

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134424/FH/2022

Date registered valid: 20 July 2022

Proposal: Retention of 2 metre high boundary fence to front and side and 2 metre high gates to front

Address: 249 Chapman Street, Manchester, M18 8NG

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mrs K Dineskanan 249 Chapman Street, Manchester, M18 8NG

Agent (if any): Mr Mike Carr Mat Design Limited 17 Brookside Avenue, Eccleston, St.Helens, WA10 4RN

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 November 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 5 August 2022

Standard consultations:

Printed: 28 July 2022 Expired: 18 August 2022

Neighbour notifications

Printed: 28 July 2022 Expired: 18 August 2022

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 the front and side boundaries of 249 Chapman Street. The site is on the junction of the adopted highways of Reed Street and Chapman Street in the ward of Gorton and Abbey Hey.



Photograph 1 Application Site as viewed from Chapman Street near to the junction with Reed Street

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is residential in nature comprising of a mixture of pre and post war housing stock on the fringes of more historic industrial areas of Manchester crisscrossed by both current and former railway lines and canals.

Description of development

The applicant original sought to retain a 2 metre high boundary fence to front and side and 2 metre high gates to front.

During the course of the application the description has now been amended to reflect the changes to the scheme and is now described as follows:

Installation of 1 metre high fence to front and side, together with 1 metre high gate to front and retention of 2 metre high fence to side.

Consultations & Notification Responses

Publicity

A notification letter was sent to the address as listed in appendix 1.

Objection

One representation was received objecting to the proposal and raised concerns with appearance of the gates and fence.

Highway Services

Highways have raised concerns over the compromised visibility between an egressing vehicle and passing pedestrian / motorised traffic along both Reed Street and Chapman Street. Highways have requested that all boundary treatments with frontage to the adopted highway must ensure appropriate visibility and therefore be visually permeable from a height of 0.6m upwards.

Highways have also requested that the applicant verify that the length of both driveways are sufficient so that the vehicle will not overhang on the footway, each driveway space should provide a minimum of 3.0m x 6.0m in line with MCCs standard minimum dimensions.

Plans confirm that both sets of entrance gates will be inwardly opening, which is acceptable to Highway as it will prevent obstruction on the adjacent footway.

Highways also advised that the adopted highway at the front of the property on Chapman Street would require a dropped kerb for access to the driveway.

If the application is approved the applicant may also wish to consider a H-Bar marking to protect access onto both driveways and to deter inconsiderate parking on both Reed Street and Chapman Street.

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

The relevant UDP policies for this application are:

DC 1.1 – 1.6 – Residential Extensions

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF)

Principle – The principle of erecting new fencing along a site's boundary, adjacent to a public highway in order to improve security, is acceptable. However, consideration must be given to the proposals siting, appearance and its impact upon existing levels of amenity and safety.

Fallback Position - 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 deciding 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.

In this case Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) allow for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. The legislation allows for a fence or wall regarding its height:

- it is next to a highway used by vehicles (or the footpath of such a highway) and it would not exceed one metre in height (from ground level); or
- it would not exceed two metres in height (from ground level) if elsewhere; or
- if an existing fence, wall or gate already exceeds the limits above, that its height would not be increased.

Siting and Appearance - The applicant original sought to retain a 2-metre-high boundary fence to front and side and 2-metre-high gates to front as shown in photograph 1. Highway Services raised concerns over the compromised visibility between an egressing vehicle and passing pedestrian / motorised traffic along both Reed Street and Chapman Street. Highways have requested that all boundary treatments with frontage to the adopted highway must ensure appropriate visibility and therefore be visually permeable from a height of 0.6m upwards. An objection was also received raising concerns with the appearance of the gate and fence that had been erected.

These concerns were relayed to the application and to address those concerns the applicant has amended the scheme to installation of 1-metre-high fence to front and side, together with 1-metre-high gate to front and retention of 2-metre-high fence to side as shown in image 1.

The heights are in line with the maximum allowed under the GPDO and therefore whilst it is noted that this is higher than those recommended by Highways the fallback position would mean that the applicant could revert to a 1-metre-high fence and gate without planning permission, therefore as the impacts would be exactly the same, the height is considered to be acceptable.

At the side the applicant will insert a panel that will increase the height from 1 metre to 2-metre-high helping to improve the visual appearance of the fence with a gradually increase rather than an abrupt change from 1 metre high to 2 metres.

The fence will be a timber construct with concrete posts with 1 or 3 concrete panels at the bottom depending on the height of the fence. The appearance of the fence and gate would not detract from the types of enclosures in the immediate area around Chapman Street and Reed Street, as there is no universal one type of fence or enclosure, with a mixture of railings, concrete panel fencing, brick walls and a mixture of low level concrete panels and privet hedges being observed during the officers site visit.

Overall it is considered that there will be no detrimental impact on the visual amenity or highway safety as a result of the proposal.

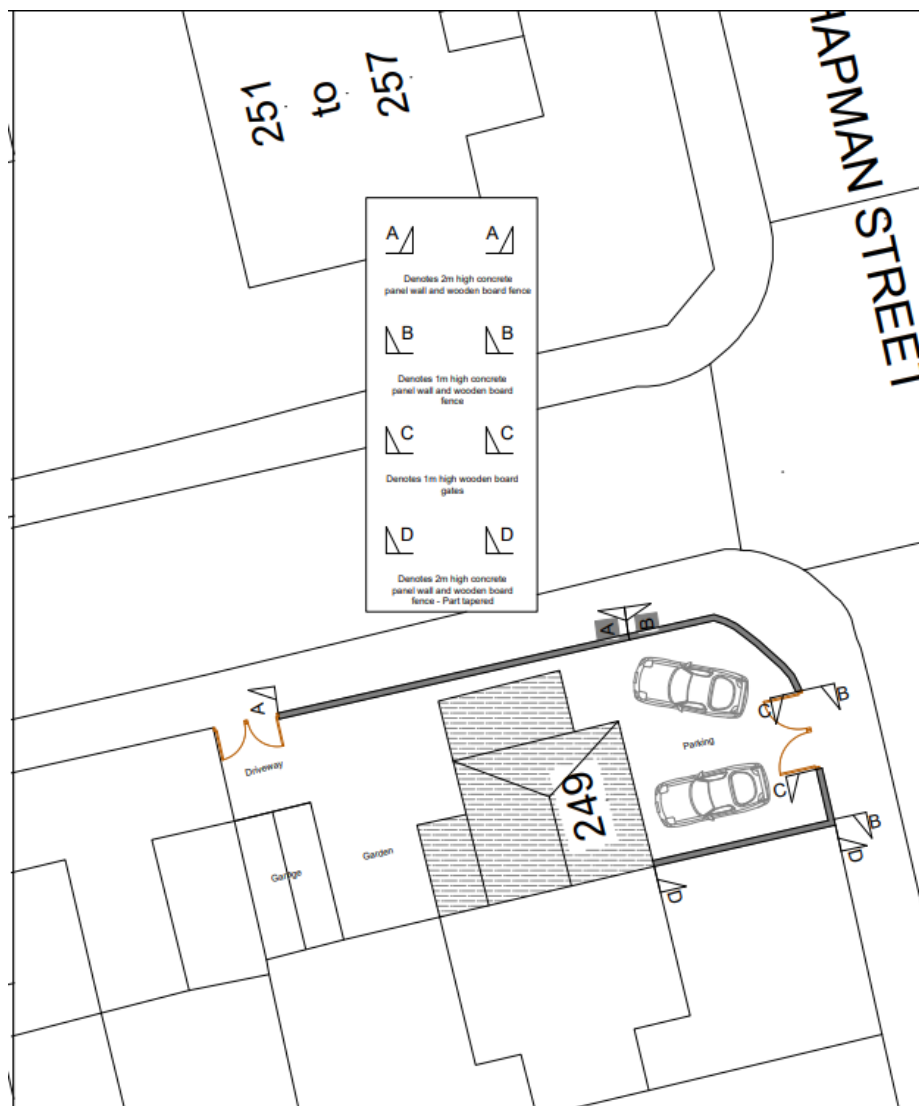


Image 1 Amended Proposed Site Plan

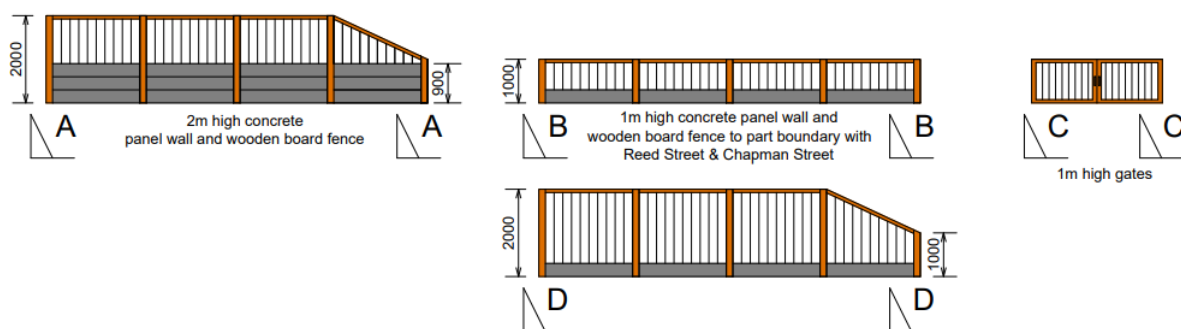


Image 2 Amended Proposed Fence and Gate Elevations

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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application and these concerns have been addressed in amended drawings. Appropriate conditions have been attached to the end of this report. The scheme is considered to be in accordance with the guidance contained within 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:

Drg. No.2 received by the City Council as Local Planning Authority on the 2nd November 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

Highway Services

Transport For Greater Manchester

18 Hurford Avenue, Manchester, M18 8WL
20 Hurford Avenue, Manchester, M18 8WL
240 Chapman Street, Manchester, M18 8WQ
238 Chapman Street, Manchester, M18 8WQ
236 Chapman Street, Manchester, M18 8WQ
3 Seymour Street, Manchester, M18 8NN
1 Seymour Street, Manchester, M18 8NN
242 Chapman Street, Manchester, M18 8WQ
257 Chapman Street, Manchester, M18 8NG
255 Chapman Street, Manchester, M18 8NG
253 Chapman Street, Manchester, M18 8NG
251 Chapman Street, Manchester, M18 8NG
247 Chapman Street, Manchester, M18 8NG
234 Chapman Street, Manchester, M18 8WQ
21 Hurford Avenue, Manchester, M18 8WL

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH AREA