MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136968/FH/2023
Date registered valid:	10 May 2024
Proposal:	Retention of a 2.4 metre high boundary walls, 1.8 metre high steel gates and a light timber shed covering.
Address:	16 Boar Green Close, Manchester, M40 3AW
Ward(s):	Moston Ward
Applicant:	Mr Jamal Alokla
Agent (if any):	Mr Reuben Ramelize Arch Designs
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	10 December 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 10 October 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 21 May 2024 Expired: 12 June 2024

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a large two storey detached dwellinghouse set within a large plot with front garden that has been paved over to provide 3 off road car parking spaces and a large rear garden which has a very steep incline, as a result the properties to the rear (southeast) are in a more elevated position than the application site.





Photograph 1 & 2 Front and Rear Elevations.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature comprising of similar type of residential properties in terms of design and scale.

Description of development

The applicant has applied for planning permission to retain a 2.4 metre high boundary walls, 1.8 metre high steel gates and a light timber shed covering.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local Residents/Public Opinion – One representation was received objecting to the proposal due to works commencing without approval, the boundary treatment is out of keeping with the existing boundary walls of the nearby properties, materials are of a poor quality, questioned whether the walls would meet building regulations, the lean to shed is not in keeping with the character of the street or host property and questioned the need for highwalls and gates.

Cadent Gast Ltd – No objection, requested an informative to be attached to any approval.

Issues

Planning History

There has only been one previous planning application at this address, detail have been provided below:

Planning Application Reference: 071699/FH/2004/N1
Description: First floor rear extension
Decision: Approved 24.06.2004

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:

Policy SP1 - Spatial Principles

DM1 – Development Management 1

The relevant UDP policies for this application are:

DC 1.1 – 1.6 – Residential Extensions

The Guide to Development in Manchester SPD

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-Strat1: Core Growth Area

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

The Principle

Walls, fences and means of enclosure, if fixed securely to the ground, are operations in terms of section 55 of the Town and Country Planning Act 1990 and thus are development requiring planning permission.

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

Paragraphs 2 and 47 of the NPPF reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to- date development plan, permission should not normally be granted.

The applicant is seeking to retain a 2.4 metre high boundary walls, 1.8 metre high steel gates and a light timber shed covering which had already been completed when officers visited the property.

Matters that require consideration is the impact on the character of the area.

Impacts on the character of the area

The white block rendered boundary walls have been constructed at the side of the property partially replacing an earlier timber fence to both the shared boundaries with no.14 and 18 Boar Green Close. The gates have also replaced an earlier gate which allows access to and from the side of the property. Lastly the timber shed that has been erected is located to the side of the property along the shared boundary with no.18 Boar Green Close.

Despite the concerns raised that the boundary wall is out of keeping with the street scene, the existing boundary treatments within the street could not be described as consistent in height or appearance. There are numerous examples where there is a marked change in height and/or design of adjoining walls. Low brick walls, taller brick walls, railings, low and tall timber fencing panels and some cases no boundary treatment at all features and are an established part of the street scene. At the side most properties have either a solid timber or railing gate and/or a timber fence panel.

Therefore, whilst the gates are now solid black iron visual there is little difference in appearance and their impact on the street scene is negligible as they are similar to the neighbouring side fences and gates.

While the side boundary wall is undoubtedly one of if not the tallest, the perceived impact is reduced by the effect of the rising land behind it and that it has not been built along the full length of the shared boundaries (image 1). In this context, it is considered that the height of the wall is neither excessive, nor does it appears as an incongruous or unduly strident feature within the street scene.

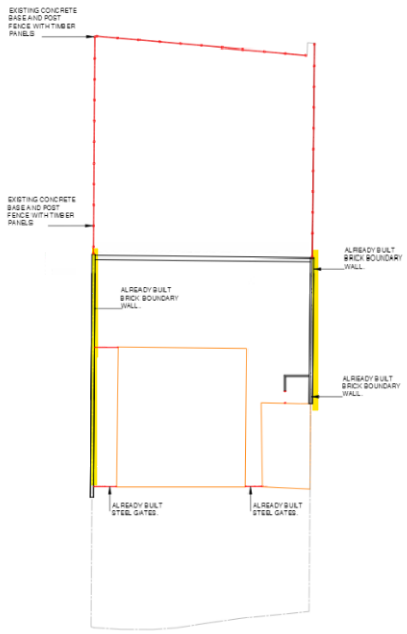


Image 1 New boundary wall highlight in yellow arrows



Photograph 3 New boundary wall highlighted by yellow lines and

In terms of overshadowing and overbearing, no. 14 Boar Green Close would not be affected by the development as it is to the south west of the site, in terms of no.16 there will be some overshadowing but the difference created by a 2 metre high wall (the maximum height allowed under permitted development) and one that is 2.4 metres high is minimal and would not warrant the refusal of this application for overshadowing or overbearing.

The single storey side timber shed has a lean to roof to a width of 2.8 metres, a height of 2.8 metes and an eaves height of 2.4 metres, whilst this is built next to the shared boundary of no.16 Boar Green Close, it does not appear to impact any habitable rooms at ground or first floor.

Therefore, because of its considered siting, design and modest scale, the proposed extension would assimilate with the dwellinghouse and would not be unduly prominent within the street

scene. The proposal is compliant with policies DM1, SP1 of the Core Strategy (2012) and saved policy DC1 of the UDP (1995).

Other Legislative Requirements

Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 polices 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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

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

A1/03, A1/02 Revision B and A3/06

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.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

10 Boar Green Close, Manchester, M40 3AW
5 The Links, Manchester, M40 3NT
18 Boar Green Close, Manchester, M40 3AW
27 Boar Green Close, Manchester, M40 3AW
21 Boar Green Close, Manchester, M40 3AW
15 Boar Green Close, Manchester, M40 3AW
9 The Links, Manchester, M40 3NT
7 The Links, Manchester, M40 3NT
23 The Links, Manchester, M40 3NT
21 The Links, Manchester, M40 3NT
19 The Links, Manchester, M40 3NT
17 The Links, Manchester, M40 3NT
15 The Links, Manchester, M40 3NT
13 The Links, Manchester, M40 3NT
11 The Links, Manchester, M40 3NT
22 Boar Green Close, Manchester, M40 3AW
20 Boar Green Close, Manchester, M40 3AW
14 Boar Green Close, Manchester, M40 3AW
25 Boar Green Close, Manchester, M40 3AW
23 Boar Green Close, Manchester, M40 3AW
19 Boar Green Close, Manchester, M40 3AW
17 Boar Green Close, Manchester, M40 3AW
12 Boar Green Close, Manchester, M40 3AW

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA