

**Reference:** 13/00929/FULHH

**Date Submitted:** 24.12.13

**Applicant:** Mr S Palmer

**Location:** Devonvale, 11 Easthorpe View, Bottesford, NG13 0DL

**Proposal:** Retrospective permission for the erection of new 1.8 metres close board feather edge and post fencing as existing.



**Introduction:-**

**This application seeks retrospective planning permission for an 1.8 metre high close boarded timber fence.** The application site is located at 11 Easthorpe View which sits within an open plan residential cul-de-sac comprising of bungalows. The bungalow has recently undergone modifications and has been extended. The property sits on the southern bend of the estate road and has side and rear amenity space. The boundary enclosing the side garden was previously conifer hedging which has been removed and the timber fence erected in its place to secure the amenity areas, which are not visible from the property itself.

**It is considered that the main issues relating to the proposal is:**

- **Impact upon the character of the area**

The application is to be considered by the Planning Committee due to the number of representations received.

**Relevant History:-**

11/00161/FUL – Planning permission refused for a detached bungalow and detached garage on land adjacent to 11 Easthorpe View, Bottesford on the 28.07.11

13/00335/FULHH Planning permission granted for extensions to rear and side of bungalow and internal alterations on the 9.7.13

**Planning Policies:-**

**Melton Local Plan (saved policies):**

Policies OS1 and BE1 allow for development within Town Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

**The National Planning Policy introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application is:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

**Chapter 7 of the NPPF - Require Good Design states that:-**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Are visually attractive as a result of good architecture and appropriate landscaping.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Parish Council:</b> No comments received to date.	Noted.
<b>Highway Authority:</b> No objection	The fencing sits along the back edge of the highway and if it were not for curvature of the road site lines from the access would have been blocked to a degree. <b>The Highway Authority have not objected to the proposal given the low level of traffic to and from the are being a cul-de-sac with limited traffic, serving 11 properties only.</b>

**Representations:**

A site notices was placed at the entrance of the site and neighbouring properties also consulted; as a result 8 letters of objection from 8 households have been received to date. The objections are summarised below:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact upon the Character of the area:</b></p> <p>The fence is totally out of keeping with the rest of the cul-de-sac which is open plan</p> <p>The fence is completely out of character with the location which consists of bungalows, on large spacious plots which are landscaped to lawn, shrubs and trees, set back from the highway. In essence an open plan design.</p> <p>The fence is the first thing you see on approach to the estate and it detracts from the openness of the estate</p> <p>The replacement fence is right on the boundary with the path leaving no verge - Visually it is awful</p> <p>Too long and too high and ruins the area</p> <p>The fence is not on the same line as the hedge which was set back giving a strip of land in front – the fence is a dominant and oppressive feature</p> <p>A fence of this nature is not in keeping with the rural village street.</p>	<p>Easthorpe View is a cul-de-sac comprising of 11 bungalows, which was designed as an open plan estate with none of the front gardens enclosed. Nos.1 and 11 have larger amenity areas and benefit from side gardens due to being positioned along the bend of the road. Access into the estate is via Grantham Road, between existing dwellings fronting Grantham Road. On the approach down to the bungalows, the highway is bound by the rear boundary treatment of properties fronting Grantham Road. On the right hand side of the highway the boundary treatment is a fence of varying stages of aging set back from the highway by a grass verge planted with trees. On the left hand side of the highway there is no footpath, and a fence securing the amenity area of the dwelling fronting Grantham Road is positioned close to the back edge. Further down the approach road there is a combination of fencing set back with grass verges and hedging in front giving a sense of openness.</p> <p>No.1 Easthorpe View sits on the inside bend of the highway and has an open frontage. The rear and side garden is secured by a fence but this is set well back from the highway with a low planted hedge row in front following the curve of the road. No. 11 which sits on the outer bend, has the largest side garden which was previously enclosed by a dense leylandii hedge. The hedge was set back from the highway leading off the rear of the garage presenting a grassed strip of land along the highway that reduced in size as the garden tapered to meet the rear boundary of the dwelling fronting Grantham Road. The hedge row has since been</p>

	<p>removed and replaced by a 1.8 metre close boundary fence which has been positioned on the back edge of the highway running at a length of approximately 35 metres. The fence in its present form is considered to urbanise the street reducing the visual attractiveness of the area when approaching from Grantham Road.</p> <p>The applicant has been invited to amend the proposal by setting the fence line back from the roadside boundary and to continue from the rear of the garage which would ensure the frontage of the bungalow and garage remained open. The applicant has advised that the fence has not been completed and it is to have the top cut to give a ‘scalloped’ design, reducing the overall height and is to be stained dark green. Whilst this would go some way to lessen its ‘stark’ appearance upon the streetscene it is not considered that it would add to the openness of the estate or contribute positively to the streetscene. In order to overcome the concerns it would be suggested that the length of fence is reduced which can be achieved by not including the garage within the enclosure and to start the fence line from the rear of the garage. This would allow for a greater set back distance from the highway leaving a grass strip which could be maintained/planted with native shrubs adding to the landscaping in the area therefore having a positive contribution to the streetscene.</p> <p>At the time of writing no further details have been submitted and it is considered that the proposal in its present form is not acceptable and does not comply with local plan policies OS1 and BE1 which seek to ensure new development is in keeping with the character of the area. Furthermore the NPPF paragraph 64 advises that development should improve the character and quality of an area and the way it functions. <b>It is considered that the fence in its present form and positioning does not achieve these policy objectives and is recommended for refusal.</b></p>
<p><b>Other considerations:</b></p> <p>The original planning permission (79/0512/6/904) specifically states that no front boundary walls or gates fronting onto the road are permitted.</p> <p>There is a covenant on the estate which prevents walls and fencing being erected on this open planned estate</p>	<p>Noted. Planning permission would be required for any front boundary treatment and gates. Should an application be submitted it would need to comply with the development plan policies and to not have a negative impact upon the character of the area.</p> <p>Noted; this is a civil matter.</p>

<p>Planning regulations stipulate a fence of 1 metre adjacent a highway.</p>	<p>Permitted development rights do not exist on this application site due to having restrictive planning conditions imposed (where such rights exist a fence up to 1 metre high could be erected without the need for planning permission if it was adjacent a highway/public footpath).</p>
<p>The occupants of number 1 Easthorpe View have suddenly had their view totally obliterated and replaced with a high fence, which I am sure is very upsetting for them</p>	<p>No one has the right to a view, however, it is understood that the fence line has been brought closer to the highway boundary which has reduced the separation distance. It is not considered that the fence would diminish the residential amenities through blocking of light to render No. 1 Easthorpe View an unattractive place to live.</p>

**Considerations not raised through representations**

Consideration	Assessment of Head of Regulatory Services
<p><b>Compliance (or otherwise with planning policy)</b></p>	<p>In accordance with the guidance contained within the NPPF, an amended plan has been requested in order to attempt to ensure a good standard of amenity with a visually attractive development which will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development.</p>
<p><b>Impact on residential amenity</b></p>	<p>The proposed fence is located on the boundary of No. 11 Easthorpe View fronting the highway. The fence is sufficient distance and of a scale as to not have an adverse impact on the residential amenities of adjoining properties.</p>

**Conclusion:**

The application site lies within the village envelope of Bottesford and thus benefits from a presumption in favour of development under policies OS1 and BE1. It is considered that the proposal for retention of the existing fence, in its current form, does not positively contribute to the character of the area and diminishes the visual attractiveness of the open plan estate. The proposal is considered to adversely affect the character and appearance of the area and fails to comply with the local plan policies OS1 and BE1 which seek to ensure development is in keeping with the character of the area. Furthermore the proposal is not considered to meet the objectives of the NPPF, in particular paragraph 64, which states that development should improve the character and quality of an area and the way it functions. Whilst some improvements have been suggested it is not considered that the proposal positively responds to the character of the area and accordingly the proposal is recommended for refusal.

**RECOMMENDATION: Refuse:**

1. The fence, by virtue of its height and siting on a prominent highway bend within an open planned estate represents an unsightly feature within the streetscene. The fence does not positively contribute to the area and diminishes the visual attractiveness of the open plan estate. The proposal is considered to adversely affect the character and appearance of the area and is therefore contrary to saved Policies OS1 and BE1 of the Adopted Melton Local Plan and the advice in the NPPF on design.

Officer to contact: **Mrs Denise Knipe**

**Date: 7<sup>th</sup> February 2014**