

18/00242/FUL

Applicant Jason Hull

Location 1 Priors Close Bingham Nottinghamshire NG13 8EP

Proposal Replacement of boundary treatment with new fencing and trellis, removal of overgrown trees, and new driveway access.

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. The applicant has stated that the fence between 1 Priors Close and 15 Abbey Road was 7 to 8ft tall.

DETAILS OF THE PROPOSAL

3. The application, which is retrospective, relates to 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. The existing access has been closed off and a block paved access with car standing has been formed on the eastern side of the dwelling. Since the original submission revised plans have been submitted to reflect what has been erected on site.

SITE HISTORY

4. There is no relevant site history.

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr Hull) has declared a non-pecuniary interest.
6. One Ward Councillor (Cllr Davidson) does not object

Town/Parish Council

7. The Town Council does not object.

Statutory and Other Consultees

8. The County Council as Highway Authority raised no objection subject to the proposed fencing not being erected until the existing crossing which is to be

made redundant has been reinstated to footway, and the new driveway is 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.

Local Residents and the General Public

9. No representations received.

PLANNING POLICY

10. 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.
11. 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). Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of Development Control and this is considered to be a material planning consideration in the determination of planning applications where still in compliance with the NPPF.
12. 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”.

Relevant National Planning Policies and Guidance

13. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development whilst one of the core strategies of the NPPF (paragraph 17) advocates high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Relevant Local Planning Policies and Guidance

14. 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.

15. 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

16. Taking into account the sites corner location and the length of the fencing which has been erected it is considered to be unduly prominent and obtrusive in the street scene and therefore detrimental to the visual amenity of the area. As it has been erected adjacent to the back of the footpath, there is no space available to carry out landscaping which might soften its appearance.
17. Whilst the fencing would provide privacy for the residents of the bungalow, this could have been achieved by a combination of fencing and landscaping and it is not considered that this benefit outweighs the detrimental visual impact of the fencing as erected.
18. Whilst the access and car standing have been constructed, the cut-off drain recommended by the County Council has not been provided. However, they have confirmed that this in itself would not justify a reason to refuse planning permission. The site is relatively flat and surface water run off to the highway is unlikely to be significant.
19. There is a fundamental objection to the proposal and it is considered that this cannot be overcome. The applicant has been made aware of the situation in writing and has requested that a decision is made on the application rather than delayed by further discussions.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. The development is obtrusive, out of character in the street scene and detrimental to the visual amenity of the area. It is, therefore, contrary to Local Plan Core Strategy Policy 10, which 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.
2. The development is contrary to policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan which requires that, inter alia, any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, and do not have a detrimental impact on the amenity of neighbours.