

Planning Committee 10 October 2017
Report of the Head of Planning and Development

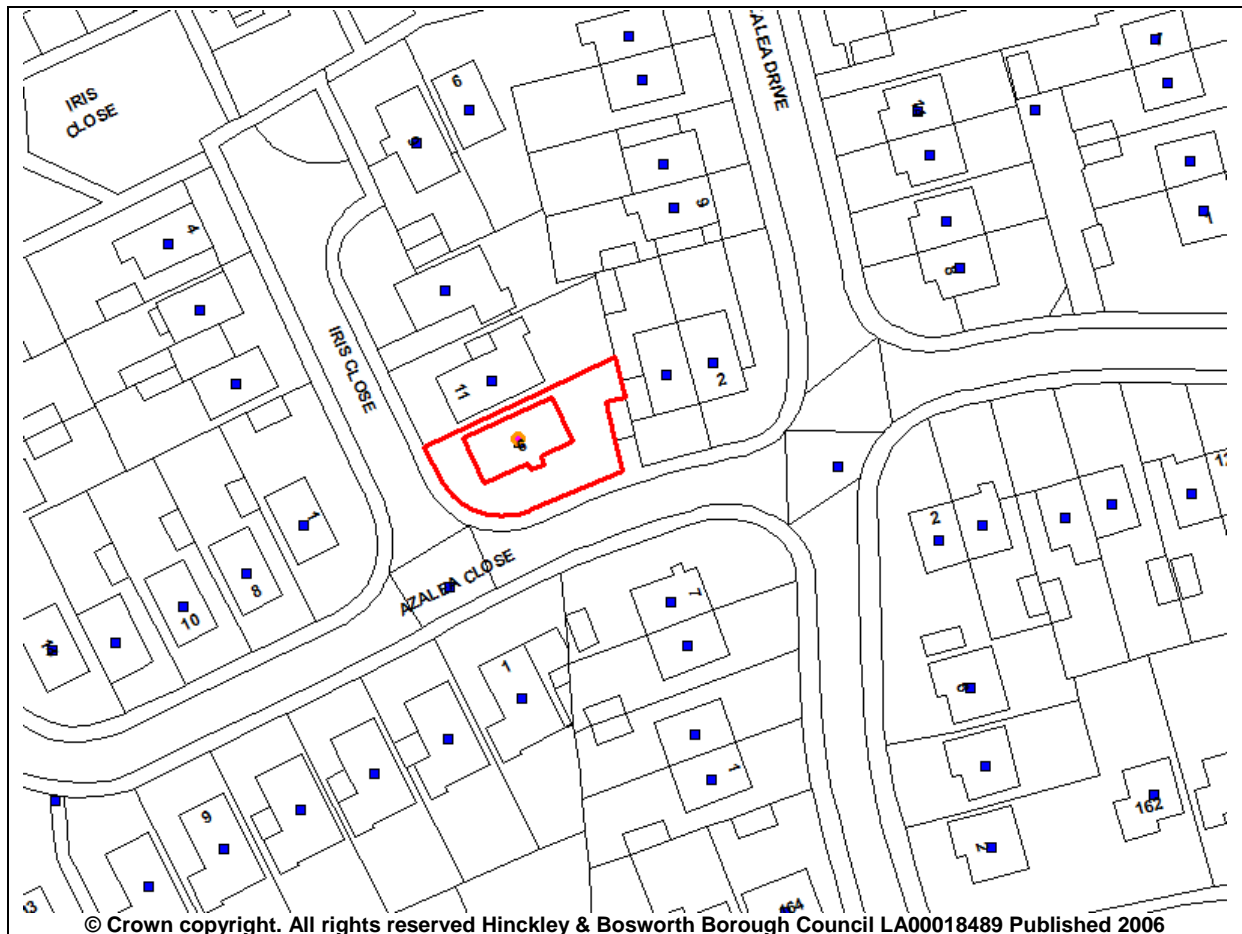


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00690/HOU
Applicant: Mr Clive Hill
Ward: Burbage Sketchley & Stretton

Site: 6 Azalea Close Burbage Hinckley

Proposal: Erection of fence (retrospective)



1. Recommendations

1.1. **Refuse planning permission** for the reasons set out at the end of this report.

2. Planning Application Description

2.1. This application seeks retrospective planning permission for the erection of a 1.8 metre high fence which comprises feathered fencing panels and gravel boarding. The fence is located to the front of a highway at 6 Azalea Close, Burbage and abuts the back of the pavement along Iris Close.

3. Description of the Site and Surrounding Area

3.1. 6 Azalea Close is a detached bungalow located to the immediate north east of the junction of Azalea Close and Iris Close within the settlement boundary of Burbage. The surrounding area mainly comprises bungalows along Iris Close and two storey detached dwellings along Azalea Close.

3.2. Both Azalea Close and Iris Close are predominantly open in character; with green open front gardens with some low level boundary hedges.

4. Relevant Planning History

15/00534/HOU	Front and side extension	Permission	07.07.2015
15/01289/NOMAT	Non material amendment to planning permission 15/00534/HOU to add brick pillar to porch and alter siting of windows	Permission	18.01.2016

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. A site notice was also posted within the vicinity of the site.

5.3. There have been five neighbour representations; four of which object to the development and one which neither supports nor objects to the development. The objections are summarised below;

- Out of character with the area
- Highway danger
- Breach of original planning application
- Set a precedence for further fences to be built
- Potential overshadowing and blocking of daylight

6. Consultation

6.1. Burbage Parish Council objected to the development stating that the fence design, height and appearance is detrimental to the street scene and character of the area.

6.2. LCC Highways - refer to Standing Advice 2011.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. Policy DM1 of the adopted Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise. The site is located within the settlement boundary of Burbage as defined by the SADMP where there is a presumption in favour of sustainable development. This proposal seeks retrospective consent for a boundary fence, which is considered to be acceptable in principle; subject to other material planning considerations being assessed.

Design and impact upon the character of the area

- 8.3. Policy DM10 of the SADMP requires new extensions to enhance or complement the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.4. Both Azalea Close and Iris Close are predominantly open in character; with green open front gardens with some low level boundary hedges. The fencing as currently erected extends out approximately 6.6 metres from the western elevation of the property; abutting the back of the footpath along Chestnut Walk and runs for 7.4 metres; replacing a 0.7 metre high box hedge which previously contributed to the open and green character of the area. The fencing is considered to be unacceptable along the street frontage on this prominent corner as it encloses a previously open area and is out of keeping with the open and green character of the area.
- 8.5. Further to this, the materials from which the fencing has been constructed are inconsistent with other boundary treatments along Iris Close and Azalea Close. The use of concrete gravel boards and posts is common to rear gardens ; the use of low quality materials such as these along the street frontage is considered to be detrimental to its appearance and character.
- 8.6. Whilst there is an existing boundary fence of a similar height and design to that proposed on the corner of Azalea Close and 7 Azalea Drive; the fence in question was granted planning permission in 1984 and is set back approximately a metre from the back of the highway; retaining a strip of grass verge which lessens the impact.
- 8.7. There is also a 1.8 metre high boundary fence enclosing the rear garden of 11 Iris Close, this does not have the benefit of planning permission; however due to the length of time that the fence has been in situ it is immune from enforcement action. In addition, this fence is again set back from the boundary with the highway by approximately two metres and has planting to the front to soften the impact.
- 8.8. In addition; there is already a 1.8 metre high fence adjacent to a highway along Azalea Close belonging to the application site property which also does not have the benefit of planning permission. However this fence is also immune to enforcement action due to the length of time that the fence has been in place.

- 8.9. Every application has to be assessed on its own merit and whilst there a number of examples in the vicinity these do not result in changing the open character of frontages in the area furthermore none of the other examples have been granted planning permission since the SADMP was adopted and against which this application must be assessed.
- 8.10. It is therefore considered that the siting, design, height and appearance of the fencing is detrimental to the visual appearance and character of the area and is therefore contrary to Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.12. A neighbour raised an objection in relation to the fence potentially overshadowing and blocking daylight to 4 Azalea Close. As the property is situated on the corner of Azalea Close and Iris close there are two neighbouring properties with which it shares a boundary. No. 4 Azalea Close is located to the East and No 11 Iris Close to the North. Due to the location of the fencing and height of the fence, there would be no adverse impacts upon No. 4 Azalea Close in terms of overbearing and overshadowing upon the residential amenity and the proposal would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.13. Policy DM17 states that developments will be supported where they demonstrate that there are no significant adverse impacts upon highway safety. In this case the fence extends approximately 7.4 metres alongside the western side elevation of the property and adjoins the principal elevation.
- 8.14. LCC Standing Advice provides that visibility splays in a 30mph speed limit should measure 2.4m by 43m which would be possible in both east and west directions as the fence is set back from the junction of Azalea Close and Iris Close.
- 8.15. It is considered therefore that the proposed development would not have a significant adverse impact on highway safety and is in accordance with Policy DM17 of the SADMP.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. There are no known equality implications arising directly from this development.

10. Conclusion

10.1. By virtue of its siting; height and design the fencing has a detrimental impact upon the visual appearance and character of the street scene at this prominent corner location. The fencing is considered to be contrary to Policy DM10 of the Site Allocation and Development Management Policies DPD. Therefore, the application is recommended for refusal.

11. Recommendation

11.1. **Refuse planning permission** subject to the reasons at the end of this report.

11.2. Conditions and Reasons / Reasons

1. By virtue of its siting; height and design; the fencing has a detrimental impact upon the visual appearance and open character of the street scene at this prominent corner location. The fence is therefore contrary to Policy DM10 of the Site Allocation and Development Management Policies DPD.

11.3. Notes to Applicant

1. This application has been determined having regard to the following documents and plans submitted with the application on the site and consultation responses received during the course of the application:- Planning Application Form, Site Location Plan (received on the 18 July 2017) and Boundary Fence Plan (received on the 13 July 2017).