

Reference: 14/00248/FULHH
Date Submitted: 01.04.14
Applicant: Mr S Palmer
Location: Devonvale, 11 Easthorpe View, Bottesford, NG13 0DL
Proposal: Construction of 1.8m closed board feather edge and post fencing with recessed panelling to be scalloped and painted green.



Introduction:-

This application seeks retrospective planning permission for a 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.

The application has been amended in an attempt to overcome a previous refusal. Recessed areas are proposed to break up the massing of the fence to reduce the impact upon the character of the area.

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 previous history for the site and 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

13/00929/FULHH Retrospective permission for the erection of new 1.8 metres close board feather edge and post fencing as existing. Planning permission was refused due to considered to be an unsightly feature within the streetscene on the 19th February 2014.

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:-

Consultation reply	Assessment of Head of Regulatory Services
Parish Council: No comments received to date.	Noted.
Highway Authority: No objection	<p>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. 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.</p> <p>It is not considered that the proposal will have a detrimental impact on highway safety.</p>

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 7 households have been received to date. The objections are summarised below:

Representation	Assessment of Head of Regulatory Services
<p>Impact upon the Character of the area:</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 for planting</p> <p>The fence has caused a dominant and oppressive environment. Recessing 3 panels does nothing for reducing its impact.</p> <p>Too long and too high and ruins the area</p> <p>The new works indicated does very little to remedy the failings made in the recommendation to refuse planning permission made on the original application. (13/00929/FULHH).</p> <p>The scalloping of the fence and painting green still does not reduce its impact.</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 dwellings 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 hedgerow 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</p>

	<p>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 hedgerow has since been 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. Planning permission (13/00929/FULHH) was refused for retention of the existing fence as the proposed changes to scallop the top and paint it green was not considered to soften the appearance.</p> <p>This amended application seeks to continue with the scallop top design and staining green but it offers three recessed areas evenly spaced to create a 'V' shape to allow planting of climbing plants and bushes which in time will aid to soften the appearance. 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 has been 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 ensure that at the start of the built form of the street there would be the appearance of openness in front of the dwellings which would be in line with the other plots to the east. Through not enclosing the garage building would allow an opportunity for enhancement planting which could positively impact upon the streetscene. The applicant wishes to keep the fence around the garage as it gives more options for storage.</p> <p>It is considered that the proposal in its present form, whilst adding 3 'V' shaped recessed areas to include planting of climbing plants to cover the fence and shrubs does not present a significant change to the proposal that has been refused. It is considered that the amended proposal 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.</p> <p>Whilst there would be some benefit to the applicant to retain the fence to provide security of the garden area to the west, due to it being</p>
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	obscured from the dwelling. It is considered that the proposed changes to the fence in the form of three ‘V’ shaped recessed areas has not overcome the previous reason for refusal and because of its positioning and massing does not achieve the policy objectives and is recommended for refusal.
<p>Other considerations:</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>Planning permission was refused so why has the fence not been removed?</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>The applicant has a right to appeal the refusal within 3 months of the refusal having been issued. It is not therefore in the interest of the public to take enforcement action until such time the appeal period has lapsed or submission of a revised application. This current application is trying to overcome the refusal.</p>

Considerations not raised through representations

Consideration	Assessment of Head of Regulatory Services
Compliance (or otherwise with planning policy)	<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>The development is considered to not comply with the applicable Local Plan policies. In this instance, the policies are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.</p>
Impact on residential amenity	<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 with some modification to include scalloping of the top and adding three ‘V’ shaped recessed areas in an attempt to break up the massing would not positively contribute to the character of the area and is considered to diminish 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 outer bend location within an open planned estate represents an unsightly feature within the streetscene. It 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: 9 May 2014