

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139677/FH/2024
Date registered valid: 13 May 2024
Proposal: Installation of 1.5m high timber slatted fence.
Address: 32 Victoria Road, Manchester, M16 8DP
Ward(s): Whalley Range Ward

Applicant: Mrs Kauthar Muhammad
Agent (if any):
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 8th July 2024



Application details

Type of application: Full Householder Application
Development type: Householder
Date of site visit: 22nd May 2024
Standard consultations:
Printed: 20 May 2024 Expired: 11 June 2024
Neighbour notifications
Printed: 20 May 2024 Expired: 11 June 2024
Site notice
Posted: 22 May 2024 Expired: 13 June 2024
Press advert
Published: 28 May 2024 Expired: 11 June 2024
Departure from Development Plan: No
Environmental Statement: Not required

Description of site/building

The site/building relates to a two storey semi detached property located in the Whalley Range ward area of Manchester. A small garden area is situated to the front with access along the side and garden in the rear. Boundary treatment consists of an original stone wall with coping stones on top approximately 1.0m high.



Listed building: Not applicable
Conservation area: Whalley Range Conservation Area 1992
Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature which falls within the Whalley Range Conservation Area.

Description of development

The applicant is seeking planning permission for the Installation of 1.5m high timber slatted fence

Consultations & Notification Responses

Local Residents; 1 letter of representation as a result of the proposal has been received.
Summary of comments as follows:

- This type of fence is not inline with the area and guidelines –
- Where boundary treatments are being renewed, walls - preferably the originals - should be stone or brick with recessed panels and stone copings.
- They should be in character with the area, which frequently includes evergreen hedges. These are most commonly privet, but holly and laurel are also seen.
- If privacy is required a laurel should be planted, all houses have enclosed back gardens for privacy and the road is not a main road and has very little passing traffic.
- Such a high fence will spoil the look of the road and out of character, there are plenty of alternatives that can be used

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

Places for Everyone Plan (2022 - 2039)

We have assessed the proposal against the following policies of the Places for Everyone Plan.

JP-S1: Sustainable Development

JP-P1 Sustainable Places

This policy outlines how we aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places.

We consider this proposal to accord with the principles of this policy.

Principle of the Proposal

The principle of the proposal is acceptable in that the applicant proposes to add additional boundary treatment to the existing wall on the site. Notwithstanding this, consideration must be given to the proposed developments design and appearance and to the proposal's impact upon existing levels of residential amenity.

History

There are no previous applications relating to this site.

Residential Amenity

The applicant is seeking planning permission for the Installation of 1a .5m high timber slatted fence. As a result of consultation, comments were made by a local resident with regards to the proposed appearance of the fence.

During the site visit it was noted that timber posts had already been installed along the front wall of the site. The applicant is looking to erect the new fencing so that it would be consistent around

the front of the site providing some security whilst allowing for visibility through the fencing. The existing stone wall would remain untouched by the installation of the new fencing. Concerns were raised by the City Council of the finished appearance of the fencing and the applicant provided examples of fencing within the surrounding area. To ensure that this is the type of fencing the applicants propose as the finished view, a condition has been attached.

It is considered that given the existing fencing within the area and the fact that the applicants wish to provide a consistent approach by erecting fencing to match the existing, this would be considered reasonable in this case.

Overall, it is not anticipated that the proposed development, will impact upon the existing levels of residential amenity currently being enjoyed by occupants of adjoining properties including loss of privacy, light or overshadowing. Therefore the proposal complies with Core strategy policies SP1, EN1 and DM1.

Design and appearance

It is not anticipated that the proposed design and appearance of the development, will impact upon the existing levels of residential amenity currently being enjoyed by occupants of adjoining properties.

Impact on the Whalley Range Conservation Area

The proposal is considered to provide less than substantial harm that is outweighed by the benefits of the scheme.

The proposal would be located in a suitable position and would not interfere with the existing characteristics of the conservation area. Material choice would be an acceptable selection for the conservation area.

On balance, it is believed that the proposal would enhance the character of the Conservation Area which is considered accords with Core Strategy Policy EN3 and saved Unitary Development Plan policy DC18.

Conclusion - This application complies with city council policies and will not harm the appearance and character of the area.

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 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

Positive and proactive working 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. The application has been determined in a timely manner and in accordance with the policies within the Development Plan.

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) Notwithstanding the submitted drawing received on 13th May 2024, prior to the commencement of fencing works, the details of the proposed fencing by way of its overall appearance hereby approved shall be submitted to and agreed in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

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.

3) Notwithstanding the submitted drawing received on 13th May 2024 prior to the commencement of above ground works, the details of the proposed materials together with the colour, shall be submitted to and agreed in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the appearance of the building is not adversely affected by the materials to be used in the construction of the fencing, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Whalley Range Forum

Whalley Range Conservation Area Group

30 Victoria Road, Whalley Range, Manchester, M16 8DP

2 Russell Road, Manchester, M16 8DL

2 Whitby Avenue, Whalley Range, Manchester, M16 8WY

39 Victoria Road, Whalley Range, Manchester, M16 8DQ

41 Victoria Road, Whalley Range, Manchester, M16 8DQ

34 Victoria Road, Whalley Range, Manchester, M16 8DP

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 - Whalley Range Conservation Area 1992

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA