

Committee Report

Application No:	DC/17/00847/HHA
Case Officer	Owain Curtis
Date Application Valid	5 July 2017
Applicant	Mr William Hopper
Site:	2 Church Rise Whickham Newcastle Upon Tyne NE16 4BU
Ward:	Dunston Hill And Whickham East
Proposal:	Erection of fence to front and side of property (retrospective)
Recommendation:	Grant Permission
Application Type	Householder Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

1.2 The application site is a semi-detached bungalow on Church Rise, Whickham which is part of a modern estate of similar properties. The site is a corner plot on the junction of Church Rise and Coalway Drive and is highly visible in the street scene due to its location. The property sits on a large plot with a 6m wide side garden in addition to the private garden at the rear. The dominant boundary treatments to the front gardens in this area are dwarf red brick walls which allow good visibility between plots.

1.3 DESCRIPTION OF THE APPLICATION

1.4 This application seeks retrospective planning permission for the erection of a boundary fence to the front and side of the bungalow. Planning permission is required as the fence exceeds 1m in height and is adjacent to a highway therefore it cannot be constructed under permitted development rights. The fence line extends from the front garden and follows the curve of the road junction extending to the rear of the plot. In total it is 33m long and has a maximum height of 1.8m on Coalway Drive reducing to 1.7m on Church Rise owing to the change in land levels. The original dwarf wall has been retained and the close board fence has been erected above.

1.5 PLANNING HISTORY

1.6 Ref No: DC/14/01139/HHA Status: Grant. Proposal: One and a half storey rear extension including raising of roof ridge level (part of existing house) and widening of driveway onto highway. Decision Date: 17.12.2014

2.0 Consultation Responses:

None

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015.

3.2 7 representations have been received from surrounding residents raising the following concerns:

- The fence is a highway safety risk for motorists and pedestrians as it restricts visibility
- The fence is not a pleasing sight and resembles a prison compound
- It is out-of-character with the area
- There is a uniform look about the properties
- It has spoilt the look of both roads
- It is an incongruous feature within the street scene
- The fence is overbearing
- The outlook from my property is now awful
- No discussion took place with the neighbours before the fence was erected
- Disagreement with the reasons given for the erection of the fence

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

HAESPD – Householder Alterations and Extensions SPD

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are: the effect on the character and appearance of the street scene, whether there would be any unacceptable highway

safety issues and the effect on the living conditions of neighbouring occupiers.

5.2 VISUAL AMENITY

- 5.3 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Local policies CS15 of the Core Strategy and ENV3 of the UDP reflect this.
- 5.4 The main concern raised by objectors is that the fence is out-of-character with the existing street. The fence is relatively tall in comparison to the existing boundary treatments present at neighbouring properties, particularly on Church Rise, where there is uniformity to the boundary treatments at the front of the properties. However, at 1.8m in height at its tallest, officers consider that the fence does not appear excessively high for a normal domestic setting.
- 5.5 The majority of the length of the fence is to the side of the property on Coalway Drive with only a short stretch of the overall fence on the return along the front boundary of the property. This reduces the overall impact of the fence in the street scene. When looking north from the top of Church Rise towards the application property, the visual impact of the fence is minimal and it does not appear as a conspicuous intrusion into the street scene. Further, Church Rise slopes downwards significantly with the application property occupying the lowest site therefore the fence is at the lowest land level which further reduces its visibility.
- 5.6 When seen from Coalway Drive, the fence extends along the side boundary of the property. As it sits on the edge of the pavement it is highly visible in views along the road from the east and west and also visible in views from immediately opposite. There are a number of examples of similar fencing, in terms of height and appearance, along side boundaries in the surrounding streets on Elm Avenue and Coalway Drive. In this regard officers consider the retention of the fence would not upset any sense of visual uniformity in the street scene or appear as visually obtrusive.
- 5.7 With regard to the finish of the fence, a key feature distinguishing the fence was that it had not been stained or painted in a dark colour. In its untreated state it was acknowledged that the fence appeared as a more prominent addition to the street than it would if it were stained or painted in a recessive colour. During the consideration of the application the applicant has since stained the fence in a dark colour. Officers consider the final stained finish reduces its overall prominence and help it integrate within its surroundings.

5.8 Officers have concluded that the retention of the fence would not result in material harm to the character and appearance of the street scene. As such it does not conflict with policy CS15 of the Core Strategy, saved policy ENV3 of the Unitary Development Plan and the Household Alterations and Extensions SPD. Further, the development would accord with the NPPF insofar as it seeks to promote good design.

5.9 HIGHWAY SAFETY

5.10 Paragraph 32 of the NPPF states that applications should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'. Recent appeal decisions have recently clarified that the severity test over residual cumulative transport impacts, referred to in paragraph 32 does not apply to matters of highway safety.

5.11 The objections received state that the fence is a highway safety risk for motorists and pedestrians as it restricts the visibility at the road junction.

5.12 Officers consider the fence does not impede the visibility at the junction of Church Rise and Coalway Drive as the fence is outside of the visibility splay for drivers. Whilst the fence does not pose a highway safety risk at the junction, officers have identified that owing to its height, the fence does cause a highway safety risk for vehicles leaving 2 Church Rise's driveway as drivers are unable to see pedestrians or vehicles on the road or footway prior to leaving the driveway. To overcome this, officers recommend the imposition of a condition requiring the fence to be modified to provide adequate visibility at the driveway (conditions 1 and 2).

5.13 Subject to the suggested conditions requiring amendments, officers consider the fence would not raise any highway safety issues for drivers and pedestrians and is therefore in conformity with the NPPF and policy CS13 of the Core Strategy.

5.14 RESIDENTIAL AMENITY

5.15 By virtue of the overall height of the fence and separation distance to the nearest surrounding properties the fence does not cause any unacceptable overshadowing, opportunities for overlooking nor result in oppressive living conditions for neighbours. It therefore conforms to policy CS14 of the Core Strategy and saved policy DC2 of the Unitary Development Plan as well as the NPPF which seek to secure a good standard of amenity for all existing and future occupants of land and buildings

5.16 OTHER ISSUES

5.17 An objection states that no discussion took place between the applicants and neighbours before the fence was erected. Whether or not private conversations took place between neighbours is not a material planning consideration therefore this has not been taken into account when making an officer recommendation.

5.18 It is also stated that there is a disagreement between the applicant and neighbours regarding the reasons for the erection of the fence. The relevant planning considerations have been set out above and the applicant is not required to provide a personal justification for the erection of the fence therefore this information is not required.

5.19 COMMUNITY INFRASTRUCTURE LEVY

5.20 On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for retail or housing. Therefore, this proposal would not be charged.

6.0 CONCLUSION

6.1 Taking all the material planning considerations into account, including the representations received, it is recommended that planning permission be granted.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1
Notwithstanding the submitted plan and existing development on site, within 30 days of this application decision, amended plans shall be submitted to the Local Planning Authority which provide for an adequate visibility splay for vehicles egressing from the driveway of 2 Church Rise.

Reason

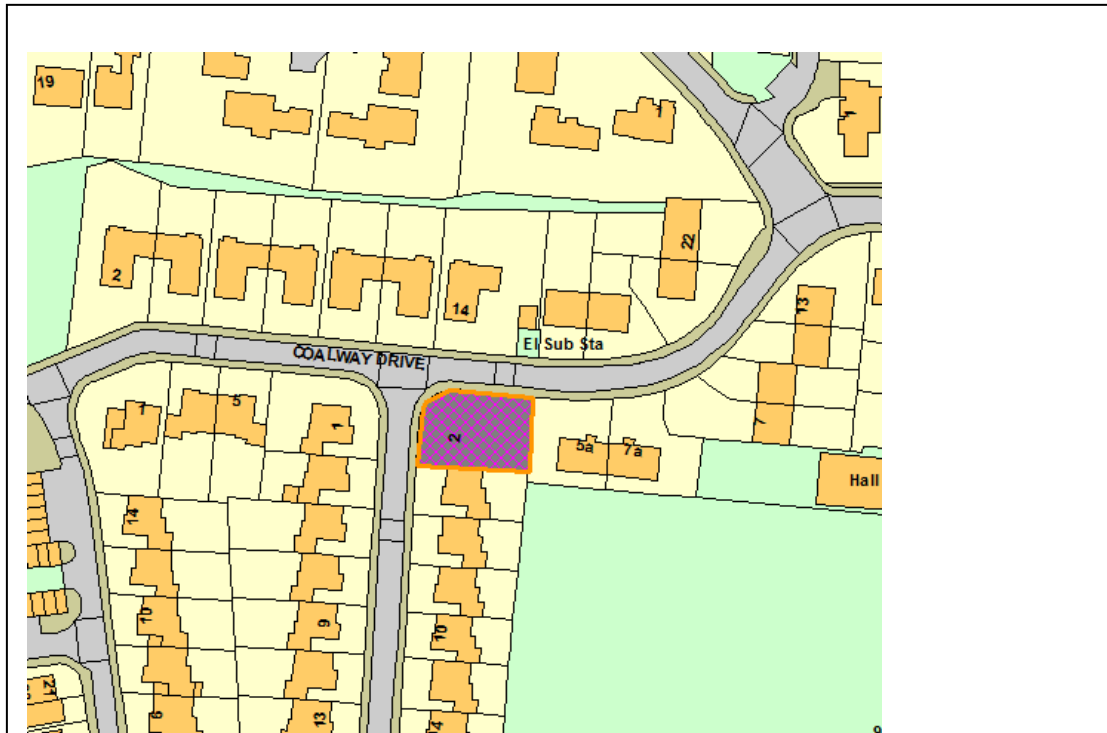
In the interests of highway safety in accordance with the National Planning Policy Framework and policy CS13 of the Core Strategy and Urban Core Plan.

2

The existing development on site shall be altered in accordance with the details approved under condition 1 within 3 months of the submitted details being approved.

Reason

In the interests of highway safety in accordance with the National Planning Policy Framework and policy CS13 of the Core Strategy and Urban Core Plan.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X