amenity issues arising. The concerns of the attached neighbour relate to the shared side boundary and the possibility of impacting on light are not relevant to this application. The applicant is aware that any walls/fences along this boundary would need to comply with current permitted development regulations or a new planning application would be required. In terms of residential amenity, the proposal is

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acceptable and complies with UDP Policy H2/3 and associated guidance relating to extensions and alterations.

Access - As the existing access is not changing, there are no access issues arising. As such the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance relating to extensions and alterations.

Objection - The issue raised by the neighbour has been addressed in the above report.

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 This decision relates to drawings numbered 1, 2, 3A and 4 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 listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	16/06/2022		