

22/01474/FUL

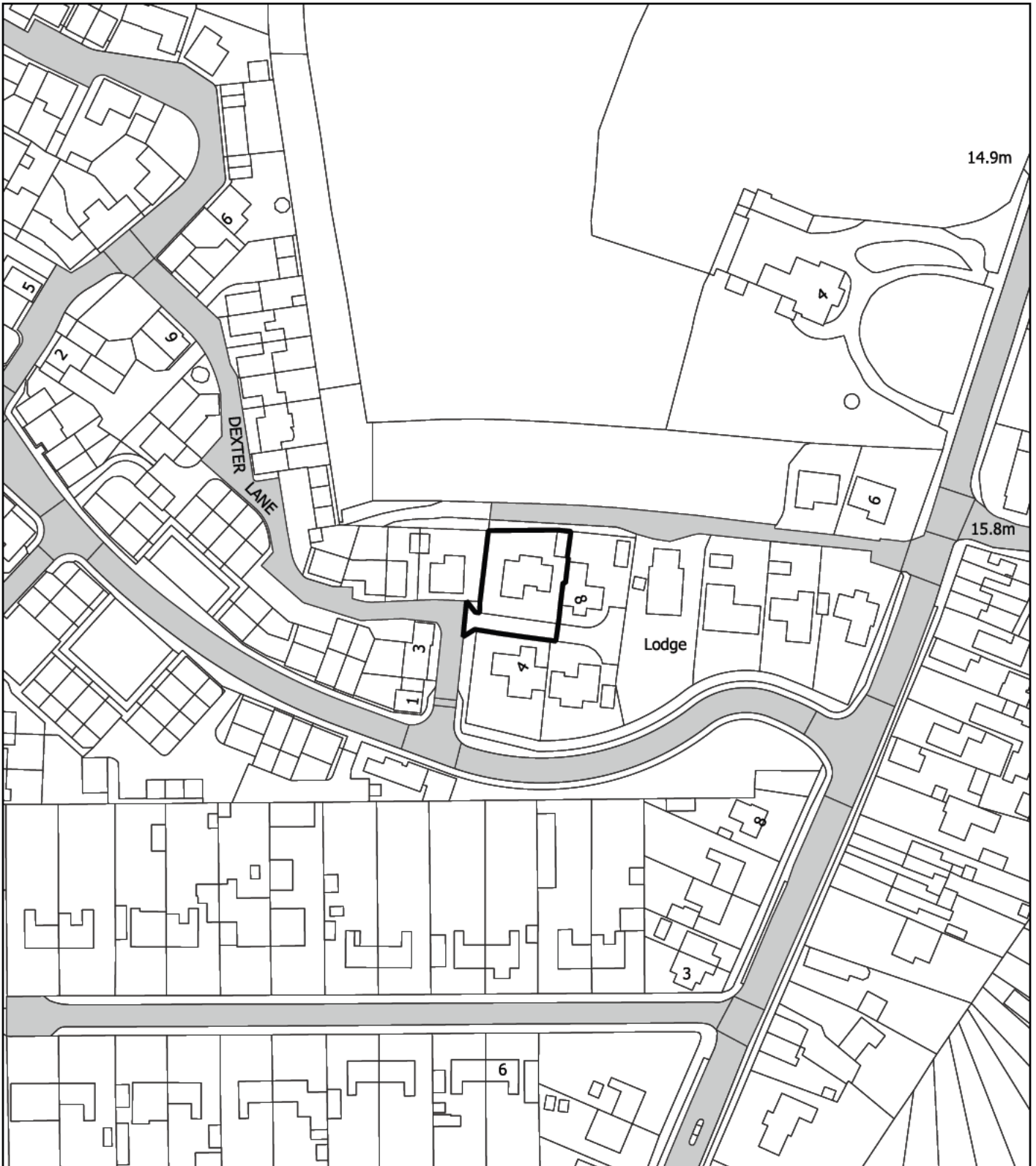
10 Dexter Lane
Littleport
Ely
Cambridgeshire

Front boundary treatment- retrospective

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMZOA2GGH1900>





22/01474/FUL

10 Dexter Lane
Littleport



East Cambridgeshire
District Council

Date: 09/02/2023
Scale: 1:1,500



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TITLE: 22/01474/FUL

Committee: Planning Committee

Date: 1 March 2023

Author: Planning Officer

Report No: X164

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Site Address: 10 Dexter Lane Littleport Ely Cambridgeshire CB6 1GE

Proposal: Front boundary treatment- retrospective

Applicant: Mr Ben Davis

Parish: Littleport

Ward: Littleport

Ward Councillor/s: Christine Ambrose-Smith
David Ambrose-Smith
Jo Webber

Date Received: 16 December 2022

Expiry Date: 10 February 2023

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the following reason:

1. The fence and gates by virtue of their scale, design and location are a visually intrusive and uncharacteristic feature for a front boundary within the immediate street scene. In addition, the fence and gates fail to create a positive, complementary relationship with the character of the street scene but rather cause harm to the open visual amenity of area contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks retrospective planning permission for a fence and gates around the front boundary of the site, adjacent to the highway. The fence is constructed in close boarded timber fence, the boards are horizontal. The gates are timber double bar sliding gates.

- 2.2 The current application was called into planning committee by Councillor David Ambrose Smith on the basis that fences are an emotive subject in this development.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

18/00892/FUL

To erect 4 detached 2 storey dwellings with garages

Approved

20 September 2018

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises of a two storey detached dwelling that is located within the policy defined settlement boundary of Littleport. The site is not within a Conservation Area nor is the building itself listed.
- 4.2 The host dwelling forms part of a new residential development within Littleport, part of this development is still under construction. The host dwelling was constructed using cream bricks, black roof tiles and grey UPVC windows.
- 4.3 The host dwelling has a rear garden, front garden and front driveway. The dwelling fronts the road but is set back from the road by a front driveway and front garden.
- 4.4 Within the immediate vicinity of the site, the surrounding dwellings have large open front gardens that set the dwellings back from the road and create an open character. Whilst it is noted that there are examples of close boarded fencing within the immediate vicinity of the site, there are no examples of close board fencing along the front boundary treatments.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Local Highways Authority - 5 January 2023

States 'I have no objection to the application. The development is along a private street and is therefore unlikely to impact upon the public highway'.

Enforcement Section - No Comments Received

Parish - No Comments Received

Ward Councillors – 1 February 2023

Cllr Ambrose Smith

States 'I would like to call this application in for consideration by the planning committee. Over the past few years boundary treatment to properties is and continues to be an emotive subject throughout the Highfields development'.

- 5.2 A site notice was displayed near the site on 21 December 2022.
- 5.3 Neighbours – 4 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.
- Parking issues and highway safety
 - The value of their dwellings being decreased by the fence
 - Harm to the visual amenity of the area

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Natural Environment SPD
Climate Change SPD

6.3 National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 4 Decision-making
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 The main material considerations when determining this application are:

- Residential amenity
- Visual amenity
- Highways safety and parking
- Others matters

7.2 Residential Amenity

- 7.2.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Additionally, paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 7.2.2 The fence and gates are located along the front boundary of the host dwelling. Given the nature and siting of the fence and gates, it is not considered that they have an adverse impact on neighbouring amenity by virtue of loss of light, loss of privacy, overshadowing, overbearing or overlooking. Therefore, the development is considered to comply with policy ENV2 in respect of the impact on residential amenity.

7.3 Visual Amenity

- 7.3.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure they provide a complementary relationship with the existing development. Policy ENV2 states the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 7.3.2 The National Planning Policy Framework 2021 paragraphs 126 and 134 require the creation of high quality, beautiful and sustainable buildings and places. They also state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 7.3.3 The host dwelling was constructed within a cluster of 4 dwellings under reference number 18/00892/FUL.
- 7.3.4 These dwellings were constructed with large open front gardens and with no front boundary treatment to ensure that the dwellings were set back from the private road. This ensured that there was an open character within this cluster. The plots in this cluster are large spacious plots with space between the dwellings which further contributes to the open character of this cluster.
- 7.3.5 Within the wider area of the site, the dwellings front the highway with small front gardens and have no front boundary treatment. The open small front gardens are considered to be an established pattern of development within this area.
- 7.3.6 The proposed development would introduce a close boarded part 1.8 metre and part 1.2 metre front boundary treatment. It is considered that this would be an alien feature within this street scene. This is an intrusive and contrived addition.
- 7.3.7 It is considered that the fence erodes the open character of this cluster and the wider open character of this area. The fence would be an alien feature that would enclose this plot and would cause demonstrable harm to the character of the surrounding area.

7.3.8 It is considered that the fence would be an unacceptable addition within this street scene and would fail to be in keeping with the open character of the area. Therefore this fails to meet the requirements set out in policies ENV1 and ENV2.

7.4 Highway safety and parking

7.4.1 Policy COM7 states that proposed development should provide safe and convenient access to the highway network. Policy COM8 states that each dwelling should have a minimum of 2 parking spaces.

7.4.2 Due to the nature of the development, the Local Highway Authority were consulted on the application. Comments were received stating that the proposed fence and gates are on a private street and they are therefore unlikely to impact upon the public highway. Therefore, the Local Highway Authority have no objections as the road is a private street.

7.4.3 The applicant did not provide plans showing a drawn 2 metres by 2 metres pedestrian visibility splay. Based on the submitted block plan it appears that the fence slightly fails to achieve a 2 metre by 2 metre visibility splay on the western side of the access. However, it appears that a 1.6 metre by 2 metres visibility splay is achieved. Although this falls below the recommended visibility splay measurements and is not an ideal arrangement, it is not considered that this would significantly impinge on the existing safety of the street and would not warrant a reason for refusal in this case.

7.4.4 Another concern highlighted by neighbouring comments was the safety implications of the fence. The concern raised was in relation to cars passing any parked cars outside the host dwelling. However based on the width of the street outside the house it appears that a car could park and other cars would still be able to pass it and the fence therefore does not appear to necessitate or make likely nuisance parking.

7.4.5 The proposed fence and gates do not impact the existing parking provisions for the host dwelling and the host dwelling still benefits from two parking spaces.

7.4.6 Therefore, it is considered that the proposed development complies with policies COM7 and COM8.

7.5 Other Material Matters

Recent Appeals

7.5.1 Members attention is drawn to a recent appeal that was dismissed for a front boundary fence of a similar scale to the proposed fence (APP/V0510/D/21/3287959). In that decision the inspector concluded that the presence of a front boundary close boarded fence would be an intrusive feature within the street scene that would result in harm to the character and appearance of the area. That appeal decision supports the view officers have reached on this application that a close boarded fence would erode the open character and therefore is not acceptable in this location.

Neighbour Comments

- 7.5.2 Several neighbour comments were received by the Local Planning authority that raised concerns that the retrospective fence would decrease the value of their properties. This is a civil matter and is not a planning matter and therefore this has not been addressed further.

Host dwelling safety

- 7.5.3 The agent has verbally confirmed that the fence and gates were constructed to ensure the safety for the rear private amenity space. Whilst it is appreciated that the fence and gates were constructed for this reason, a close boarded fence could be constructed further back in the site between the side elevation of the host dwelling and the side boundary. This would achieve the security of the side and rear garden, while allowing the front garden to remain unenclosed.

7.6 Planning Balance

- 7.6.1 The development fails to comply with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The proposal has a detrimental impact upon the character of the area and the appearance of the street scene. This harm has been balanced against the stated need to provide a secure garden for children and pets. It is considered that alternative, less harmful fencing could be erected elsewhere on the site to provide secure garden without resulting in harm to visual amenity. The need for security is not considered to outweigh the visual harm caused by the proposal.

8.0 APPENDICES

- 8.1 Appeal decision APP/V0510/D/21/3287959

Background Documents

22/01474/FUL

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -
<http://www.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Appeal Decision

Site visit made on 29 March 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2022

Appeal Ref: APP/V0510/D/21/3287959

90 Dunstan Street, Ely CB6 3AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Lucy Jex against the decision of East Cambridgeshire District Council.
 - The application Ref 21/01016/FUL, dated 6 July 2021, was refused by notice dated 21 September 2021.
 - The development is the erection of a 1.8m wooden close boarded fence to inside of existing 0.5m brick boundary wall.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

3. The application is for retrospective permission for a 1.8 m high close boarded fence along the boundary of the curtilage of No 90 Dunstan Street. No 90, a bungalow, has an unusual long rectangular garden to one side, extending to the corner of West Fen Road. The 1.8 m fence thus runs the length of the long Dunstan Street frontage, immediately behind a low wall, before turning the corner to run along the shorter West End Road frontage of the property.
4. Whilst there are a variety of boundary treatments in this well-established residential area, and the appellant draws attention to a number of tall close boarded fences, most frontage boundaries including those opposite the site consist of hedges or low brick walls, sometimes low walls with hedges behind and sometimes hedges with fences behind.
5. In this case the 1.8 m fence runs immediately behind the low wall along Dunstan Street which itself runs along the back edge of the footway. This leaves no space for a hedge or any vegetation in front to soften its visual impact. Similarly, the fence along West Fen Road runs immediately behind the grass verge and although some planting has been put in place here there is negligible non-highway land for it to have a significant mitigating effect.

6. Because No 90 occupies a prominent corner plot with the tall 1.8 m close boarded fence running along two boundaries, joining at a road junction, with no significant landscaping along either frontage, the fence as erected is particularly intrusive in the street scene. Whilst there are other unscreened fences in the area, such as that separating Nos 102-104 West Fen Road, this does not justify a further erosion of a relatively verdant neighbourhood.
7. For these reasons the fence as erected causes significant harm to the character and appearance of the area in conflict with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. These require the edge treatment of proposals to be complementary to existing development and seek to secure high quality design which has regard to local context.

Conclusion

8. It is appreciated that the fence provides a private and safe environment for the residents of the property when using the garden as supported by Chapter 8 of the National Planning Policy Framework. It is also recognised that the property is in the unusual position of having no private rear garden. However, these factors do not outweigh the harm to the character and appearance of the street scene and the resulting conflict with the development plan.
9. Having regard to the above the appeal should be dismissed.



INSPECTOR