

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0740/FULL 15.12.2015	Mr D Thomas 78 Brynmynach Avenue Tredomen Hengoed CF82 7BY	Replace ranch style timber fence with close-boarded timber fence 78 Brynmynach Avenue Tredomen Hengoed CF82 7BY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is situated on the eastern side of Brynmynach Avenue.

House type: The application relates to a portion of the lane to the rear of the dwelling at 78 Brynmynach Avenue. The host dwelling is a semi-detached split level dwelling that is single storey to the front and two-storey to the rear. The rear garden of the dwelling slopes down from the rear of the house to the lane. The rear lane is also in the ownership of the owners of the dwellings in Brynmynach Avenue up to the boundary with the former railway land on the eastern side of the lane. Whilst the lane is in the ownership of the property owners in Brynmynach Avenue it is public highway and as such it is separated from the rear of the dwellings by various boundary treatments.

Development: The application seeks full planning consent for the erection of a fence on the boundary of the lane with the former railway land on the eastern side of the lane. It is stated that the fence will replace an existing fence on the boundary of the applicant's land ownership with a 2m high close boarded fence. However, the fence that is referred to is no longer in place.

Dimensions: The fence is 2m high and 13 long.

Materials: Close boarded timber.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

13/0847/FULL - Erect a private motor vehicle garage - Granted 04.02.14.

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Application No. 15/0740/FULL Continued

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 5 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on boundary treatments.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

CONSULTATION

Transportation Engineering Manager - Cannot comment on the application until such time as a more detailed plan of the exact location of the fence is provided in order to assess whether or not it does encroach onto the highway.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: One letter of objection and two letters of support were received.

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Application No. 15/0740/FULL Continued

Summary of observations: The objections are summarised as follows:-

1. There is no existing fence, the previous ranch style fence was removed by the objector under the supervision of the Police.
2. The fence will obstruct access to the objector's land.
3. The fence would be on the highway.

The letters of support are summarised as follows:-

1. The fence will screen an area that is becoming a dumping ground.

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?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are whether the fence would have a detrimental impact on visual amenity or highway safety and whether it would prejudice the development of the adjacent land to the east.

With regard to the first point it is considered that a close boarded timber fence in this location would be in keeping with other boundary treatments and as such it is acceptable in design terms. In respect of highway safety it is noted that the fence would be on the public highway but it is not considered that this would pose dangers to highway safety as the fence is on the very limit of the highway and it would not affect visibility or obstruct an existing access.

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Application No. 15/0740/FULL Continued

Planning permission (reference number 14/0807/FULL) was granted in 2015 for three houses on the land to the east of the proposed fence. With regard to that development it is accepted that the proposed fence would obstruct the access to one of the proposed parking spaces on the new site. However, it would not completely block access to the site, which could be developed in an alternative manner. In that regard it is not felt that granting consent for the fence would unduly prejudice the development of the adjacent site.

In conclusion it is considered that the proposal is acceptable in planning terms and that planning consent should be granted subject to conditions.

Comments from consultees: The Transportation Engineering Manager has stated that he cannot comment on the application until such time as a more detailed plan of the exact location of the fence is provided in order to assess whether or not it does indeed encroach onto the highway. However, in planning terms it is considered that this is not required prior to the determination of the application and that a condition could be attached to any consent granted requiring the submission of amended details. Also, if the fence is within the highway, action can be taken under highways legislation to secure its removal if necessary.

Comments from public: The objections are addressed as follows:-

1. It is acknowledged that at present there is no existing fence at this location. This has no bearing on whether the proposed fence is acceptable in planning terms.
2. Whilst the fence would obstruct access on to the adjacent land this would be a private legal matter.
3. With regard to the encroachment onto the rear lane it should be noted that whilst it is a material planning consideration in this case it would not obstruct or cause safety problems on the highway. Whilst this Council is the Local Highway Authority it would still fall for the Highways Department to take action under their legislation.

With regard to the letter of support it is noted that the fence may help to screen the site, but should the site be considered to be an eyesore then action could be taken under planning legislation. As such this would not in itself be a justification for approval of the application.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

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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) Notwithstanding the submitted plans, revised details of the precise location of the proposed fence shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.
REASON: For the avoidance of doubt as to the extent of the permission hereby granted.

Advisory Note(s)

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions imposed on this consent:
Policy CW3.
