

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 27/01/2022

Ref:67806/FUL

Registration: 17/11/2021

LDfC: 15/12/2021

Expiry Date: 12/01/2022

Site Visit: 02/12/2021

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: New boundary gate and fence to front elevation

Location: 4 Westleigh Drive, Prestwich, Manchester, M25 0EN

Description

The site relates to a semi-detached residential property sited immediately on a junction, which is surrounded by other dwellings on all sides. The streetscene is similar in design and appearance and other front garden boundaries are entirely low level with none over 1m high.

Planning permission is sought for development at the front of the property comprising a section of fencing measuring 1.68m high and 3.70m in length, in addition to a gate with the same height and 2.35m in length, measuring a total of 6.05m in length. Materials would include black powder coated steel gate with composite timber panels.

There are 2 existing in curtilage parking space at the front and private amenity space within the curtilage, with no change to this aspect.

It should be noted that this application is essentially a re-submission of 67415 which was refused in Sept 2021. Inspection of the new application shows that no details have changed. During correspondence the applicant has offered to reduce the height of the proposed gate by 5cm, however highways have conformed that this would make no difference.

Relevant Planning History

67415 - New boundary gate on front elevation – Refused in Sept 2021.

Publicity

Immediate neighbours notified by letter dated 25/11/2021 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section – Object on the basis that the proposal would reduce visibility at the back edge of the footway and at the junction of the property's driveway with Westleigh Drive to sub-standard levels, which would be detrimental to highway safety.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

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 - UDP Policy EN1/2 - Townscape and Built Design – states that favourable consideration will be given to proposals that do not have an unacceptable adverse impact on the particular character and townscape including consideration of the external appearance and design of the proposal in relation to its height, scale, density, and layout. However, the height of the proposed fence/gate would be significantly out of place within this neighbourhood.

SPD6 Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and design criteria. Among surrounding dwellings there are no properties with a front garden boundary greater than 1m in height. This development is situated at the front of the property immediately adjacent to the public highway where it would be readily visible from the public arena. In terms of design and appearance the extension is out of keeping with the neighbouring street scene, the proposed boundary gate would be readily visible from the public arena, and it is considered that the proposed development would not be appropriate in scale and context to the size and location of this plot.

In this respect the extension fails to comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal would affect the existing site access and parking arrangements.

UDP Policy H2/3 Extensions and Alterations – highlights that proposed alterations will be considered with regard to the size, shape, and external appearance along with visibility for pedestrians, cyclists, and motor vehicles.

The proposed layout plan shows there would be a driveway for the parking of 2 cars. However, although there are no on-street parking restrictions immediately in front of the property, the site location directly on a junction would not be an acceptable location for parking. Additionally, the development is located immediately adjacent to a highway junction where it will restrict highway visibility, and it is considered that the proposal is detrimental to highway safety.

Communication – The LPA has contacted the agent to explain the issues and give the opportunity to submit a revised design on 07/12/2021, 15/12/2021, and 24/01/2022. Unfortunately, other than receiving an offer to reduce the height of the proposed gate by 5cm which is considered to be unsubstantial, a choice has been made not to submit any revised plans to the Local Authority despite concerns being raised. Additionally, there was no pre-application. NPPF paragraph 41 is clear when it states that "The more issues that can be resolved at pre-application stage.... the greater the benefits " and this is further clarified in terms of design in paragraph 132 which states that "Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests." Whilst the LPA cannot insist that this approach is undertaken, in this instance it is considered that this would have been beneficial.

The applicant stated that part of the reason for the fence is to provide privacy in the front garden and states their view that "with the driveway being on an incline, lowering the height of the gate would allow people to quite easily see over the fence." However, following a site visit it was considered that any incline is not significant.

As there is no agent appointed, the applicant was approached during the application process to make amendments to the proposal citing the following concerns:

- The proposal would be detrimental to highway safety.
- To achieve any planning approval the proposal would have to be either reduced to an acceptable height or set back from the highway by 2m allowing an acceptable visibility splay.

However, no revised drawings were received.

Conclusion – In consideration of the above, it is considered that the proposed gate would be unacceptable in terms of the sitting, of this development. Therefore, the proposed development fails to comply with UDP Policy EN1/2, H2/3, and associated guidance in

SPD6.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/3 and SPD6 relating to alterations and extensions.

- 2 The proposal would reduce visibility at the back edge of the footway and at the junction of the property's driveway with Westleigh Drive to sub-standard levels, which would be detrimental to highway safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/2 - Townscape and Built Design, HT2 - Highway Network, HT6/2 - Pedestrian/Vehicular Conflict, and H2/2 - The Layout of New Residential Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Steven Gunn-Russell	27/01/2022		