

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0692/FULL 13.09.2016	Mr Davies 2 Oak Tree Close Fleur-de-lis Blackwood NP12 3RE	Install new front gates, new boundary fencing and provide new side access security gate 2 Oak Tree Close Fleur-de-lis Blackwood NP12 3RE

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on Oak Tree Close, Fleur-de-Lys.

House type: Detached bungalow with integrated garage accessed via Arvonja Terrace.

Development: Full planning consent is sought to erect a boundary fence along the south western and north eastern boundary, create a new side access enclosure to the rear and install driveway gates.

Dimensions: The boundary fence along the south western boundary measures 4.0 metres in width by 1.7 metres in height. The boundary fence along the north eastern boundary measures 5.4 metres in width by 1.7 metres in height. The security gate of the side enclosure measures 1.3 metres in width by 2.5 metres in height, a close boarded timber fence will be located on top of the retaining wall (0.9 metres in height) located at the rear of the property to enclose the eastern side elevation and measures 1.0 metres in width by 1.75 metres in height. The driveway gates measure 3.6 metres in width by 2.0 metres in height at their highest point.

Materials: The boundary fence and side access enclosure is constructed from close boarded timber fencing. The driveway gates and posts are constructed from metal.

Ancillary development, e.g. parking: None is proposed.

PLANNING HISTORY 2005 TO PRESENT

None.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The land is located within the settlement boundary.

Policies: CW2 (Amenity), CW3 (Design Considerations: Highways), SP5 (Settlement Boundary), SP6 (Place Making) and advice contained in the Council's Adopted Supplementary Planning Guidance LDP7: Householder Development (2010).

NATIONAL POLICY Planning Policy Wales Edition 8 (January 2016) and TAN 12: Design (March 2016).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The land is located within an area where no report is required, however standing advice will be provided to the applicant.

CONSULTATION

Transportation Engineering Manager - No objection.

ADVERTISEMENT

Extent of advertisement: A site notice was erected near the application site and seventeen neighbours were consulted by letter.

Response: Two letters of objections have been received. If any further representations are received during the consultation period, these will be reported to members at planning committee.

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Summary of observations:

- 1.The application has been incorrectly advertised as 1 Oak tree Close.
- 2.Neighbour consultation letters were received late and reduced the amount of time to provide comments to the case officer.
3. The plans submitted are not clear in terms of the proposed designs.
4. The fence seeks to remove and replace an existing fence belonging to the occupiers of 1 Oak Tree Close.
5. The proposed fence would ruin the open aspect currently enjoyed.
6. The private driveway leading to 1 Oak Tree Close is bounded by trees on the southern boundary, the fence would decrease the amount of light and provide a dark tunnel at the bottom of the driveway.
7. The fence would reduce visibility when exiting the property.
8. The design of the gates are out of keeping with the area.
9. The industrial appearance of the gates would reduce the saleability to any prospective housebuyers and the residents of 11 Arvonja Terrace reserve the right to pursue the planning authority for potential losses in the future.
10. The proposed railings to the rear are to be erected on top of a wall 80-90 cms high and would be at the level of the adjacent garage roof at 1 Oak Tree Close.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No the development is not CIL liable.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance.

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The main points to consider in the determination of this application is whether the proposed driveway gates, fence and side enclosure would have an adverse impact on the visual amenity of the area and whether there would be any detrimental impact to highway safety.

In terms of the application property, the bungalow has been adapted to support the changing needs of individuals and families at different stages of life and the justification for this application is subject to a request for further necessary adaptation works.

In terms of the proposed driveway gates, access to the property is via Arvonja Terrace, this terrace of properties does not benefit from front gardens or driveways, as such the current street scene does not have any comparable boundary treatments, however, when considering the context of the site, they are considered to be acceptable in terms of their siting, design, materials and the wider surrounding area. Whilst the gates open outwards due to the gradient of the driveway, the gates have been set back within the curtilage of the property, they do not open out onto the public highway and as such will not pose any danger in terms of highway safety.

In respect of the proposed close boarded timber fence along the north eastern and south western boundaries, the existing boundary fence belonging to the neighbouring property will not be compromised in any way. The appearance of the fencing is considered to be acceptable and in keeping with the existing boundary treatment sited along the north western and north eastern boundaries, adjacent to the public footpath leading to Meadow Close. Furthermore, As the siting of the proposed front boundary fence is adjacent to a private driveway and not a public highway, by way of Schedule 2 Part 2 of The Town and Country Planning (General Permitted Development) Order 1995, the applicant could utilise their permitted development rights and erect a fence up to 2 metres in height along the south western boundary. This 'fall back' position is a material planning consideration. In light of these considerations, the proposed boundary treatments are considered to be acceptable.

With regards to the proposed side enclosure, the retaining wall and fence have a combined height of 2.8 metres measured from the rear ground level of the dwelling. Given its location, it is not considered that this enclosure would cause any detrimental impact in terms of amenity to the occupiers of No.1 Oak Tree Close.

In conclusion, the proposed works are considered to be acceptable in planning terms and accords with policies CW2 and CW3 of the Caerphilly County Borough Local Development Plan up to 2021 (adopted November 2010).

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Comments from consultees: No objections have been raised by the Transportation Engineering Manager.

Comments from public: The objections raised are addressed below, however the local planning authority can only determine the application based on the merits of the proposal and whether it accords with national guidance, local plan policies and supplementary planning guidance.

1. The application has been incorrectly advertised as 1 Oak Tree Close - The original application was advertised based on the information provided, subsequently an amended application with the correct address was submitted and re-advertised.
2. Neighbour consultation letters were received late and reduced the amount of time to provide comments to the case officer - A new neighbour consultation period was undertaken subject to the amended application form and revised scheme received by the local planning authority for neighbours to provide their comments. Where an appointment to meet the case officer or to speak over the phone has been requested, that service has been provided.
3. The plans submitted are not clear in terms of the proposed designs - An amended scheme was requested, and clarifies the individual elements of the proposed works applied for.
4. The fence seeks to remove and replace an existing fence belonging to the occupiers of 1 Oak Tree Close - The agent was not informed that the boundary fence was in the ownership of 1 Oak Tree Close. This matter has been resolved with a revised scheme ensuring that fence to be erected is within the boundary of 2 Oak Tree Close.
5. The proposed fence would ruin the open aspect currently enjoyed - This is not a material planning consideration relevant to the planning decision.
6. The private driveway leading to 1 Oak Tree Close is bounded by trees on the southern boundary, the fence would decrease the amount of light and provide a dark tunnel at the bottom of the driveway - The fence would not cause an overshadowing impact and is a form of development that is common place in residential areas.
7. The fence would reduce visibility when exiting the property - An amended scheme has been submitted relocating the fenceline that previously compromised highway safety.

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8. The design of the gates are out of keeping with the area - An amended scheme had been submitted for the design of the proposed gates and are more sympathetic in design.

9. The industrial appearance of the gates would reduce the saleability to any prospective housebuyer and the residents of 11 Arvonja Terrace reserve the right to pursue the planning authority for potential losses in the future - The perceived loss of property value is not a material planning consideration relevant to the planning decision.

10. The proposed railings to the rear are to be erected on top of a wall 80-90 cms high and would be at the level of the adjacent garage roof at 1 Oak Tree Close - Whilst the close boarded timber fence will measure 1.75 metres high on top of the retaining wall for a small section, there is a need for the side boundary to be securely enclosed. Due to the location of this enclosure there would be no detrimental impact in terms of amenity to the occupiers of No.1 Oak Tree Close.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

02) The development shall be carried out in accordance with the following approved plans and documents:

Drawing Number Revision D Proposed block layout plan received on 27.09.2016.
Drawing Number Revision D Proposed front gates elevation received on 27.09.2016.

Drawing Number Revision D Proposed fencing elevation received on 27.09.2016.

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.

This Standing Advice is valid from 1st January 2015 until 31st December 2016.

