



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 28th March 2013

Subject: Planning Application 13/00828/FU

Retrospective application for new 1.8m high fence to side boundary of
2 Castle Ings Gardens, New Farnley, Leeds, LS12 5EG

APPLICANT

Mr Martin Blackburn

DATE VALID

15th February 2013

TARGET DATE

12th April 2012

Electoral Wards Affected:

Farnley and Wortley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PLANNING PERMISSION on the following grounds

The Local Planning Authority considers that the fence due to its appearance, materials, length and height, combined with the visual prominence of its location, at a junction results in the formation of an unduly intrusive boundary feature that is considered inappropriate given the context set by the prevailing boundary treatments within the immediate locality. The scheme is therefore considered contrary to policies GP5 and N25 of the Leeds Unitary Development Plan (Review) 2006, policy HDG1 of the Householder Design Guide.

1.0 INTRODUCTION

1.1 This application is brought to Panel at the request of Councillor Hardy due to the special circumstances of the applicant.

2.0 PROPOSAL

- 2.1 The application is for retrospective planning consent to retain a 1.8m wooden fence, with concrete posts to the side of the property at 2 Castle Ings Gardens. The fence abuts the highway of Low Moor Side Lane and lies along the side northern boundary of the curtilage of this property.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to an extended, semi-detached dormer bungalow. The site lies in a corner plot, and has its front elevation facing Castle Ings Gardens to the east, and the side and rear of the property which lie to the north and west face onto Low Moor Side Lane. To the south lies the adjoining property at number 4 Castle Ings Gardens. The property benefits from gardens to three sides. The host property is brick built, and appears to have been constructed in the 1960's. The property has a concrete tiled roof, and has a large side extension which matches the height of the original property, which virtually runs the full width of the property. A 1.8m timber fence with concrete posts has been erected directly adjacent to the existing low brick boundary wall along the side and rear garden areas, adjacent to the highway of Low Moor Side Lane. This development was carried out without the benefit of planning permission.
- 3.2 The site lies within the settlement of New Farnley, close to the Green Belt boundary. The locality is wholly residential in character and the street scene of this end of Low Moor Side does have a semi-rural character due to its proximity to the Green Belt, the appearance of stone built cottages which lie nearby, and open grass verges. The locality has a green and leafy appearance and boundary treatments are low, mainly comprising of planting behind low dwarf walls. The character of Castle Ings Gardens is more suburban and is characterised by regular spaced, semi-detached bungalows. The site was enclosed by a low brick built wall, with shrub planting, prior to the fence being erected.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 07/04514/FU Single storey side extension Approved 18.10.07

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 An initial site visit from the Enforcement Officer was carried out on 27th November 2012, following a complaint which was received on 14th November 2012. A letter was written to the owners on 11th January 2013 requesting them to remove or reduce the size of the fence, in order to regularise this breach of planning control.
- 5.2 At the request of the property owner a meeting then took place with the applicants on site with Planning and Enforcement Officers on 30th January 2013 to discuss the case and alternative solutions to removal of the fence. Following a consultation response from Highway Officers, the applicant was advised that Officers would support a fence of the height proposed if it was re-sited into the site by 1m, to improve the visibility splays around the site, and to also provide a small buffer area adjacent to the previous brick wall for planting, in order to soften the appearance of the fence in the street scene. This was considered by officers to be a reasonable compromise that maintained the privacy of the garden required for the applicant's child and maintaining a large proportion of the garden space whilst addressing the officers concerns regarding visual amenity.

5.3 Subsequent to this discussion the applicants considered the compromise position offered but decided to submit a retrospective application to retain the fence in its current format and position.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Sixteen letters of notification were sent out to adjacent occupiers on 25th February 2013. To date no objections have been received to the proposal, in spite of this application been submitted in response to an Enforcement complaint.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways On balance, a highway objection can not be sustained. The fall back position of being able to grow hedging other vegetation over 1m in height would make a highway objection difficult to support.

8.0 PLANNING POLICIES:

National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

8.2 The development plan is the adopted Leeds Unitary Development Plan (Review 2006).

8.3 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.4 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.5 UDP Policies:

GP5 Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.

BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.

LD1 Any landscape scheme should normally:

- i. Reflect the scale and form of adjacent development and the character of the area;
- ii. Complement and avoid detracting from views, skylines and landmarks;
- iii. Provide suitable access for people with disabilities;
- iv. Provide visual interest at street level and as seen from surrounding buildings;
- v. Protect existing vegetation, including shrubs, hedges and trees. Sufficient space is to be allowed around buildings to enable existing trees to be retained in a healthy condition and both existing and new trees to grow to maturity without significant adverse effect on the amenity or structural stability of the buildings;
- vi. Complement existing beneficial landscape, ecological or architectural features and help integrate them as part of the development;
- vii. Be protected, until sufficiently established, by fencing of a type appropriate to the prominence of the location, around all those parts of the landscaping susceptible to damage.

8.6 Householder Design Guide SPD:

Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments
- v) Materials;

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

9.0 **MAIN ISSUES**

- 1) Design and Visual Impact
- 2) Highway Safety
- 3) Special Circumstances of the Applicant

10.0 APPRAISAL

Design and Visual Impact

10.1 The proposal forms part of the street scene of Low Moor Side Lane. As noted in the sites and surroundings section of this report both the immediate stretches of Low Moor Side Lane and Castle Ings Gardens are characterised by a green and leafy appearance with front boundary hedges and other planting making up a significant contribution to this character. The immediate street scene of Low Moor Side Lane has open grass verges and does not contain any similar styled fences which are of a similar height, or design. The fence erected at the application site without the benefit of planning approval is a 1.8m high timber fence with concrete posts. At approximately 20m in length the fence represents a sizeable addition to the streetscene which has considerable prominence and mass due to its positioning in relation to Low Moor Side Lane and its height.

10.2 It is considered that the fence, due to the design materials used and location immediately adjacent the highway, represents an addition which is inappropriate within the wider context of this locality which has an attractive green and leafy character. It is considered the proposal appears stark, incongruous and overly dominant within the street scene due to the character of the surroundings. The visual harm is further exacerbated by the corner location of this fence at a road junction. It therefore cannot be considered that the new fence has been designed in a positive manner as is required by UDP policies GP5 and N25 and does not respect the character of the locality as is required by Householder Design Guide policy HDG1.

Highways

10.3 Highways raised concerns initially regarding the impact of the fence because of its height and siting on highway safety. It was initially considered that the constructed fence restricts visibility at the junction of Castle Ings Gardens and Low Side Moor Lane. Highways have however reviewed the case and stated that on balance a highway reason for refusal could not be sustained.

Special Circumstances of the Applicant

10.4 The applicant has stated the requirement for the fence has derived from the fact they have a severely disabled daughter, who has a ground floor bedroom who uses a wheel chair for mobility. The fence improves the safety, security and privacy of her bedroom, and as well allowing her privacy whilst in the rear garden area.

10.5 The needs and requirement of the applicant in respect of requiring privacy within their rear garden area is wholly appreciated and accepted by the Officers. It is considered entirely reasonable for any householder, in a suburban property such as this, to be able to create an element of private garden space.

10.6 In order to overcome concerns regarding the visual impact of the proposal, the applicants were advised that a proposal to re-site the fence 1m into the site would be supported by Officers. This would allow a buffer area around the fence to allow an area for planting which would soften the appearance of the fence. This solution would both provide the security and privacy the applicant are seeking, and reduce the dominance and visual presence of the proposal within the street scene. The

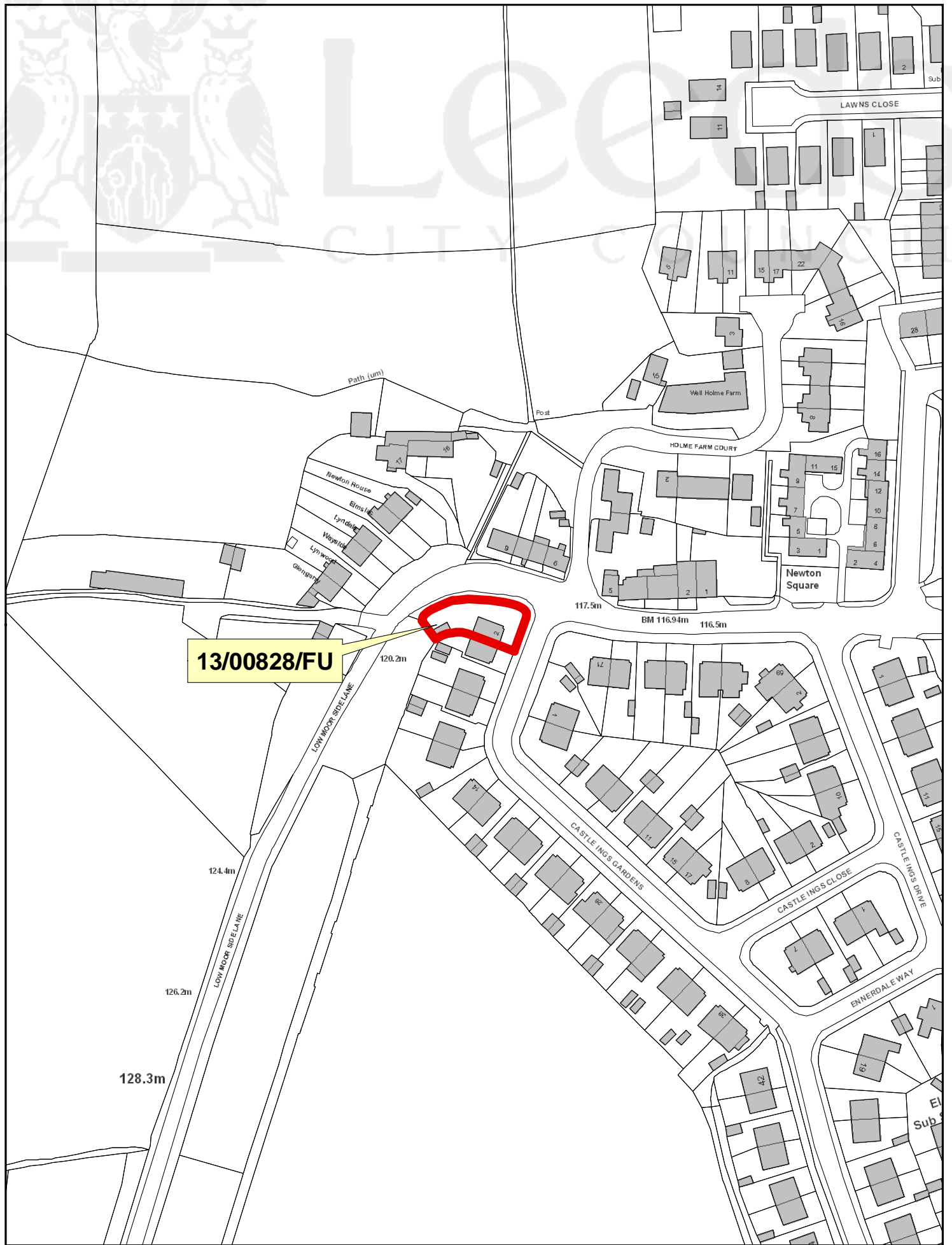
garden is good size and would still provide a good useable space by re-siting the fence 1m into the site. As such on balance it is considered that a compromise position has been offered that would both satisfy the applicant's needs and the councils concerns. Therefore retention of the fence cannot be supported in it current location because of its impact on visual amenity.

11.0 CONCLUSION

It is considered that the new fence, due to its height, design and prominence created by its considerable length creates an inappropriate addition to the immediate streetscene of Low Moor Side Lane, which is characterised by open front gardens and low walls, fencing and hedging. Therefore it is considered that the new fence has not been designed in a positive manner as is required by UDP policy N25 and does not respect the character of the locality as is required by Householder Design Guide policy HDG1. There are alternatives available to the applicant which would provide a private rear garden area which they are seeking and which visually would be in keeping with the character of this locality.

Background Papers:

Application files 13/00828/FU



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