

DELEGATED

AGENDA NO
PLANNING COMMITTEE

25 NOVEMBER 2015

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

15/2076/RET

2 Whitehouse Drive, Stockton-on-Tees, TS19 0QE

Retrospective application for the erection of a 1.77m boundary fence to side/front.

Expiry Date: 30 November 2015

SUMMARY

Retrospective planning permission is sought for the erection of a 1.77m high boundary fence to the side and front of 2 Whitehouse Drive. Since the original submission revised plans have been received which indicate that the fence would be set back 1m from the footpath to the side (south) of the property. Planting would be provided along this same elevation within the 1 metre gap and the fence would be stained in a dark colour to soften its visual impact.

Access to this estate is gained from Bishopton Road West (south) which leads onto Whitehouse Drive and the application site can be seen upon entering this estate. Whitehouse Drive fronts the application site (to the east) and Woodmere Road runs past the southern side of the site.

14 letters of objection and 2 support comments have been received with most of these comments from the neighbouring properties and one letter from the Local Ward Councillor. The main concerns relate to the impact on the character of the area and highway safety.

Taking into account all comments received, it is considered that the revised scheme is acceptable and the application is recommended for approval.

RECOMMENDATION

That planning application 15/2076/RET be approved subject to the following conditions and informatives below;

01 The development hereby approved shall be in accordance with the following approved plan(s);

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>14.093.PP02 A</i>	<i>2 November 2015</i>

Reason: To define the consent.

02. Within two months of the date of this permission, the existing fence shall be relocated in complete accordance with the details shown on drawing 14.093.PP02 A (date received 2nd November 2015).

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

- 03. 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 one month of the date of approval. Such a scheme shall specify types, species, layout and contouring. The works shall be carried out within three months of the date of approval 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 similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: In the interests of the visual amenities of the local area.

- 04. The 1.77m high wooden fence and concrete posts hereby approved shall be stained in a dark brown colour within two months of this date of approval.**

Reason: In the interests of visual amenity and to ensure a satisfactory form of development

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

BACKGROUND

1. A previous planning application was granted consent for a two storey side extension (ref; 14/2784/FUL), in December 2014. This allowed for the relocation of the entrance door and the installation of a first floor window in the north elevation.

SITE AND SURROUNDINGS

2. This application site relates to a detached dwelling located on a corner plot location at 2 Whitehouse Drive, Stockton-on-Tees. Adjacent the site to the north is 4 Whitehouse Drive and to the west of the site is 1 Woodmere Road. Beyond the highway to the east are further residential properties and directly to the south (and beyond the highway) is a parcel of open land.
3. It has been noted at the time of the site visit that the estate does feature a variety of fence heights and styles, though predominately these fence heights are less than 1m, with the front gardens of these properties featuring hedging and shrubbery.

PROPOSAL

4. This application seeks retrospective planning permission for the erection of a 1.77m high boundary fence to the front and side of the host dwelling.
5. Since the original submission a revised plan has been sought, which has brought the fence inwards to the side (south) by approximately 1m to allow for planting to be implemented.
6. Two 1m high sections of fence would be maintained on this side elevation and the section of fencing to the front (east) is to follow the existing front building line. Furthermore, it has been agreed with the applicant to stain the fence a dark brown colour.

CONSULTATIONS

7. The following Consultation responses have been received, and are set out in summary below:-

8. Highways Transport and Environment Manager

Highways Comments

The fence does not affect visibility for drivers exiting Woodmere Road. Although concerns have been raised regarding vehicles reversing into Woodmere Road to turn; given the vegetation which was in place previously visibility would have been limited for this manoeuvre. The vegetation to the front of the property has been removed and the revised plan shows the fence set back 1m along the Woodmere Road boundary. Drivers exiting Woodmere Road would have visibility of vehicles reversing toward them and there are no highway safety concerns.

Landscape & Visual Comments

The revised plan shows the fence set back 1m with planting in front, to further soften the impact of the fence, a suitable dark timber stain should be applied, similar to the one used at 2 Woodmere Road.

PUBLICITY

9. Neighbours were notified and a total of 14 objection and 2 support letters have been received from the following addresses in relation to the original consultation and consultation in relation to the revised scheme which the main points are summarised below.

10. The full details of the objections and support can be viewed online at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

11. Objection letters were received from the following:-

1. Ms Alison Pyrah, 21 Woodmere Road, Stockton-On-Tees
2. Alan Smith, 15 Whitehouse Drive, Stockton-On-Tees
3. Mrs Julia Cherrett, 12 Holywell Green, Eaglescliffe
4. Pauline Roe, 2 Woodmere Road, Stockton-On-Tees
5. Mr Barry Howells, 5 Whitehouse Drive, Stockton-On-Tees
6. Mr and Mrs Gordon, 10 Woodmere Drive, Stockton-On-Tees
7. Mr and Mrs Marshall, 3 Whitehouse Drive, Stockton-On-Tees
8. Mr Ian McMillan, 8 Woodmere Road, Stockton-On-Tees
9. Mrs Vera Pyrah, 21 Woodmere Road, Stockton-On-Tees

Support letters were received from the following:-

1. Mr Anthony Coulson, 11 Raby Road, Stockton-On-Tees
2. Mr Thomas Ripley, Stockton Sixth Form College, Bishopton Road West

12. The main objections relate to the following;

- The fence is visually obtrusive and out of character to the local area.
- The site is in a prominent location, making the fence a focal point.
- The fence and extension have created an incongruous feature
- The addresses within the Planning Statement report are not in the vicinity of the application site.
- The fence would set a precedent
- Devaluation of properties
- Concerns regarding highway safety
- The proposed planting would take too long to mature and so the proposal would still be visually unacceptable.

13. The main support comments relate to the following;

- The extension is not relevant to the decision of this application
- This would not reduce the visual amenity of the area as the fence weathers over time
- This proposal would enhance the security of the area

PLANNING POLICY

14. 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 Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

15. National Planning Policy Framework

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development 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.

16. Paragraph 17: '...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'

Local Planning Policy

17. The following planning policies are considered to be relevant to the consideration of this application.
18. Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel
3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.
Further guidance will be set out in a new Supplementary Planning Document.
19. Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change
8. Additionally, in designing new development, proposals will:
_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

MATERIAL PLANNING CONSIDERATIONS

20. The main planning considerations of this application relate to the impact on the character of the area, the amenity of neighbouring occupiers and implications for highway safety.

Character of the Area

21. Concerns have been raised about the prominent location of the fence and it being visually obtrusive within the street scene given the materials used and the height of the fence which is not considered to be in keeping to the character of the surrounding area. There are no conditions to protect the estate as an open plan area, therefore permitted development rights would apply, nevertheless, it can be seen that the estate does benefit from a somewhat open nature in terms of the fence heights and relatively open frontages. Whilst it is noted that this style of fence differs to those within the estate, it is considered that the proposed changes (the revised scheme) would be acceptable. It is not considered to create an incongruous feature on the street scene.
22. Although the applicant has provided other examples, these are located at varying distances to this application site and not within the immediate vicinity of the application site. Regardless, the application is considered within the context of the area and whilst the application site is in a prominent location it is considered reasonable to have an element of the rear garden enclosed. The property also benefits from permitted development rights which create a 'Fall back' position and this is a material planning consideration. Should the applicant choose, under Class A (Part 2) of the General Permitted Development Order 2015, a fence could be erected providing this is set in from the footpath by 2m and this could be erected up to 2m in height without requiring any planning consent. The current proposal being set inwards by 1 metre, sits between the unauthorised position and the permitted development rights. Furthermore, the 1m fencing to the front also falls outside the remit of planning control.
23. The Council's Landscape Officer has requested planting to help soften the appearance of the fence. As such, a condition has been recommended in order to control this aspect. Additionally, a condition has also been placed to stain the fence to minimise its impact and to help make the fence be more in keeping to the area.

Amenity

24. Given the proposed separation distances and orientation to neighbouring properties, it is not considered that the location of this fence would have a detrimental impact on the privacy and amenity of neighbouring properties.

Highway Safety

25. The Highways Transport and Environment Manager has raised no objections to the application as it is not considered to adversely affect visibility for drivers exiting Woodmere Road. With regards to those concerns raised about vehicles reversing into Woodmere Road, consideration has been given to the previous situation of the vegetation that was in place. In the view of the Highways, Transport and Environment Manager this was considered to have limited visibility in terms of reversing. Therefore, it is considered that the proposed fence (and the removal of this vegetation) has not worsened this situation, especially now that this side element has been proposed to be set back by approximately 1m. The proposed fence would therefore be acceptable in terms of highway safety.

Residual Matters

26. Concerns which raise the impact on views from properties and devaluation are not material planning considerations and have not been considered as part of the determination of the application.
27. With regards to the concerns about the reasoning for the fencing for security purposes, the main considerations relate to the impact on amenity, character of the area and highway safety. Therefore, the reasons as to why the applicant has erected this fence are not given any significant weight.

28. Concerns have been raised in regards to the fence setting a precedent and the previously approved extension (14/2784/FUL) along with the inconsistency of decisions from the local planning authority. Firstly, in the event of any such similar development requiring consent, any proposal would be considered on its individual merits in light of the relevant planning policies. Those comments about the previous extension lie outside this application and are not a material planning consideration.
29. The issues with regards to the fence presenting an opportunity for vandalism is not material to this application and it is considered that this issue would fall under separate legislation which can be dealt with under another statutory body such as the Police.
30. With regard to the comment received relating to the applicant not informing the local residents of their intentions, there is no legal requirement for the applicant to do so and neighbouring residents have been given the opportunity to make comment as part of the planning process.

CONCLUSION

31. In conclusion, it is considered that the proposed fencing along with shrub planting to soften the development and staining the fence would not result in detrimental visual impact to the local area. The planting and staining can be satisfactorily secured by a condition. Furthermore, as there are no adverse impacts arising from the proposal in terms of highway safety, the scheme is considered to be in accordance with policies CS2(3) and CS3(8) of the Adopted Stockton on Tees Core Strategy and in general compliance with the approved Development Plan. It is therefore recommended that the application be approved with conditions.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Christina Poles Telephone No 01642 526063

WARD AND WARD COUNCILLORS

Ward Bishopsgarth and Elm Tree
Ward Councillor(s) Councillor J M Cherrett
Ward Councillor(s) Councillor Lisa Grainge

IMPLICATIONS

Financial Implications:

Not applicable.

Environmental Implications:

This has been addressed within this report.

Human Rights Implications:

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

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

The National Planning Policy Framework
Stockton on Tees Local Plan Adopted 1997
Core Strategy – 2010

APPENDIX

Submitted Plan;

14.093.PP02 A – date received 2nd November 2015