

Application Recommended for Approval
Brunshaw Ward

APP/2009/0659

Full Planning Application

Proposal to relocate garden wall (re-submission of APP/2009/0351)
90 APPLECROSS DRIVE BURNLEY

Background:

The application is to move an existing garden wall so that it lies nearer to the highway. This would incorporate the part of the existing piece of land between the wall and the highway into the garden area. A previous application involved incorporating all of the land between the present wall and the highway into the garden, thus moving the wall so that it abuts the highway. This application was refused on the grounds of highway safety, due to the effect on visibility this previous proposal would have had, in addition to it adversely affecting the open character of the area.

Objections have been received for the present proposal.



Proposed relocation of wall (to leave 0.75m from highway)

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H13 - Extensions and conversion of existing single dwellings

Site History:

APP/2009/0351 – Proposal to incorporate garden behind new brick wall (Refused)

APP/2004/1010 – Proposed first floor extension above garage to provide a play area (Refused)

APP/2000/0295 – Proposed kitchen and sitting room extensions (Approved)

12/94/0253 – Proposed conservatory (Approved)

Consultation Responses:

Highways:

After modelling the proposal to facilitate minimum sightlines for a 20mph speed limit I have agreed that the wall could be repositioned as per the [submitted] plan.

Should permission be granted for this application, I would like it conditioned that any planting that is situated between the wall boundary and the highway is low level only i.e. kept below 1.1m (driver eye height), preferably the area would be laid as turf or grass. This is to ensure that minimum sightlines are maintained.

7 letters / emails from neighbours objecting on the following grounds:

- The previous reasons for refusal remain relevant
- Highway sightlines / loss of visibility
- The wall would create a hazard for neighbouring properties reversing off driveways / would create a blindspot
- In winter the road is more dangerous and the proposal would further threaten drivers in this weather
- It would create a hazard to footpath users
- There are utilities and other public services underneath the land proposed to be incorporated (*this is a private matter between the relevant utility companies / providers and the applicant*)
- Estate design and open plan aspect / the proposal would not be in keeping with the open character of the estate
- The wall would appear unsightly
- The proposal will be taking neighbours land (*this appears to be a misinterpretation of the proposed plans*)
- Land Registry agreements and deeds state the sightlines are required and no walls, planting etc is permitted on the bends (*this is a private legal matter*)

Planning and Environmental Considerations:

The proposal is to incorporate part of a piece of land between the high garden wall and the adjacent highway into the existing garden area. This would require the moving of the wall so that it lies nearer to the highway, with a distance of 0.75m remaining between the repositioned wall and the highway itself.

The main issues to consider are materials / design, residential amenity, impact on the streetscene and highway safety.

The wall was constructed as part of the residential development and is of good design and materials, being in keeping with the locality and therefore acceptable. Any new materials that may be required in the relocation of the wall will match the existing in terms of brick size and colour, and would also be acceptable.

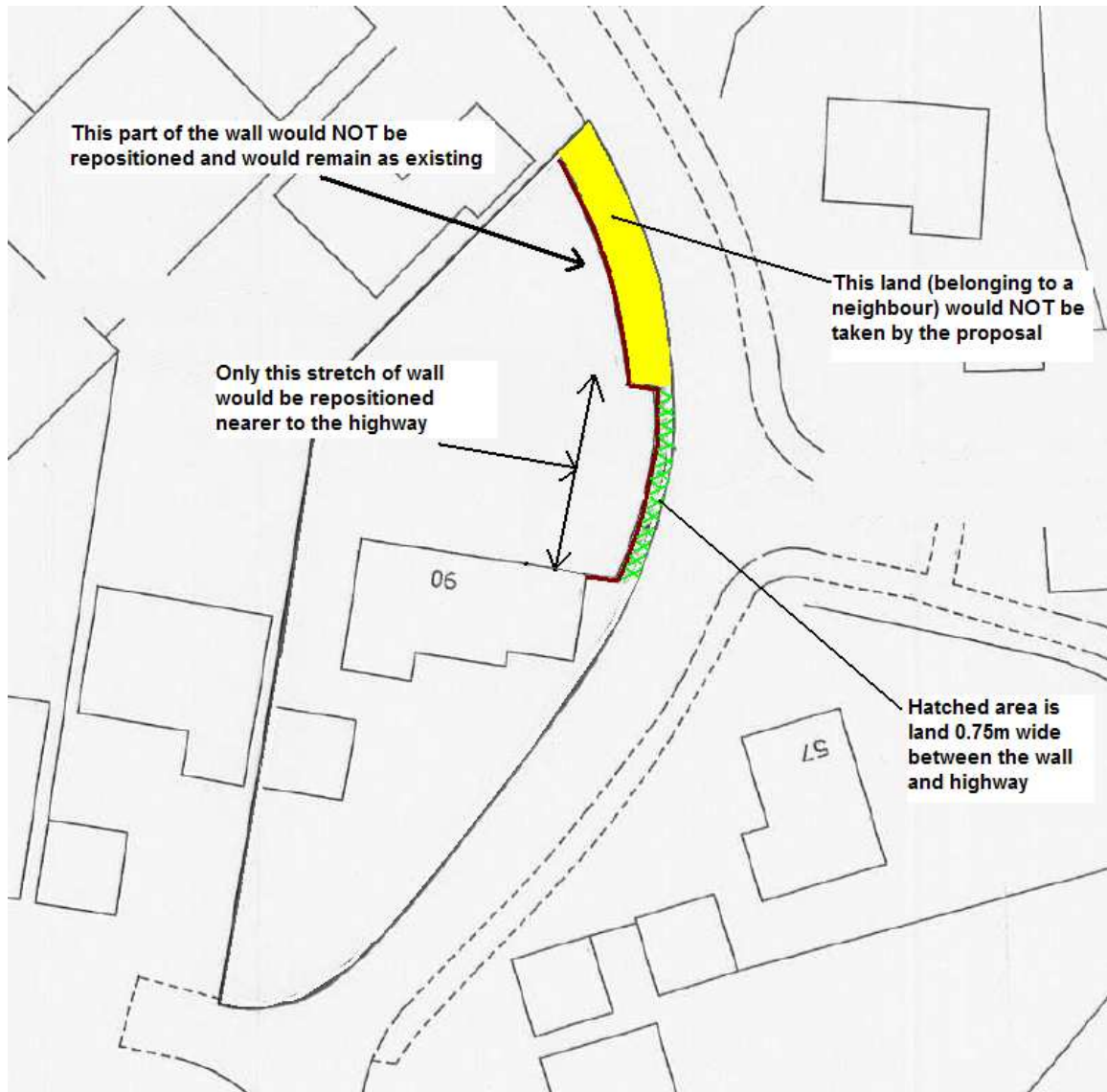
The repositioning of the wall, albeit rather high (the height of the wall varies but is generally around 2m), would not result in any noticeable loss of light, privacy or outlook to any of the immediately surrounding residential properties. In these respects, residential amenity would not be adversely affected.

The character of the estate is quite open plan, and walls generally do not abut the surrounding highways and footways and are, in most circumstances, set back by approximately 1m. One of the reasons for refusal for the previous proposal of moving the wall to lie immediately alongside the highway was that this would adversely affect the open plan character of the area. The revised plan, leaving a distance of 0.75m between the relocated wall and the highway retains a certain degree of openness and in this respect the applicant has overcome this particular previous reason for refusal.

The application site lies on a bend on the highway. The previous application to reposition the wall so that it abutted the highway would have resulted in a blind spot where it would be difficult to see around the bend. The Highways Engineer objected to the previous application because of this lack of visibility. Following the previous refusal, the applicant has been in discussions with the Highways Engineer and the revised proposal to leave a 0.75m has satisfied the requirements to maintain sufficient visibility levels.

Many objections were in relation to the blind spot that is perceived and the increased difficulties of reversing from neighbouring driveways. However, as the Highways Engineer has discussed the acceptable distance to leave between the repositioned wall and the highway, sufficient sightlines would remain and therefore the application cannot be refused on such highway / reversing grounds.

One objection stressed that the proposal would incorporate neighbouring land. However, this appears to be a misinterpretation of the proposed plan and this is shown overleaf to clarify the situation:



As shown, the entire wall is not going to be relocated fully, only the small section of the wall nearest the rear of no. 90 Applecross Drive would be removed.

A condition shall be added to ensure that any planting on the piece of land between the relocated wall and the highway does not exceed 1.1m in height, to maintain the necessary sightlines.

The applicant has overcome the two previous reasons for refusal and as such the proposal now complies with the above Local Plan policies and is considered acceptable.

Recommendation: That planning permission be granted subject to the following conditions:

1. The development must be begun within three years of the date of this decision.
2. Any planting situated between the wall boundary and the highway shall not exceed 1.1m in height at any time.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the necessary sightlines are maintained when traversing this part of Applecross Drive, in the interests of highway and pedestrian safety in compliance with policy GP1 and H13 of the Burnley Local Plan Second Review.

BS
16/12/2009