

DELEGATED

AGENDA NO .

**PLANNING COMMITTEE
18th JULY 2007**

**REPORT OF CORPORATE DIRECTOR
OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES.**

**07/1646/REV
7 Kielder Close, Billingham
Revised application for erection of 1.8m high boundary fence**

Expiry date 1st August 2007

Summary:

On 6th June 2005, planning permission was granted (05/0239/FUL) for the erection of a single storey lounge extension, a garage and a 1.8 metre high screen fence.

A further application (06/3484/FUL) sought planning permission retrospectively for a 1.8m close-boarded fence across the part of the site and hard up against the footpath. The application was refused on the grounds that the fence has an adverse impact on visual amenity and highway safety. A subsequent appeal was dismissed because of the adverse impact of the fence on the character of the area.

Planning permission is now sought for the erection of a 1.8m high boundary fence along part of the boundary of the site. This application differs from the previous refusal as the fence line has been amended in order to allow a more open frontage.

Five letters of representation have been received; four from local residents and one from the local Ward Councillor, and those grounds are set out below.

It is considered that with the additional of some shrub planting/soft landscaping to screen the development the proposed development would not be detrimental to the visual amenities of the locality as a whole. As a satisfactory planning condition can be imposed, and there are no adverse implications for highway safety, it is considered that the scheme accords with policy GP1 of the adopted Stockton on Tees Local Plan and is therefore acceptable.

RECOMMENDATION

It is RECOMMENDED that application 05/3273/FUL be approved subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plan(s), unless otherwise agreed in writing with the Local Planning Authority. Drawing Number(s): - SBC001, SBC002 and Drwg 1A

Reason: To define the consent.

2. Within one month of the date of this permission, the existing fence shall be removed and a fence shall be erected in accordance with drawing SBC002, unless otherwise with the prior written agreement of the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise further control in the interests of visual amenity.

3. A detailed scheme for landscaping and tree or shrub planting to help screen the development shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of approval. Such a scheme shall specify types, species, layout and contouring. The works shall be carried out in the next available planting season and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity of the locality.

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the proposal, with the additional of some shrub planting/soft landscaping to screen the development would not be detrimental to the visual amenities of the locality as a whole, nor have an adverse impact on highways safety and there are no other material considerations which indicate a decision should be otherwise.

Adopted Stockton on Tees Local Plan (June 1997)

GP1 General Principles

BACKGROUND

1. A previous application sought for the erection of a single storey lounge extension, a garage, a 1.8 metre high screen fence/partial enclosure of the boundary fence and the conversion of the existing garage into a study (05/0239/FUL), which was approved in June 2005.
2. A further application (06/3484/FUL) sought planning permission retrospectively for the erection of a 1.8m close-boarded fence across the part of the site and hard up against the footpath. The application was refused on two grounds and they are set out below:

In the opinion of the Local Planning Authority the retention of the boundary fence will introduce a permanent and obtrusive feature into this residential area and would be detrimental to the visual amenities of the locality, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

The retention of the boundary fence will restrict the visibility for vehicles exiting properties 9 & 11 Kielder Close and would be detrimental to highway and pedestrian safety on Kielder Close,

contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

3. A subsequent appeal was dismissed as Inspector concluded that the openness of the unbounded gardens plays an important element in the character of the area and it was considered that the proposal harmed the open front garden nature of the area and ultimately the character and appearance of the locality.

THE PROPOSAL

4. The application site is a modern detached property and is situated on Kielder Close. The property is surrounded by a number of residential properties all of which face towards the application site.
5. Planning permission is again sought for the erection of a 1.8m high boundary fence along part of the boundary of the site. This application differs from the previous refusal in that the fence line has been amended in order to allow a more open frontage. The fence will project out from the garage by approximately 2.4m and will then link down to the rear boundary (See Appendix 3).

CONSULTATIONS

The following responses have been received from departments and bodies consulted by the Local Planning Authority

Head of Technical Services

6. Given the revised plans show that the boundary fence no longer adversely affects sightlines at the driveway to No. 9 Kielder Close, I have no objections to this application.

Local Ward Councillor – Mr Womphrey

7. The original planning application 05/0239/FUL for the erection of a single storey lounge extension, garage and 1.8m high screen fence was approved in June 2005. The fence was subsequently erected at variance to the application. Application 06/3484/FUL asking for retrospective approval for the variances was refused with the applicant going to an appeal, which was dismissed.
8. The enclosed site plans are self explanatory as are the comments within the appeal inspectors report which states “7 Kielder Close is part of an open- plan residential cul-de-sac” and concludes by saying “I consider the harm to the character and appearance of the area to be of overriding importance” and for that reason alone the proposal should not be allowed.
9. I understand that the revised application 07/1646/REV is at variance to the original because the applicant does not want to go to the trouble of relocating the illegally erected fence pots – is this a planning consideration? And if the revised application was to be approved with a condition for soft landscaping

who would enforce that condition and would it be reasonable and practical to expect that condition to be enforced?

10. To conclude. I object to any variation to the original planning application for the reasons stated in the appeal decision letter and see no acceptable reason why any variation should be approved. I am also of the opinion that a site visit is required for members to fully understand the situation.
11. The local residents and occupiers have been individually notified of the application. The latest neighbour consultation period expired on the 29th June 2007. A total of five (5) letters of representation have been received, objecting to the proposals as summarised below:
 - The estate is 'open plan'
 - The openness of front gardens is an attractive and important element of the locality
 - Proposal harms the visual amenity of the locality and would be an obtrusive feature
 - The fence should be return the that previously approved
 - Comments in relation to 'errors' on the form
 - Why has the fence not be removed

PLANNING POLICY CONSIDERATIONS

12. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

The following policies of the adopted Stockton on Tees Local Plan are considered to be relevant to this decision:

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

MATERIAL PLANNING CONSIDERATIONS

13. The main planning considerations of this application are the impacts on the character of the area, amenity of neighbouring occupiers and access and highway safety.

Impact on the character of the area

14. Under the previous application 05/0239/FUL, a small garden extension was agreed on the open area of land to the side of the house. It was considered acceptable because the land was in private ownership, had no public open space classification and the majority of the open space would remain and act as a buffer between the hard development of the garage and the roadside.
15. The second application (06/3484/FUL) sought the enclosure of a much larger open area and which ran up to the edge of the footpath and was considered detrimental to the visual amenities of the locality both by the Local Planning Authority and the Planning Inspectorate.
16. Objections have been received from local residents on the basis of the adverse impact the development would have on the visual amenity, that the current proposal seeks to extend the previously approved scheme, and that it would result in the loss of some of the open space adjacent to the property.
17. Having taken account of the views of local residents and Councillor Womphrey, it is considered that the extent of fencing in the location proposed with some additional shrub planting would not have an adverse impact on local visual amenity. Planting can be controlled by condition and it is considered that the proposal would accord with policy GP1 of the Local Plan, and is therefore acceptable in this respect.

Amenity of the neighbouring properties

18. Although the fence line would be extended to the east this is a fairly minimal increase on the previous approval and given the distance to the neighbouring properties it is not considered to have any significant impacts or result in a loss of amenity that would justify the refusal of the scheme.

Access and Highway Safety

19. The Head of Technical Services has commented that there are no objections to the proposal in terms of the impact on highway or pedestrian safety. In light of this, it is considered that the proposal accords with policy GP1 of the Adopted Stockton on Tees Local Plan in this respect, and is therefore acceptable.

Residual Matters

20. Some of the objections received have commented that the fence should return to that previously approved and question why the fence has not been removed. Enforcement action has been authorised to remove the structure back to the previously approved line. However, this cannot progress whilst the current application is considered, as it would be unreasonable to proceed before a final planning decision is made.

21. Further to this, a condition can be imposed which not only ensures that the fence is erected in a timely fashion, but also that the existing fence is removed.

CONCLUSION

22. In conclusion, it is considered that with the addition of some shrub planting/soft landscaping to screen the development, the proposal would not be detrimental to the visual amenities of the locality as a whole. Planting can be satisfactorily secured by condition. As there are no adverse impacts arising for access and highway arrangements from the proposal, the scheme is considered to be in accordance with policy GP1 of the adopted Stockton on Tees Local Plan and it is therefore recommended that planning permission be granted.

Corporate Director of Development & Neighbourhood Services

Contact Officer: Simon Grundy

Email Address: simon.grundy@stockton.gov.uk

Telephone Number: 01642 528550

Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers

Stockton-on-Tees Adopted Local Plan (1997)

Planning Applications 05/0239/FUL & 06/3484/FUL

Ward

Ward Councillors

Billingham West Ward

Councillor Mr M Womphrey

Councillor Mrs M B Womphrey