



TO: Planning Committee North
BY: Head of Development
DATE: 3 October 2017
DEVELOPMENT: Erection of a 2m boundary fence
SITE: 11 Weald Close Horsham West Sussex RH13 6HE
WARD: Forest
APPLICATION: DC/17/1512
APPLICANT: **Name:** Mr Steven Mitchell **Address:** 11 Weald Close, Horsham, West Sussex, RH13 6HE

REASON FOR INCLUSION ON THE AGENDA: At the request of Cllr Newman

RECOMMENDATION: To approve permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks consent for the erection of a 2 metre high wooden fence which would abut the back edge of the footpath and replace an existing wooden fence with hedge behind. The proposed fence would project from the side (northwest) elevation of the main house for a distance of 2.6metres before returning southwest for a run of 21 metres, alongside Weald Close and enclosing the side and rear garden. The fence would comprise concrete posts and gravel boards with close boarded fence panels set between with a total height including gravel boards of 2.0metres
- 1.2 The rearmost section of garden comprises a single garage which would be enclosed by new wooden gates set back from the back edge of the footpath by approximately 0.5 metres.
- 1.3 The application follows an earlier refusal of planning permission for a 2.2 metre high fence to the side and rear garden of the property, ref: DC/16/0267. This earlier application was refused for the following reason:-

The proposed fence, by reason of its height and proximity to the public highway in a prominent corner location would result in a harmful loss of openness, appearing a visually dominant and intrusive addition to the street scene which would detract from the prevailing character and appearance of the site and wider surrounding area. The proposed is therefore contrary to policy 33 of the Horsham District Planning Framework (2015).

DESCRIPTION OF THE SITE

- 1.5 The application site comprises a two-storey semi-detached house that occupies an almost rectangular plot with curved northwest boundary on a prominent bend in Weald Close, a cul-de-sac situated within the built up area of Horsham which is close to the Horsham Town Centre to the northwest. The area is characterised by an open spacious development with spacious gaps between the pairs of semis in the open plan concept. The road is further characterised by attractive planting comprising; shrubs, hedges and trees. Some front/side wooden boundary fencing to properties is also evident within the road.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

- 2.2 **National Planning Policy Framework:**

NPPF7 - Requiring good design

NPPF14 - Presumption in favour of sustainable development

- 2.3 **Horsham District Planning Framework (HDPF 2015)**

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF40 - Sustainable Transport

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Forest Neighbourhood Council is part of the Horsham Blu-Print for which there is currently no 'made' plan.

- 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/0267	Removal of a hedge and fence and erection of a new fence	Application Refused on 18.07.2016
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3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 None required.

OUTSIDE AGENCIES

- 3.3 West Sussex County Council – Highways: (Previous Comments) No objection. The property in question is located on the inside of a bend that is slightly more than right angled; vehicle speeds are not likely to be high due to the road layout and not to the posted speed limit of 30 mph. The risk of vehicles meeting at the corner is low and the impact of

the fence cannot be classed as a 'Severe' impact on the highway network, which would generate an objection.

- 3.4 A pedestrian visibility splay is required to allow vehicles to see and be seen egressing from the site. A revised plan should be submitted showing a 2 metre by 2 metre splay with no items above 600mm in height to be contained within that splay.
- 3.5 Any further comments will be reported at Planning Committee.
- 3.6 Forest Neighbourhood Council: Object; the fence would be overly dominant and change the open character of the current street scene contrary to Policy 33 of the HDPF. The proposal would also seek to move the boundary line over half a metre from the current line which would further reduce the sight lines for traffic using the highway.

PUBLIC CONSULTATIONS

- 3.7 7 letters of support were received on the following grounds:-
- The fencing would be an improvement on the previous hedge / fence;
 - The fence does not encroach on any public space;
 - The application site is in a unique corner position;
 - The fence would afford a degree of privacy to the application site;
 - The materials would be sympathetic.
- 3.8 4 letters of objection were received objecting to the proposal on the following grounds:-
- Land grabbing;
 - Visibility issues;
 - Road hazard;
 - Out of keeping;
 - Lack of visibility splays;
 - Loss of green space.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The main issues in the determination of this planning application are the principle of the development; the impact on visual and neighbouring amenity; and highways issues.

Character and appearance

- 6.2 The application site is part of an area which has a spacious feel and where garden areas have been enclosed this has primarily been achieved through hedges and trees. The application site does though contrast with the surrounding area in that the rear garden runs

parallel with the highway, whereas adjoining properties are generally set back from the highway with open front curtilages.

- 6.3 The height and siting of the proposed fence would create a harder edge to the street than previously existed. It is though accepted that in order to create a private amenity space to the rear of the property a degree of screening would be required along the boundary with Weald Close. The height of the proposed fence would not be excessive in a residential area and the proposed plans incorporate planting inside the fence line which in time would serve to soften the appearance.
- 6.4 The proposed arrangement would be comparable to that which already exists at 1 Weald Close and 1 Paget Close, properties which also feature rear gardens parallel with a highway (Athelstan Way). While these boundary treatments are to some extent at odds with surrounding properties the resulting appearance reflects the layout of the estate and is not considered to result in any demonstrable harm to the character of the area. For the same reasons it is considered that the proposed fencing, which has been reduced in height since an earlier refusal of planning permission, is acceptable and in accordance with policies 25 and 33 of the HDPF. A condition is recommended to secure further details of landscaping and its subsequent implementation; including the treatment/staining of the fence panels, posts and gravel boards.

Impact on neighbouring amenity

- 6.5 The siting and scale of the proposed fence does not raise any concerns in respect of neighbour amenity. There is no conflict with policy 33 of the HDPF in this regard.

Highway issues

- 6.6 Weald Close is a 'D' class unclassified cul-de-sac subject to a 30 mph speed limit, in practice however vehicle speeds are significantly less due to the layout of the road and obstructions created by parked vehicles; with the frequency of vehicle movements small in number. The Highway Authority has advised that no conflict between vehicles emerging from the site and on Weald Close would be expected and as such there are no concerns in respect of highway safety. A condition is recommended to secure details of pedestrian visibility splays either side of the access and this would prevent any conflict with pedestrians. The proposal would therefore accord with Policy 40 of the HDPF.

Other considerations

- 6.7 It is noted that representations have been received raising concerns that the fence line would extend beyond the application site. The proposed fence would though be sited on land within the applicant's ownership and would not encroach on the public highway. As such while the ownership of land is not a planning issue there are no concerns in this regard.

Conclusion

- 6.8 It is considered that the proposal, subject to conditions, would not result in significant harm to visual or neighbouring amenity and would not result in an adverse impact on highway safety. The proposal therefore accords with the relevant policies of the HDPF.

7. RECOMMENDATIONS

- 7.1 Approve planning permission subject to the following conditions:-

1 A list of the approved plans

- 2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Pre-Occupation Condition:** Prior to the erection of gates to the southern vehicular access details of 2m x 2m pedestrian visibility splays to the north and south of the access shall be submitted to and approved in writing by the Local Planning Authority. The splays shall be provided in accordance with the approved details prior to the erection of the gates. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 4 **Pre-Occupation Condition:** Prior to the erection of the hereby approved fence to the eastern boundary of the site full details of soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** Prior to erection of the hereby approved fencing, a scheme for the treatment/staining of the fence panels, posts and gravel boards shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented within 1 month of such written approval being given and shall be maintained in accordance with the agreed details thereafter.

Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** Notwithstanding the approve drawings the hereby approved gates to the rear access shall not open outwards over the public highway.

Reason: In the interests of highway safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/1512
Contact Officer : Pauline Ollive