

Application Number:	22/00127/FUL
Proposal:	New boundary wall to the north east boundary between the property and St Anne's Road. The boundary wall to be brick built with intermediate pillar heights of 2.85m, and a maximum wall height of 2.6m.
Site:	139 St. Annes Road, Denton, M34 3DY
Applicant:	Mr & Mrs A Gwynne
Recommendation:	Grant planning permission subject to conditions.
Reason for Report:	The applicant is an elected Member of Tameside Council.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application property occupies a corner plot location of a cul-de-sac adjoining the eastern end of St. Annes Road. Off street parking provision is provided by the front driveway, accessed via St Annes Road. The boundary adjacent to the gable end of the application property to the north is flanked by a public footway, which connects the eastern and western ends of St. Annes Road. Opposite the site, separated by a public footpath is the former Penny Farthing pub and to the rear is the site of a pre-school.
- 1.2 The existing property is a two storey detached dwelling. To the front and rear are generous gardens. To the side/rear of the application property, an existing 2m high brick boundary fence runs along the boundary facing the public footway on St Annes Road.

2. PROPOSAL

- 2.1 The application seeks planning permission for the erection of a brick boundary wall to the north-eastern boundary of the site. The wall as proposed ranges in height from approximately 2.6m - 2.85m above the footway below with a total length of approximately 14.7m. The proposed brick boundary wall is to replace a section of the existing brick boundary fence and is to be located adjacent to the rear garden of the application property.

3. PLANNING HISTORY

- 3.1 21/01352/FUL: Proposed single storey rear extension and alterations. Approved 18 February 2022.

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

4.4 **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

4.5 **Development Plan**

The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004)

4.6 **Tameside Unitary Development Plan (UDP) Allocation**

4.7 Unallocated, within the Denton North East Ward

4.8 **Part 1 Policies:**

- 1.3: Creating a Cleaner and Greener Environment;
- 1.5: Following the Principles of Sustainable Development

4.9 **Part 2 Policies:**

- H10: Detailed Design of Housing Developments
- C1: Townscape and Urban Form
- T1: Highway Improvement and Traffic Management

4.10 **Supplementary Planning Documents**

Residential Design Guide Supplementary Planning Document:

- RED1: Acknowledge Character
- RED2: Minimum Privacy and Sunlight Distances
- RD2: Character Assessment
- RD21: Design of Boundary Treatments

Other Relevant Policies

4.11 **National Design Guide (2021)**

Illustrates how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

Places for Everyone

- 4.12 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.
- 4.13 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.14 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

Other Considerations

- 4.15 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.16 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

- 5.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Tameside Statement of Community Involvement, the adjoining owner or occupiers were notified of the proposed development by neighbour notification letters and display of site notice

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 None received.

7. RESPONSES FROM CONSULTEES

- 7.1 Highways Engineers – No objection to the proposal as the information and proposed plans supplied for the development would not have on highways grounds an unacceptable impact on highway safety, or that the residual cumulative impact on the road network would be severe.

8. ANALYSIS

- 8.1 The main issues to consider in the determination of this application are:
- The principle of the development;

- Design and local character;
- Residential amenity; and
- Other matters

9. PRINCIPLE

- 9.1 The site is unallocated, is a residential property and a proposed extension to the property would maintain the residential use of the site and subject to design/ amenity considerations, as outlined below. The proposal is therefore acceptable in principle subject to both design and amenity.

10. DESIGN AND APPEARANCE

- 10.1 Policies C1 and H10 of the Tameside Unitary Development Plan (UDP) state proposals should respect the nature of surrounding fabric and relationship between buildings and that housing developments should be of high quality, complementing and enhancing the character and appearance of the surrounding area.
- 10.2 Policy RED1 of the Residential Design SPD requires that proposals should apply an architectural style that reflects the existing dwelling and materials should align with the existing in terms of size, style, colour and texture. Policy RD21 of the SPD states that boundary treatments at road frontage should be constructed of materials which match the existing property, wooded panel fencing should not be used at road frontage and boundary treatments higher than 1m should have an element of transparency.
- 10.3 The new boundary wall will replace part of the existing wall to the north-east facing side boundary of the application property and be brick with intermediate pillar heights of approximately 2.85m, and a maximum wall height of approximately 2.6m.
- 10.4 The new boundary wall will be well incorporated with the existing wall with the materials to the new wall proposed as rustic red fascia brick with solid blue engineering brick for the wall copings, in keeping with both the existing dwelling and the surrounding area. The use of pillars and matching materials will help to soften the visual impact of the proposed wall from the view of the public realm.
- 10.5 There are a variety of boundary treatments along St Annes Road with no predominant design or material. The existing street scene to the front of the application property is characterised by low-level gardens without boundary treatments. However, to the side and rear of the property, the street scene is primarily characterised by high-level boundary walls and fencing, such that the proposal would not appear out of character with this area of the existing street scene.
- 10.6 Notwithstanding the above, given the orientation of the application property adjacent to the redeveloped Penny Farthing Pub opposite with a public footway between and the site of the pre-school to the rear, the new boundary wall will not be viewed within a residential context.
- 10.7 Though the proposed boundary wall will be considerably higher than the existing brick boundary fence and would not feature an element of transparency, the design of the new wall is considered to be acceptable, given the proposed matching materials and incorporation with the existing boundary coupled with the existing variation in the street scene. The height of the wall would not appear overbearing and overall, would not unduly harm the character and appearance of the street scene.

10.8 Overall, the proposed boundary wall is deemed acceptable, having regard to the standards and guidelines set out under SPD Policies RED1 and RD21, Policies C1 and H10 of the adopted Tameside UDP and the NPPF.

11. RESIDENTIAL AMENITY

11.1 Paragraph 130 (f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants.

11.2 Locally, the adopted Tameside UDP Policy H10 requires that any development, including extensions, should not have unacceptable impacts on the amenity of neighbouring properties through loss of privacy nor overshadowing.

11.3 In addition, Tameside Residential Design Supplementary Planning Document (March 2010) (the SPD) contains specific standards and guidelines for different development types to ensure that no undue amenity impacts are caused to the occupiers of neighbouring properties. Policy RED2 establishes guidelines for sunlight distances; in order to ensure that developments do not cause unacceptable overshadowing or loss of natural light, minimum distance allowances have been implemented between new developments and existing properties.

11.4 No undue harm to the amenity of neighbouring occupants is anticipated. The proposed boundary wall will be sited a sufficient distance from neighbouring properties so as not to result in any undue loss of light or loss of outlook

11.5 In light of the above, the proposed rear extension is deemed to meet the standards and guidelines set out under the SPD Policies RED1, RED2, RD21 and Policies H10 and C1 of the adopted Tameside UDP and the NPPF.

12. OTHER MATTERS (HIGHWAY SAFETY)

12.1 The proposal is not considered to result in severely detrimental harm to highway safety; the site will remain in residential use with a single dwellinghouse and the proposed boundary will replace an existing brick boundary fence. This assessment is corroborated by a lack of objection from the Council's Highways Engineers.

13. CONCLUSION

13.1 The proposed boundary wall is considered to be sustainable development under the terms of the NPPF, whilst also complying with relevant policies of the Tameside Unitary Development Plan, as well as meeting the standards and guidelines set out in the Tameside Residential Design Supplementary Planning Document. It is therefore recommended that planning be granted.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The development hereby permitted must begin before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in full accordance with the following amended plans/details received 10 February 2022:

Boundary Wall Sheet 1 of 2 HE602959-AMEY-HFE-M67-DR-CB-0300-02 1.1

Boundary Wall Sheet 2 of 2 HE602959-AMEY-HFE-M67-DR-CB-0300-03 1.1

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policies and relevant national Planning Guidance (Policies RED1, RED2, and RED9 of the Tameside Residential Design SPD; Policies C1 and H10 of the Tameside UDP).

3. The proposed development hereby approved shall be constructed in accordance with the materials as detailed on the following drawings:

Boundary Wall Sheet 2 of 2 HE602959-AMEY-HFE-M67-DR-CB-0300-03 1.1

(Received by the Council 10 February 2022)

Reason: In the interests of the visual amenities of the locality, in accordance with UDP Policy C1: Townscape and Urban Form.