

PREFACE ITEM

APPLICATION NO. 16/0437/RET

APPLICANT(S) NAME: Mrs A Pronger

PROPOSAL: Retain new fence along boundary line in place of previous overgrown bushes

LOCATION: 74 Half Acre Court Caerphilly CF83 3SU

This application was reported to Planning Committee on 3 August with a recommendation that permission should not be granted. The Committee was minded to approve the application and it was resolved that it be deferred for a further report setting out conditions.

The site is in a prominent position at the entrance to the estate and on the approach road to Caerphilly Leisure Centre and Virginia Park Golf Club. It is also highly visible from the car park of the medical centre on the opposite side of the road.

The design concept for this relatively new estate was to provide open plan front gardens, with wrought iron railings defining public spaces and brick boundary walls providing privacy and security to the boundaries between private gardens and public space. Shrub planting was also included as a feature of the street scene to soften the appearance of the rear garden walls. The Council's design guidance specifically stated that wooden fencing would not be acceptable for any street frontage and that the developer should give particular consideration to boundary treatments, particularly those that define public and private space, such as at this site. For this reason, permitted development rights were removed by condition to maintain the distinctiveness of this locality.

The fence as proposed is considered by officers to be contrary to that design guidance and contrary to policies SP6 in the Local Development Plan, which aims to ensure a high standard of design that reinforces attractive qualities of local distinctiveness, such as the original boundary treatments and policy CW2, due to its unacceptable impact on the amenity of the adjacent public realm. It is also contrary to supplementary planning guidance in LDP7 - Householder Development in that it fails to make a positive contribution to the street scene.

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Application No. 16/0437/RET Continued

It is acknowledged that there are several wooden fences adjacent to the street near the application site. These appear to be unauthorised. One boundary treatment has been approved near the site and this consisted of low wrought iron railings enclosing a small triangular area at the side of a house, in keeping with the original design concept. The application should be considered on its own merits and in the context of the development plan.

While each application is considered on its merits, permitting this application will have the effect of removing the planning design control from one of the most visually prominent plots, thereby making it more difficult to resist similar future proposals and to take action against unauthorised fencing. In effect it sets a new baseline and could lead to the attractive features that contribute to the character of the estate being eroded over time.

Recommendation: That the recommendation is to refuse the application for the reason given in the original report, which is attached. However, if the Committee is minded to approve the development, the condition below is suggested. The condition seeks to control the erection of further close boarded timber fencing, for example around the front garden further undermining the character of the locality.

1. No additional or replacement fence, wall or other enclosure shall be erected at 74 Half Acre Court other than that hereby approved unless an application has been submitted to and approved in writing by the Local Planning Authority.
REASON: To protect the character of the street scene.
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Planning Committee 3rd August 2016

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0437/RET 28.06.2016	Mrs A Pronger 74 Half Acre Court Caerphilly CF83 3SU	Retain new fence along boundary line in place of previous overgrown bushes 74 Half Acre Court Caerphilly CF83 3SU

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application site is located at 74 Half Acre Court Caerphilly.

Site description: The site is the boundary of a residential curtilage within a residential area located to the north-east of Caerphilly town centre.

Development: The application proposes a new boundary fence and extension of the garden area by approximately one metre. The development would replace a brick wall with planting in front.

Dimensions: The proposed fence is approximately 1.8 metres high.

Materials: The fence is a close boarded timber fence stained a reddish brown colour.

Ancillary development, e.g. parking: No other development is proposed.

PLANNING HISTORY 2005 TO PRESENT

14/0776/FULL - Erect two-storey side and rear extension - Granted 20.01.15.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundaries identified in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP).

Policies: The following policies are relevant to the determination of this application: CW2 Amenity, SP6 Placemaking.

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Planning Committee 3rd August 2016

Application No. 16/0437/RET Continued.

NATIONAL POLICY National policy in Planning Policy Wales and TAN 12 Design are relevant to the determination of the application.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within the coalfield.

CONSULTATION

Transportation Engineering Manager - No objection.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of a notice posted near the site and by letters to 12 neighbouring properties.

Response: No response has been received.

Summary of observations:

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?

The proposed development is unlikely to have a significant effect on crime and disorder in the local area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No. No new floorspace is created.

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Planning Committee 3rd August 2016

Application No. 16/0437/RET Continued.

ANALYSIS

Policies: The application has been considered in the context of national policy and policies in the LDP. The main issue is considered to be the effect of the proposed development on the amenity of the area and its visual impact.

The background to the application is that an extension was built for which permission was granted in 2015 under reference 14/0776/FULL. A complaint was received in early 2016 that the garden had been extended and a new fence constructed on the boundary with the highway. Officers investigated the complaint and advised that the replacement of the original wall with a fence at the back of the footway was not acceptable on visual amenity grounds and that the wall should be reinstated in its original position.

A Statutory pre-application (SPA) enquiry was submitted in April 2016, when the applicant apologised for constructing the fence but said that they were not aware an application was required. They stated that the fence had been put up to make the house more secure and because the bushes in front of the original wall had attracted litter. They also stated that there were other boundary fences near their house. In the response to the SPA enquiry the Council commented that the predominance of boundary treatments on the estate was face brick walls set back from the boundary with planting between the walls and the back edge of the pavement. In addition, the original boundary treatment makes an important contribution to the visual amenity of the area and it was the function of the local planning authority to protect it.

LDP policy SP6 seeks to ensure that new development achieves a high standard of design reinforcing attractive qualities of local distinctiveness. Policy CW2 criterion A requires new development to have no unacceptable impact on the amenity of neighbouring properties or land. Supplementary planning guidance in LDP 7 also states that boundary treatments contribute to the quality of the street scene and help to make streets more attractive to pedestrians.

It is considered that the proposed fence at the back edge of the footway does not respect the character of the area and has a detrimental effect on the visual amenity of the local area. The recommendation is, therefore, to refuse the application and to seek an alternative solution with the applicant that is more in keeping with the character of the local area.

The Highways transportation officer has confirmed that there is no objection in terms of vision splays on the bend of the estate road and the land that has been enclosed within the curtilage is not highway land.

Comments from consultees: No objections have been received.

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Planning Committee 3rd August 2016

Application No. 16/0437/RET Continued.

Comments from public: No representations have been received.

Other material considerations: Normally a fence up to one metre in height adjacent to the road would be "permitted development". However, in this case the permission for the housing estate, reference P/04/0146, stated:

"Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fences, gates or walls, other than those expressly approved as part of this permission, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road."

The existing fence is considerably higher than one metre and the condition was imposed to retain control over boundary treatments and to ensure a consistent approach.

RECOMMENDATION that Permission be REFUSED

This permission is subject to the following condition(s)

- 01) The siting and design of the proposed development would be out of character with the street scene which has a uniformity of design, introducing an incongruous element which would not meet the aims of policy SP6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and Supplementary design guidance in LDP 7 Householder development and TAN12: Design, in that it would not reinforce attractive qualities of local distinctiveness. In addition, the proposed fence would be contrary to policy CW2 due to the unacceptable impact on the amenity of adjacent land.

DEFERRED FOR REASONS FOR APPROVAL

