

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134062/FH/2022

Date registered valid: 20 June 2022

Proposal: Erection of 2.4 metre high timber fence to rear garden boundaries

Address: 11 Mountain Street, Manchester, M40 1UA

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mrs Paula Mackinnon, Mack 4 Limited on Behalf Of One Manchester Ltd 52 Cornwall Street, Openshaw, Manchester, M11 2PS

Agent (if any): Mrs Paula Mackinnon Mack 4 Ltd 52 Cornwall Street, Openshaw, Manchester, M11 2PS

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: **9 August 2022**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 8 July 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 24 June 2022 Expired: 15 July 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site relates to 11 Mountain Street within the Miles Platting and Newton Heath ward of north Manchester. The application site relates to a red brick, two storey, terraced dwellinghouse with window and door lintel detailing. Amenity space to the front of the property consists of a small, paved courtyard and the rear amenity space consists of further paved patio and a small, grassed garden.

Description of development

The submitted application seeks planning permission for the erection of 2.4 metre high timber fence to rear garden boundaries. The existing timber fence has an approximate height of 1.8 metres and is located at the bottom of the rear amenity space. The new timber fences would have an increased height of 0.6 metres with anti-climb features. The timber fence would run approximately 3.77 metres along the shared boundaries with immediate neighbours no. 9 and no.13 Mountain Street. 6 no. concrete posts from soil boundary would be removed and the whole grassed garden area would be flagged as a result of this application. Materials to be used for the proposal would include a 2.4 metre high anti-climb timber fence and as part of the supporting documents the agent provided a photo of the proposed fence. A feasibility request was also submitted as part of the application, explaining why an anti-climb fence was necessary for the resident.

Planning history

078031/VO/2005/N1- Rear Of 2-18 Christopher Street 13-21 Assheton Road And 1-15 Mountain Street- CITY COUNCIL DEVELOPMENT Erection of 2.4 metre high gates to alleyway to the rear of 2-18 Christopher Street/13-21 Assheton Road/1-15 Mountain Street.
Approved 14 February 2006.

Consultations & Notification Responses

Local residents

Local residents were consulted and no responses were received.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and

appearance of public and private spaces.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

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.

d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.5 The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. 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.

ISSUES

Principle of development

The submitted development application is for the erection of 2.4 metre high timber fence to rear garden boundaries. It is considered acceptable in principle as many people prefer to alter and extend homes, rather than move, to meet changing residential needs. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

The fence as existing is approximately 1.8 metres high, in line with permitted development rights, and as a result of the proposal the fence would increase to 2.4 metres. The increased fence would be sited against the shared boundary with both immediate neighbours, starting half way down the shared boundaries and would run 3.77 metres to the rear boundary line of the

applicant property. The existing brick wall running 5.85 metres from the applicant's rear building line against the shared boundary with no. 13 Mountain Street would remain in place, as would the brick wall on the other shared boundary with no. 9 Mountain Street. The increase in height is acceptable given it would not run the entirety of the shared boundary and as it is proposed towards the bottom of the rear garden, it would not give rise to any overshadowing or loss of light affecting rear and side windows of the neighbours' properties. As such, the increase in height is considered acceptable in the location proposed as it would not create an overbearing feature to the neighbour.

The agent, as part of the correspondence submitted with the application, confirmed the proposal was for a disabled user and subsequently no planning fees were received. In addition, any negative impacts in terms of visual/ residential amenity would be outweighed by the need to provide anti-climb fences to protect the disabled user and immediate neighbours around the site. This is pursuant to Policy DC1.5 of the UDP.

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 of anti-climb vertical timber fencing boards, 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.

Although the fence would be higher than those achieved through the route of Permitted Development, the increased height of 0.6 metres is not overwhelming and would only alter part of the shared boundary treatment. As such, 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 considered acceptable.

Car parking

Car parking provisions would be unaffected by the proposal.

Bin storage

Bin storage would be unaffected by this proposal.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area, whilst benefitting the needs of the disabled user.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan saved policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance, the local planning authority had no concerns to raise with the agent but have attached the relevant conditions.

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:

- Householder Application for Planning Permission for works or extension to a dwelling form, received by the City Council as the Local Planning Authority on 15 June 2022.
- Drawing- Existing & Proposed- Garden Layout, numbered 079-001 REV A, received by the City Council as the Local Planning Authority on 15 June 2022.
- Drawing- Location Plan, received by the City Council as the Local Planning Authority on 15 June 2022.
- Photo- Fence, received by the City Council as the Local Planning Authority on 20 June 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.

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 'Photo-Fence' specified in Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

13 Mountain Street, Manchester, M40 1UA
12 Christopher Street, Manchester, M40 1WA
10 Christopher Street, Manchester, M40 1WA
9 Mountain Street, Manchester, M40 1UA
14 Christopher Street, Manchester, M40 1WA

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
Area Team Boundary - Name: NORTH