

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136797/FH/2023

Date registered valid: 8 June 2023

Proposal: Installation of 0.9 metre high fencing on top of existing 1 metre high wall (Torbay Road) frontage

Address: 40 Corkland Road, Manchester, M21 8XA

Ward(s): Chorlton Park Ward

Applicant: Mr Alex Guinan

Agent (if any):

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 01.08.2023

Application details

Type of application: Full Householder Application

Development type: Householder

Standard consultations:

Printed: 16 June 2023 Expired: 7 July 2023

Neighbour notifications

Printed: 16 June 2023 Expired: 7 July 2023

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application property relates to a semi-detached property situated at the corner of the junction between Corkland Road and Torbay Road. The property benefits from a small grassed front garden with bay fronted windows along the ground and first floor. The property has benefited from a single storey rear extension with a rear dormer and boundary treatment that was approved in 2019 (application ref. 122146/FH/2018). The property is bounded by a 2 metre high trellis fence and masonry wall along the southern elevation and a masonry wall and hedge vegetation treatment along the eastern elevation.

The remainder of the area is residential in nature with houses of similar style and design within the local vicinity.

Description of development

The application seeks planning permission for the installation of 0.9metre high fencing on top of existing 1 metre high wall (Torbay Road) frontage.

Planning History

134366/FH/2022 Installation of 1.92m high vehicular access gates and fence (0.8m in height) to existing boundary wall to the Torbay Road frontage. APPLICATION APPROVED 13.09.2022

122146/FH/2018 Erection of a single storey rear extension, together with rear dormer with Juliet balcony and erection of boundary treatment at 2.00m high. APPROVED 01.03.2019.

Consultations & Notification Responses

Local residents were notified and no responses were received.

Highways comments are summarised below:

The proposed fence would obstruct pedestrian visibility splays for the drive. These should be 2x2m at 600mm. It is understood that the existing wall is around 1m which is the approximate height of the emerging driver's eye, so affords some visibility of approaching pedestrians and a degree of safety.

The hedge could be cut down so does not justify ignoring a safety issue. The existing gates however, when opened, will obscure any approaching pedestrians. If these are part of the application, then Highways would request a refusal. If not and the gates already have consent, the fence will make little difference.

The difference of 0.8m panels or 0.9m panels is academic. Both would attract an objection. For the avoidance of doubt the visibility issue relates to the drive, not the junction. The junction achieves sufficient visibility by virtue of the footway.

Policy

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- Saved policy DC1 of the UDP
- DM1, SP1, EN19 of the Manchester Core Strategy

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 8: Promoting health and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social inclusion, are safe and accessible and enable and support healthy lifestyles.

Chapter 12: Achieving well-designed places

124: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Unitary Development Plan Saved Policies

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.

Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents,
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Issues

Residential and Visual Amenity

The proposed timber fencing would replace the existing hedge on top of the 1metre masonry wall up until a height of 1.9metres. The proposed fencing would run approx. 17metres along the Torbay Road frontage culminating at the existing side gate which is to be retained at a height of 1.8metres. Additionally, the fencing adjoining the existing side gate will be raised to 1.8metres. Therefore, there will be reduction in height of the existing boundary treatment however a more prominent structure is proposed along a dominate frontage. However, it is deemed given that the height is acceptable and comparable to many in the local vicinity, the proposed fencing would not create an overbearing feature to neighbouring properties.

As outlined above, the application is comparable to a previously approved application ref. 134366/FH/2022, with the main difference between the slight alteration in height of the proposed boundary treatment along Torbay Road.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity.

Design and Appearance

The proposal intends to use facing materials comprising timber fencing which is in keeping with other developments in the immediate area, and therefore in light of these factors, it is not considered that the proposed development would adversely impact on the character of the building or the general area. In addition, a materials condition has been attached to ensure that

the materials are adhered to, pursuant with the requirements of Core Strategy policies DM1, EN1 and SP1 and saved UDP Policy DC1.

Additionally, the proposed fence would fail to comply with Permitted Development Regulations, however given the small scale increase in height by 0.1metres, the form and scale of the development is considered acceptable, pursuant to Policy DC1.2 of the UDP.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is conserved acceptable.

Highways Comments

Highways have stated their comments regarding their objection, however it is deemed their objection centres around the implantation of the gate which was already been granted permission under 134366/FH/2022 and is not part of the description of the proposal within this application. Highways then raise an objection regarding the panel size however it is deemed in this instance that given the previously approved footprint at this site and that the pavement adjacent to the highway is rather deep, it is not deemed appropriate to refuse this application based on the initial concern.

Car Parking

Car parking provision would be unaffected by the proposal.

Bin Storage

Bin storage would be unaffected by the proposal.

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:

Article 35 Declaration

Officers have worked with the agent/applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning applicant. No significant problems have arisen during the consideration of this application.

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 date of three years beginning with 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:

Document- Householder Application for Planning Permission for works or extension to a dwelling Town and Country Planning Act 1990 (as amended) stamped as received by the City Council as Local Planning Authority on 24 April 2023

Drawing- The Location Plan stamped as received by the City Council as Local Planning Authority on 08 June 2023

Drawing- Site Plan stamped as received by the City Council as Local Planning Authority on 26 April 2023

Drawing: Plans, Elevations and Detail Drawings stamped as received by the City Council as Local Planning Authority on 24 April 2023

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) The materials to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in the Application Form and Approved Drawings specified in Condition 2 of this approval.

Reason- To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure, pursuant to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Highway Services

2 Torbay Road, Manchester, M21 8XD
38 Corkland Road, Manchester, M21 8XA
47 Corkland Road, Manchester, M21 8XG
49 Corkland Road, Manchester, M21 8XG
42 Corkland Road, Manchester, M21 8XH
45 Corkland Road, Manchester, M21 8XG
43 Corkland Road, Manchester, M21 8XG
4 Torbay Road, Manchester, M21 8XD

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA