

Reference: 14/00657/FULHH
Date Submitted: 08.08.14
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, garden shed/workshop and green house.



Introduction:-

This application seeks retrospective planning permission for a 1.8 metre high close boarded timber fence, together with the construction of a new garden shed/work shop and greenhouse. 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. A reduction of length and recessed areas with planting 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 the history on the site.

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 as it was considered to be an unsightly feature within the streetscene.

14/00248/FUL Construction of 1.8m closed board feather edge and post fencing with recessed panelling to be scalloped and painted green was also refused for the same previous reasons, being an unsightly feature within the streetscene.

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: Have no objection to the application.	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 cul-de-sac with limited traffic, serving 11 properties only.</p> <p>It is not considered that the proposal would 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 12 letters of objection from 4 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 proposals to such a prominent position would be unsightly on the property frontage and distract from the visual attractiveness</p> <p>The fence has created a dominant and oppressive environment, totally out of keeping with the area and is visually intrusive.</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</p>

This amended proposal differs marginally with no more than a reduction of 5 metres in length

The plans for a greenhouse and shed seem to be a subterfuge to get the fencing passed

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 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 and previously refused in application 14/00248/FUL on the grounds that 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.

The application has now been amended, in order to overcome the concerns, and proposes 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, which would ensure the frontage of the bungalow and garage remained open.

Furthermore the fence, positioned to the outside of the bend, will be recessed every 4th and 5th panel to create a 'V' Shape for appropriate planting which could be maintained/planted with native shrubs adding to the landscaping in the area therefore having a more positive contribution to the streetscene. The fence is also proposed to be stained brown to further limit its impact on the amenities of the area and this can be conditioned accordingly.

Although the proposed fence is not considered to add to the openness of the estate, It is considered that this is an urban residential built up development, the proposed materials are of a high standard and this revised design, reduced length with planting would help reduce and soften its stark appearance adding to the visual attractiveness within the vicinity.

The application includes the addition of a shed/workshop measuring 6 metres x 3 metres with a ridge height of 2.4 metres, and green house measuring 1.8 metres x 3 metres x 2.09 metres in height, which are considered to be typical garden structures constructed of appropriate materials, positioned within the confines of the fenced area, if approved, and are of a size and scale subordinate to their use, which can be conditioned accordingly for

	<p>personal use being ancillary to the dwelling house.</p> <p>Consideration should be given that such structures would fall within the realms of permitted development if positioned within the curtilage to the side of the dwelling house. Should the fence not be provided as a means of screening, these could appear somewhat sporadic, standalone structures appearing somewhat alien when viewed from within the streetscene</p> <p>When considering the revised design, reduced length and planting, the submitted revised application is envisaged to comply with local plan policies OS1 and BE1 which seek to ensure new development and 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. It is considered that the proposed amended design of the fence, together with greenhouse and shed/workshop are acceptable by reason of their form and detailing would achieve the policy objectives and therefore recommended for approval</p>
<p>Other considerations:</p> <p>In accordance with guidance of the General Permitted Development Order a fence maybe erected up to 1 metre high adjacent to the highway.</p> <p>Alternatively by setting the fence back 1 metre from the edge of the inside bend it can be erected upto 2 metres in height</p> <p>The application does not state the usage of the workshop</p>	<p>Noted. The applicant could retain the fence as it stands and marginally reduce it by 0.8 metres and would not require formal planning permission whereby the Local Planning Authority would have no control of its design, colour or planting scheme.</p> <p>Again the local authority would have no control or opportunity to condition such a structure.</p> <p>On balance when considering the current revised scheme to that of the bold existing fence and the fall back position from what can be constructed within the realms of Permitted Development, the current application has addressed the concerns which breaks up its starkness with interval recesses, associated planting and a reduction in length and is therefore no longer perceived to be oppressive or to have a negative impact upon the character of the area</p> <p>The proposed work shop can be controlled by way of a condition for domestic use only being ancillary to that of the host dwelling</p>

Considerations not raised through representations

Consideration	Assessment of Head of Regulatory Services
Compliance (or otherwise with planning policy)	In accordance with the guidance contained within the NPPF, the amended submitted plan has attempted to significantly overcome the previous objections 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.
Impact on residential amenity	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 to not have an adverse impact on the residential amenities of adjoining properties.

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. This is an urban residential built up area, the proposed materials are of a high standard and this revised design, reduced length with planting would help reduce and soften its stark appearance adding to the visual attractiveness within the vicinity. It is considered that the proposal for retention of the existing fence amended to include the provision of planting is considered to be an improvement to that which has been previously refused and does not detract from the character of the area. The proposed amendments can be secured by a condition to ensure their implementation within a reasonable period. The construction of the shed and workshop would be screened from the streetscene by the revised fencing and will not have any detrimental impact the character and appearance of the area. Accordingly, the proposed development is considered 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 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.

RECOMMENDATION: Approve:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. The development hereby permitted shall be constructed strictly in accordance with the plans submitted detailing fence, shed/work shop and green house elevations and site locations received by the Local planning Authority dated 8th August, 28th November 2014 and subsequent email dated 18th December 2014
4. The use of the shed/workshop; shall at all times be for domestic purposes only and no trade or business whatsoever shall be carried out therefrom.
5. The amendments to the design of the fence shall be implemented in accordance with the drawing “Proposed alteration to existing close board fencing to provide recessed panelling for tree/bush planters” received on 3 December 2014 within 6 weeks of the date of this permission.
6. Within 8 weeks of the date of this permission the fence hereby permitted shall be stained brown and thereafter maintained in perpetuity for the life of the fence.
7. Proposed details of the trees/bushes to be planted in front of the fence shall be submitted to the local

planning authority within 4 weeks of the date of this permission for approval. The trees/bushes will be planted within 4 weeks of the date of the approval of the details of the trees/bushes by the local planning authority and thereafter permanently maintained and replaced if they die or are damaged in such a way as to kill them..

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure a satisfactory standard of external appearance.
- 3 For the avoidance of doubt
- 4 To ensure that the use remains compatible with the site and surrounding area and in the interests of highway safety.
- 5 To ensure the development is completed within a reasonable time frame.
- 6 In the interest of visual amenity and the character and appearance of the area.
- 7 To ensure satisfactory landscaping is provided within a reasonable period.

Officer to contact: **Mrs Deborah Dowling**

Date: 16th January 2015