

18/01772/FUL

Applicant Jason Hull

Location 1 Priors Close Bingham Nottinghamshire NG13 8EP

Proposal Alter boundary fence to 1.5m including trellis and 1.2m high at corner (revised scheme).

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The site comprises a bungalow situated on a corner plot on an estate of similar aged properties with a mix of single storey and two storey properties.
2. The boundary treatment along the frontage formerly comprised paling fencing with a mixture of shrubs and small trees behind.

DETAILS OF THE PROPOSAL

3. The application, which is partly retrospective, relates to the erection of fencing comprising a mixture of concrete kickboard and fence panels, including two sections topped by trellis. The north boundary (1 on plan) would comprise 300mm kickboard, 900mm fence panel topped with 300mm trellis. The corner section (2 and 3 on plan) would comprise 300mm kickboard with fence panel, overall height 1.2m. The front (east) boundary comprises a 3.6m section of fence 1.2m high which it is proposed to retain (4 on plan) and a 1.8m high section including kickboard and trellis (6 on plan) which is also existing. The application also includes the retention of the existing fence adjacent to 2 Priors Close, which is 1.5m including kickboard and trellis (5 on plan).

SITE HISTORY

4. In May 2018, planning permission was refused (retrospective) for the removal of the existing fencing, bushes and trees and replacement with a combination of concrete kickboard with fencing topped by trellis with overall height of 1.5m on the boundary with 2 Priors Close, 1.8m on the north and east boundaries and concrete kick board with close boarded fencing to a height of 2m to the boundary with 15 Abbey Road. It was also intended that the frontage would be open with a single vehicular access. The reason for refusal related to the height of the fencing being out of keeping, obtrusive and detrimental to the visual amenities of the area.

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr Hull) has declared a non-pecuniary interest

Town/Parish Council

6. The Town Council does not object.

Statutory and Other Consultees

7. Whilst not consulted on the current application, the County Council as Highway Authority raised no objection to the previous application subject to the proposed fencing not being erected until the existing crossing which was to be made redundant had been reinstated to footway, and the new driveway fronted by a vehicular crossing spanning its full width. They also recommended that the proposed fencing should not be erected until the access driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, drained to prevent the discharge of surface water from the driveway to the public highway, the bound material and the provision to prevent the discharge of surface water to the public highway to be retained for the life of the development. The frontage of the dwelling has been block paved and two individual accesses formed, each incorporating cut-off drains. The original access has been returned to footpath with kerb.

Local Residents and the General Public

8. No representations received.

PLANNING POLICY

9. The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy (LPCS) and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
10. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) (RBNSRLP). Some weight should also be given to the emerging Local Plan Part 2.

Relevant National Planning Policies and Guidance

11. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan 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 the Framework indicate development should be restricted”*.
12. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development whilst paragraph 127 states, inter alia, that planning decisions should ensure that development will function well and add to the overall quality of the area and create places that have a high standard of amenity for existing and future users.

Relevant Local Planning Policies and Guidance

13. LPCS Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10 and of particular relevance to this application are 2(b) whereby the proposal shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
14. In the context of the RBNSRLP, the relevant policy is GP2 (Amenity and Design), which requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.

APPRAISAL

15. Whilst the present proposals propose similar lengths of fencing, the height has been significantly reduced. Whilst one section is 1.8m in height, this not only incorporates a section of fencing but adjoins a fence of similar height on the neighbouring dwelling at 15 Abbey Road. Overall, the fencing now proposed would be in keeping with that to be found in the vicinity and is considered to be acceptable in terms of the visual amenities of the area.
16. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation that planning permission be granted.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions

1. Within three months of the date of this permission, boundary fencing shall be altered/lowered so as to accord with the plans and details received 16th and 22nd August and amended plan received on 20th September, 2018. Thereafter, the boundary treatment shall be retained in accordance with the approved plans.

[For the avoidance of doubt and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].