

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	29 th January 2020
Application Number	19/09234/FUL
Site Address	14 Keels Cricklade Swindon Wiltshire SN6 6NB
Proposal	Retrospective removal of hedge and erection of 1.8m high featheredge fence
Applicant	Miss Emma Nash
Town/Parish Council	CRICKLADE
Electoral Division	Councillor Bob Jones MBE
Grid Ref	409466 194039
Type of application	Full Planning
Case Officer	Michael Akinola

Reason for the application being considered by Committee

The Application was called in for Committee determination by Cllr Bob Jones to consider the impact of the development on highways safety and character and appearance of the locality.

1. Purpose of Report

To consider the above application and to recommend **APPROVAL** subject to conditions

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development
- The scale, design and layout of the proposals and impact on character, appearance and visual amenity of the locality
- Impact on the residential amenity
- Impact on highways and safety

Cricklade Town Council objects to the proposals. One representation of support and eight objections from members of the public received.

3. Site Description

The application site relates to 14 Keels, a two-storey semi-detached property located within the defined settlement boundary for Cricklade. The property is sited within a residential cul-de-sac where properties feature similar characteristics and appearance but with varied boundary treatments including low level brick walls and large mature hedges.

The property is adjacent Keels public highway and the existing hedge has been replaced with the fence.

4. Planning History

N/A

5. The Proposal

Retrospective permission is sought to retain the 1.8m fence erected along the boundary of the property.

6. Planning Policy

National Planning Policy Framework (NPPF) Feb 2019

Para 11 – The presumption in favour of sustainable development

Chapter 4 – Decision Making (paras 38, 47 and 49)

Chapter 9 – Promoting Sustainable Transport (paras 108, 109, 110)

Chapter 12 – Achieving Well Designed Places (paras 127 & 130)

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Core Policy 57 – Ensuring high quality design and place shaping

Core Policy 61 – Transport and new Development

Cricklade Neighbourhood Plan (CNP) March 2018:

Policy H3 – Design

Policy 12 – Road safety, traffic and transport

7. Consultations

Cricklade Town council:

Object to the application due to the following reason;

- It is considered that the proposed fence would result in safety concerns, appear a discordant unattractive feature in the street scene, would detract from the amenity of the locality, and the remove a grassed area which is a feature of the estate.*
- the proposal is contrary to Wiltshire Core Strategy CP57 (iii) and (viii) ensuring high quality design and place shaping. CP52 states that development must not adversely affect the integrity and value of any green infrastructure.*

Wiltshire Council Highways:

No objection to the application and commented as follows;

- Officers noted the previous border to the property was a wall and hedge that appears in some google street view images to be a similar 1.8 m height to the fence, and that the fence is an in-situ replacement for the former boundary treatment.*
- Having conducted a site visit officers are satisfied that visibility from the turning head to the west of the proposal site that serves to access nine dwellings, conforms to manual for streets standards as visibility can be achieved from 2.4 m back from the junction to the junction of Keels and North Meadow Road (design speed being 2.4 x 43).*
- Therefore, as visibility is contained within the public highway Officers raise no highway objection to the retrospective proposal above.*

8. Publicity

The application was advertised by neighbour letters, Parish council notification and site notice. This generated 7 letters of objections and 1 letter of support.

Reasons of objections summarised:

- The proposal results in the loss of visibility and highway safety issues
- The proposal is not in keeping with local vernacular

9. Planning Considerations

Principle of Development

Under the provisions of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLTP) 2011 (adopted June 2006); and the made Cricklade Neighbourhood Plan (March 2018).

Cricklade is defined as a local service centre in a location that can accommodate additional development. The application site is located within the defined settlement boundary of the town and the proposal is for a residential boundary featheredge fence and therefore falls to be considered against the provisions of core policy 57 of the Wiltshire Core Strategy. CP57 states that new development will be supported subject to a number of criteria including amongst other things: responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size; making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area. Also that the public realm is designed to create places of character which are legible, safe and accessible in accord with Core Policy 66 whilst also requiring that the provisions of Core policy 61 are met.

In addition, policy H3 of the made Cricklade Neighbourhood Plan requires that development should be designed in a way that integrates them effectively into the existing fabric of the town and its footpath network. Development proposals will be supported where they include good quality design that responds to the character of its immediate locality and, as appropriate, to the site concerned.

Planning permission is required for the proposed development due to its visual impact on the character and appearance of the locality, relationship to adjoining properties and highway safety as permitted development rights for such householder development restricts the height of fences to 1 metre when in the vicinity of a highway. The application is retrospective and the fence has been erected to a height of 1.8 metres.

However, it should be noted that this does not necessarily preclude the element of development or activity that is restricted and not subject of permitted development in perpetuity, rather the restriction allows the Local Planning Authority the opportunity to assess the effect of development on an individual basis rather than allowing development to come forward under national permitted development rights.

As such it is considered that as a matter of principle the development is acceptable. Site specific considerations are considered further below.

Impact on visual amenity and the character and appearance of the locality

Core Policy 57 requires that proposed development must relate positively to the landscape setting and existing pattern of development in terms of building layouts, built form, height, mass, scale, building line, plot size, etc in order to effectively integrate into its setting. Development must also make efficient use of land whilst taking into account of the characteristics of the site and local context to deliver appropriate development which relates effectively to the immediate setting and the wider character of the area. Likewise, policy H3 of the made Cricklade Neighbourhood Plan requires that development should be designed in a way that integrates effectively into the existing fabric of the town/built environment and its footpath network. Development proposals will be supported where they include good quality design that responds to the character of its immediate locality and, as appropriate to the site concerned. These policy requirements reflect and accord with the relevant paras of the NPPF, including para 127.

The existing street scene is characterised by a mainly low brick walls and mature hedges as boundary treatment as indicated by the representation submitted and summarised above. Furthermore, interested parties have stated that the addition of the fence would result in a discordant feature in a particularly prominent location at the entrance to the cul-de-sac. However, despite being situated within a location where there are limited wooden fences and is adjacent a highway/highway junction, the erected fence to the front elevation is not considered to be such a departure from the prevailing local vernacular as to appear wholly incongruous or discordant within the street scene such that it should be refused on this basis. Such boundary treatments are relatively common features of residential areas in the North Hub of Wiltshire and the Royal Wootton Bassett and Cricklade Community Area and do feature elsewhere within Cricklade itself. Whilst the recently erected fence has not been stained and the wood itself is light in colour it will weather in time and appear less prominent.

On this basis the erected wooden fence is not considered to have a significant adverse impact on the character, appearance and visual amenity of the locality and is in accordance with core policy CP57 of the WCS, Policy H3 of the CNP and section 12 of the Framework.

Impact on the residential amenity

Section 12 (para 127) of the NPPF and CP57 of the WCS (Jan 2015) seek to secure high quality design and a good standard of amenity for current and future land occupants.

The proposal is not positioned in a location that would result in harm upon the neighbouring properties in terms of any overbearing impact or loss of privacy or loss of daylight as result of the height, scale, form and position of the fence as erected. As such the proposal is considered to accord with CP57 of the WCS, Policy H3 of the CNP and section 12 (para 127) of the NPPF.

Impact on Highways

Wiltshire Core Strategy policies CP57 (ix), ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

Representations received including from the Town Council who objected cited reasons of restricted visibility and resultant highways safety concerns and issues as a result of the erected fence. The Wiltshire Council Highway officers were consulted and raise no objection to the erected fence. They noted the previous border to the property was a wall and hedge that appeared in some google street view images to be a similar 1.8 m height to the fence, and that the fence is an in-situ replacement for the former boundary treatment. The application submissions/agent confirm that the previous boundary treatment was of a similar height (1.8m) and in exactly the same location and extent as the fence now erected.

In addition, Highways Officers are satisfied that visibility from the turning head to the west of the proposal site that serves to access nine dwellings, conforms to manual for streets standards as visibility can be achieved from 2.4 m back from the junction to the junction of Keels and North Meadow Road (design speed being 2.4 x 43).

Therefore, as visibility is contained within the public highway they raise no highway objection to the retrospective proposal. In this context the application is considered to accord with the provisions of CP57 & CP61 WCS; Policy 12 of the Cricklade neighbourhood plan; and paras 108, 109, 110 of the NPPF.

10. Conclusion

The erected fence at 14 Keels, in Cricklade, is considered acceptable in principle under the provisions of the development plan.

The erected development involved minor alterations to the front /side elevation of the property and is not considered to have any significant adverse impact on the character, appearance and visually amenity of the locality not being considered to result in a wholly incongruous or discordant feature when seen in context and comparison to the other properties in the vicinity.

Similarly, the alterations proposed would not have any significant impact on the current level of residential amenity afforded to the surrounding properties in terms of, loss of daylighting or overbearing impact.

Lastly, Wiltshire Council Highways officers have stated that the erected fence would not result in the loss of visibility or harm to highway safety as it replaces a hedge of a similar height in the same location and thereby preserves the existing level of visibility and safety.

It is therefore considered that the erected fence is in accordance with, Policies H3 & 12 of the CNP, CP57 & CP61 of the WCS and paragraphs 11 and 47, 108, 109, 110, 127 and 130 of the Framework.

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be in accordance with the following approved plans: location plan and fence plan [Received by the LPA on the 25th of September 2019]

REASON: For the avoidance of doubt and in the interests of proper planning.

2. Within 3 months of the date of this consent details as to the proposed staining treatment of the wooden fence hereby permitted shall be submitted for the approval of the Local Planning authority. Within 3 months of approval of the submitted details the fence shall be treated and finished in accord with the approved details.

REASON: In the interest of the character and appearance of the locality.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.