

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132845/FH/2022
Date registered valid: 9 February 2022
Proposal: Erection of 1.83 metre high timber gates to front boundary
Address: 4 Pine Road, Manchester, M20 6UY
Ward(s): Didsbury West Ward

Applicant: Mr James Driver 4 Pine Road, Manchester, M20 6UY
Agent (if any):
Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 31 March 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 17 February 2022

Standard consultations:

Printed: 11 February 2022 Expired: 4 March 2022

Neighbour notifications

Printed: 11 February 2022 Expired: 4 March 2022

Site notice

Posted: 17 February 2022 Expired: 10 March 2022

Press advert

Published: 15 February 2022 Expired: 8 March 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the front boundary and driveway of a two storey family dwellinghouse which is predominantly constructed of smooth red brick, together with render and half-timbering and decorative hanging tiles at first floor. The roof has gabled ends with a red roof tile. The front boundary is a tall hedge with a wooden and brick gate post.



Listed building: Not applicable

Conservation area: Blackburn Park Conservation Area 1979

Tree Preservation Order: **None, however, trees are protected by the conservation area status.**

Description of area

Blackburn Park is principally an area of large family houses with spacious gardens, arranged along tree-lined roads which criss-cross the level ground of the park. Building materials and styles are very varied within the Conservation Area.

Description of development

The applicant is seeking planning permission to erect a 1.83 metre high timber gates to front boundary.

Consultations & Notification Responses

Local residents/public opinion – One representation was received objecting to the planning application. The concerns raised related to the removal of the hedge as they provide sanctuary for nesting birds and are an established part of the street scene.

The representation considers that the high gate height is detrimental to the conservation area street scene and considers that the street should be permeable and pleasant, not one made up of a set of "bunkered" driveways. This is poor design, in a conservation area, favouring individual need over residential safety and amenity. Other homes on the street have perfectly adequate gates at a much lower height.

High Speed Two (HS2) Limited – The planning application is exempt under the Safeguarding Directions and therefore HS2 Ltd have no comment to make.

Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles
DM1 – Development Management 1
EN3 – Heritage

The relevant **UDP** policies for this application are:

DC18.1 – Conservation Areas

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF)

Principle - The property is located within Blackburn Gardens Conservation Area as such consideration must be given to the guidance and requirements of the NPPF, policy EN3 and saved policy DC18.1 which all seek to preserve the historic environment and conservation areas.

The principle of gates is considered acceptable, especially when taking into consideration the applicant fall back position where a gate of less than 1 metre in height would be permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

The fallback is a material consideration in the decision making process, of which the PD rights given by the Order comprise an element. Thus when making a decision on a planning application it may be argued with some effect that a development carried out to slightly reduced dimensions or at a marginally lesser level, or perhaps in a revised location nearby, could be implemented using permitted development rights. The weight to be given to such a material consideration varies according to whether what could be built using the GPDO would have a broadly similar or worse impact to what is proposed; and the reasonable likelihood or possibility that, if permission were refused, permitted development rights would in fact be resorted to.

However, as the proposal is 1.83 metres high, the gate does require planning permission and therefore consideration should be given to the impacts on visual amenity and on the conservation area.

The proposal also proposes the removal of a small section of hedging at the front and therefore consideration will be given to its removal.

Visual Amenity/Impact on Conservation Area - In a broad sense the NPPF makes clear that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. But also warns that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance.

Policy EN3 says that development will be encourage where it would complement and take advantage of the distinct historic and heritage features of its districts and neighbourhoods.

In terms of specific guidance on boundaries saved policy DC18.1 requires that consideration is given to the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees). The guide to development in Manchester outlines the importance of boundaries and that well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment. Whilst gates are not specifically mentioned in the list, they do form an important part of boundary treatments.

The surrounding street scene reveals a variety of different boundary treatments and heights. Typically, at the front of the dwellinghouse majority of the houses have at least two gates posts and with and without gates. Again, there is a variation in height of the gates at the front of properties along Pine Road.

Concerns have been raised regarding the appearance and in particular the height of the proposed gate with the applicant proposing a 1.83 metre high solid timber gate with a width of

3.6 metres. There are examples of recent approval for solid timber gates and after viewing the street there are no concerns with the design and its impact of the gate on the designated heritage asset. This part of Pine Road has high well established hedgeline and brick piers, as such the addition of the gate is not considered to give rise to harm to the significance of the designated heritage asset.

Hedge Removal – Concerns have been raised regarding the loss of hedging, however the majority of the hedging if approved would remain with a small section of 20cm to 50cm removed to accommodate the new gate post and its removal will have little impact on the appearance of the dwelling and wider Conservation Area. It is noted that hedges can be used by nesting birds and in this instance an appropriately worded informative is proposed outlining that it is an offence under the Wildlife Act to destroy the nest of birds between March and August unless they are demonstrated to be absent.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Clarification was sought as to whether the existing gate posts would be retained or replaced. Appropriate conditions have been attached to the end of this report. The scheme is considered to be in accordance with the guidance contained within saved policy DC1 of the Manchester Unitary Development Plan and to policies SP1 and DM1 of the Core Strategy.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Gate details as received by the City Council as Local Planning Authority, on the 22nd March 2022 and 04th February 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Blackburn Park Conservation Society
High Speed Two (HS2) Limited

16 Elm Road, Manchester, M20 6XD
14 Elm Road, Manchester, M20 6XD
9 Pine Road, Manchester, M20 6UY
7 Pine Road, Manchester, M20 6UY
6 Pine Road, Manchester, M20 6UY
2 Pine Road, Manchester, M20 6UY
11 Pine Road, Manchester, M20 6UY

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Blackburn Park Conservation Area 1979
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH