

DELEGATED REPORT

Report by Tom Beirne	Date of report: 01/04/2026	Ref: 72535/FUL
Registration: 12/12/2025	LDFC: 03/01/2026	Expiry Date: 06/02/2026
Site Visit: 27/01/2026	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Retention of metal fence around the boundary

Location: 5 Chapel Grove, Fernbank, Radcliffe, Manchester, M26 1YP

Description

The application is retrospective and seeks permission to retain a metal boundary fence that has been erected around the side of the house, on the corner of Chapeltown Road and Fernbank. The area is residential in character with open plan frontages.

The new light grey metal fence, which replaces the previous timber 'hit-and-miss' timber fence, runs approximately 14.5m down the side garden boundary with Fernbank. A smaller section, about 3m long returns back towards the house, approximately 2m back from the front elevation. The new fence for the most part is over 2m high but it is difficult to obtain a precise height of the previous fence from old photos/streetview. The submitted plans indicate this at approximately 1.9m although this is open for debate and from photographs from streetview, this may be closer to 1.8m. It does not have a setback from the pavement along Fernbank.

Relevant Planning History

24/0358 - Erection of fencing to side - application received. 16/12/2025

Publicity

Immediate neighbours notified by letter 15/12/2025. Two objections from neighbours and these are summarised below.

- The design and appearance of the fence that has been erected has caused a significant negative impact on the visual character of a shared environment
- The surrounding area & cul-de-sac are characterised by open frontages & clear sight across the road. The new fence is of a light grey, metal, construction, and as it stands, is unsightly and completely out of keeping with the surrounding properties. This not only affects the overall aesthetic of the immediate neighbour and is more akin to a commercial property.
- Obstruction to visibility into and out of the cul-de-sac and impact on highway safety.
- The fence would be about 10m from the main habitable rooms of neighbouring properties. Given its height & metal construction, it would create an overbearing visual feature and unacceptably poor outlook.

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
EN1/5	Crime Prevention

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.

Security - The application is accompanied by a design and access statement that explains the reasoning behind the new fence. The older, lower fence was in poor condition and didn't afford an acceptable degree of security required. The applicants indicated that they have been broken into in the past and felt vulnerable.

Whilst the new metal fence may be more secure than the previous timber fence, this is not the only option that could be considered. A fence of a different design, siting or height may be more secure and allow a suitable level of security whilst achieving a satisfactory visual impact.

UDP Policy EN1/5 relates to Crime Prevention and states that the Council will encourage proposals which include environmentally sensitive design features aimed at discouraging crime.

Visual amenity - Considering the height in isolation, at just over 2m, the fence is higher than the previous timber 'hit and miss' fence. With a different design and finish, the height is, on balance, considered to be just about acceptable. The metal fence, at the height it is, would be incongruous and detrimental to visual amenity.

The main issue with the fence is its metal construction, design and finish. Viewed from Fernbank and its junction with Chapeltown Road, the fence with its metal construction/finish appears rather commercial/industrial and incongruous within the residential cul-de-sac.

Whilst the concerns of the applicant in relation to security are understandable, in terms of visual amenity, the retention of the fence would be out of keeping and have a seriously detrimental impact on the character of the streetscape. It is considered that there would be other more appropriate options to consider rather than the proposed metal finish. Alternative options could involve changing/amending the height, design, materials or even setting the fence back from the footway to allow some boundary planting that would soften the appearance of the fence.

The fence, in its current form, would for the reasons stated above, be contrary to UDP Policy H2/3 and associated guidance within SPD6 relating to extensions and alterations.

Residential amenity - Although impacting on the visual amenity of the immediate neighbours, strictly in terms of residential amenity (privacy, daylight etc), the retention of the fence does not pose any serious issues and as such the proposal would comply with UDP Policy H2/3 and associated guidance within SPD6 relating to extensions and alterations.

Highway Safety - Positioned along the line of the previous fence, the new fence would not have any serious or detrimental impact on visibility into or out of Fernbank. In terms of highway safety the proposal complies with UDP Policy H2/3 and associated guidance within SPD6 relating to extensions and alterations.

Permitted Development - Current permitted development rights allows householders to replace an existing fence with a fence of similar proportions without requiring planning permission. The new fence exceeds the former height.

Public comments/objections - Where relevant, the concerns of the neighbours are reflected in the reason for refusal. The issues with regard to residential amenity and highway safety are addressed in the above report.

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 appearance and height of the new metal fence is neither appropriate to, nor sympathetic with the residential cul-de-sac in which it is located and would be seriously detrimental to the visual amenity of the area. The proposal therefore conflicts with UDP Policy H2/3 Extensions and Alterations and associated guidance in SPD6 Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	01/04/2026	DM	01.04.2026