



Committee Report

Planning Committee South – 6 March 2024

Application no DC/23/3760/FUL

Location

10 Levington Lane
Bucklesham
Ipswich
Suffolk
IP10 0DZ

Expiry date 7 December 2023

Application type Full Application

Applicant Mr Dennis Last

Parish Bucklesham

Proposal Retrospective Application - Erection of boundary fence

Case Officer Nick Clow
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1. Summary

- 1.1. This application seeks planning permission for the retention of a boundary fence at 10 Levington Lane in Bucklesham.
- 1.2. The application was presented to the Referral Panel on 9 January 2024 as the parish council object to the scheme, contrary to officers' recommendation for approval. The Panel voted in favour of referring the application to Planning Committee South for determination.
- 1.3. The development is considered to comply with the Local Plan and the National Planning Policy Framework (NPPF) and is therefore recommended for approval.

2. Site Description

- 2.1. The application site is located within the settlement boundary of Bucklesham village, along Levington Lane. The site accommodates a detached bungalow set back from the road with off-road parking in the form of a driveway. A low-level wall surrounds the front boundary of

the curtilage with a timber fence added to the front wall. The surrounding built environment consists of bungalows of similar size, scale and design, with the Bucklesham Village Hall located to the south of the site. The site is not located within a conservation area or within the Suffolk & Essex Coast & Heaths National Landscape. No tree preservation orders affect the site. The erection of a replacement front porch and a single storey rear extension were approved under planning permission DC/20/0524/FUL.

3. Proposal

3.1. The application seeks planning permission to retain the timber fence that has been erected on top of the pre-existing low-level brick wall to the front of the property. The combined height is approximately 1.7m (0.73m high brick wall plus 95cm high fence above). It is located on the front boundary and approximately 12.4m in length. The fence is constructed from timber boards.

4. Consultees

Third Party Representations

4.1. Two third-party comments have been received, one objecting to the scheme and the other neither objecting nor supporting the application.

4.2. The neutral comments received wish to record that the Village Hall Committee have not at any point informed the applicant of their support for the fence, nor has the committee commented that it is a 'great improvement'.

4.3. Comments objecting to the scheme raise the following summarised concerns:

- Fence is out of keeping with the character of the area and would set an undesirable precedent.
- Loss of the hedge previously in situ as habitat for nesting birds and native wildlife.

Parish/Town Council

Consultee	Date consulted	Date reply received
Bucklesham Parish Council	12 October 2023	2 November 2023
<p>Summary of comments:</p> <p>“Bucklesham Parish Council wish to register an ‘Objection’ to the above application. A full meeting of the Parish Council was held on the 1st November 2023 where the above planning application was discussed. All Councillors had visited the site and had studied all planning documents in relation to the application. The conclusion to this meeting was that the Council wish to register an 'Objection' to this planning application. For the following reasons:</p> <ul style="list-style-type: none"> • The Clerk had asked the neighbours for their opinions as the applicant had stated in their supporting documentation that the fence 'was commented upon as being a great improvement by all our neighbours including the Village Hall committee members'. Many neighbours had informed the Council of their own objections stating the fence 'was an 		

eyesore', 'was not in keeping with the lane', 'had resulted in the removal of substantial habitat', 'would set a precedent', 'was not of a high standard', and 'was certainly not an improvement, and we would never have said otherwise'.

- The height is a breach of development control as it clearly contravenes The Town and Country Planning (General Permitted Development) (England) Order 2015, stating a development is not permitted if;
 - i. The height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after carrying out the development, exceed -
 - (ii) in any other case 1 meter above ground level;
- There has been the removal of natural habitat hedgerow and trees to erect the fence.
- There is a possibility of a precedent being set if permission is granted.
- Many neighbours are opposed to the fence.
- The Village Hall Committee (direct neighbour) has not supported the application.”

Other consultees

Consultee	Date consulted	Date reply received
East Suffolk Ecology	3 November 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	28 November 2023	22 December 2023
<p>Summary of comments: Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.</p> <p>Comments: We have reviewed the application taking all matters into account. Firstly, it does not appear that the fence shown would encroach on highway land, as the brick wall has been in place for over 10 years and as such any land ownership disputes would have been ongoing for 10+ years as a result. The visibility from both the access to the property and the access to the adjacent village hall do not appear to be affected by the fence installation, and both access' can still achieve the required visibility.</p>		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 23 October 2023

Expiry date: 13 November 2023

5. Planning policy

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

National Planning Policy Framework 2023

SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

6. Planning Considerations

Visual Amenity

- 6.1. The fence occupies a prominent position within the streetscene as it is located on the front boundary wall. It has a material impact on the visual amenity of are area because it can be viewed from numerous public vantage points throughout Levington Lane. Concerns have been raised by a neighbouring property and by the Parish Council regarding the fence's incompatibility with the surrounding built environment and its harmful impact to the visual amenity of the area.
- 6.2. Although it would have been preferable for some vegetation to have been retained to soften the visual impact of the fence and maintain a degree of design continuity with the surrounding low brick walls and hedgerows/trees at no.5 and 8, the removal of vegetation is not development, and so does not require planning permission, and a lower fence could have been erected under permitted development rights without the need for formal planning permission.
- 6.3. Under Schedule 2 Part 2 Class A of the Town and Country General Permitted Development Order, a fence can be erected adjacent to a highway used by vehicular traffic up to 1m in height. The current brick wall does not fully extend up to 1m in height (it is approximately 0.73m), and therefore the applicant could have added timber panels so the combined height was up to 1m without planning permission.
- 6.4. This is a material fall back consideration, and therefore it is reasonable to consider the impact of the additional height above that which could be erected as permitted development. If the applicants had chosen to erect just approximately 0.27m of fence on top of the wall this could have looked rather odd in terms of proportion of fence to wall.

- 6.5. The additional 0.65m of fence above that which would be permitted development is clearly taller and therefore more visible. Ideally the fence would be lower in height, but in the view of officers the visual impact of this additional height in this particular context is not sufficiently harmful to the streetscene and character of the area as to warrant a refusal of the scheme.
- 6.6. It should also be noted that there is a section of large close-boarded fencing which is prominent along Main Road, opposite the junction with Levington Lane. Although this fencing is along rear boundaries, it still occupies a prominent position within the streetscene. Part of this tall close-boarded fence was approved at 15 St Mary's Park under DC/19/3960/FUL and was viewed as having an acceptable impact on the visual amenity of the area.
- 6.7. It should also be noted that a 1.83m high fence was approved along the front and side boundaries of 70 Levington Lane, under permission C/13/0884. That property is located further south than the application site but on the same road. It is on a junction and on top of a bank higher than the pavement, so the fencing is very prominent.
- 6.8. Whilst neither of these two existing fences are seen in the same view as the application site, they demonstrate that fencing over 1m in height has been permitted adjacent to highways in other nearby locations.
- 6.9. The currently sought fence does not extend as high as what was approved under DC/19/3960/FUL or C/13/0884, and the low brick wall has been retained which breaks up the appearance of the means of enclosure, therefore, officers are satisfied that the scheme is acceptable in terms of its surroundings, and so complies with SCLP 11.1.

Residential Amenity

- 6.10. The fence is located to the front of the property away from the nearest residential neighbouring occupiers at no.8 Levington Lane. Its modest height and distance from the occupiers at no.8 mean that it does not have an adverse overbearing impact on residential amenity or reduce the availability of light entering the habitable rooms of no.8. This complies with SCLP 11.2.

Ecology and Wildlife

- 6.11. It has been commented that the removal of the hedge has reduced the availability of habitats for nesting birds and local wildlife. East Suffolk's Ecology Team has been consulted on the application but has not submitted comments. Although the removal of the hedge is regrettable and preferably some soft landscaping would have been retained, the removal of the vegetation did not constitute development and could therefore be carried out without planning permission.

Highway Safety

- 6.12. Officers have considered the impact of the fence on visibility from the access to the property. Given the location of the previous hedge, up to the opening of the driveway, visibility is not so materially impacted by the timber fence that officers would view this as having an adverse impact on vehicular and pedestrian safety. The Highways Authority have

been consulted and have raised no objections, noting that the application does not have a detrimental impact on the adopted highway. The Highway Authority also comment that the visibility from both the access to the property and the access to the adjacent village hall do not appear to be affected by the fence installation, and both access' can still achieve the required visibility. This complies with SCLP 7.2.

7. Conclusion

7.1. This application is acceptable in terms of all material planning considerations and complies with Policies SCLP7.2, SCLP10.1, SCLP11.1 and SCLP11.2 of the Local Plan and the relevant provisions of the NPPF.

8. Recommendation

8.1. Approve subject to the conditions below.

Conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with the Location Plan received on 29.09.2023 and the Block Plan, dimensioned photographs, and applicant's email with photographs received on 12.10.2023, for which permission is hereby granted.

Reason: For the avoidance of doubt as to what has been considered and approved.

2. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

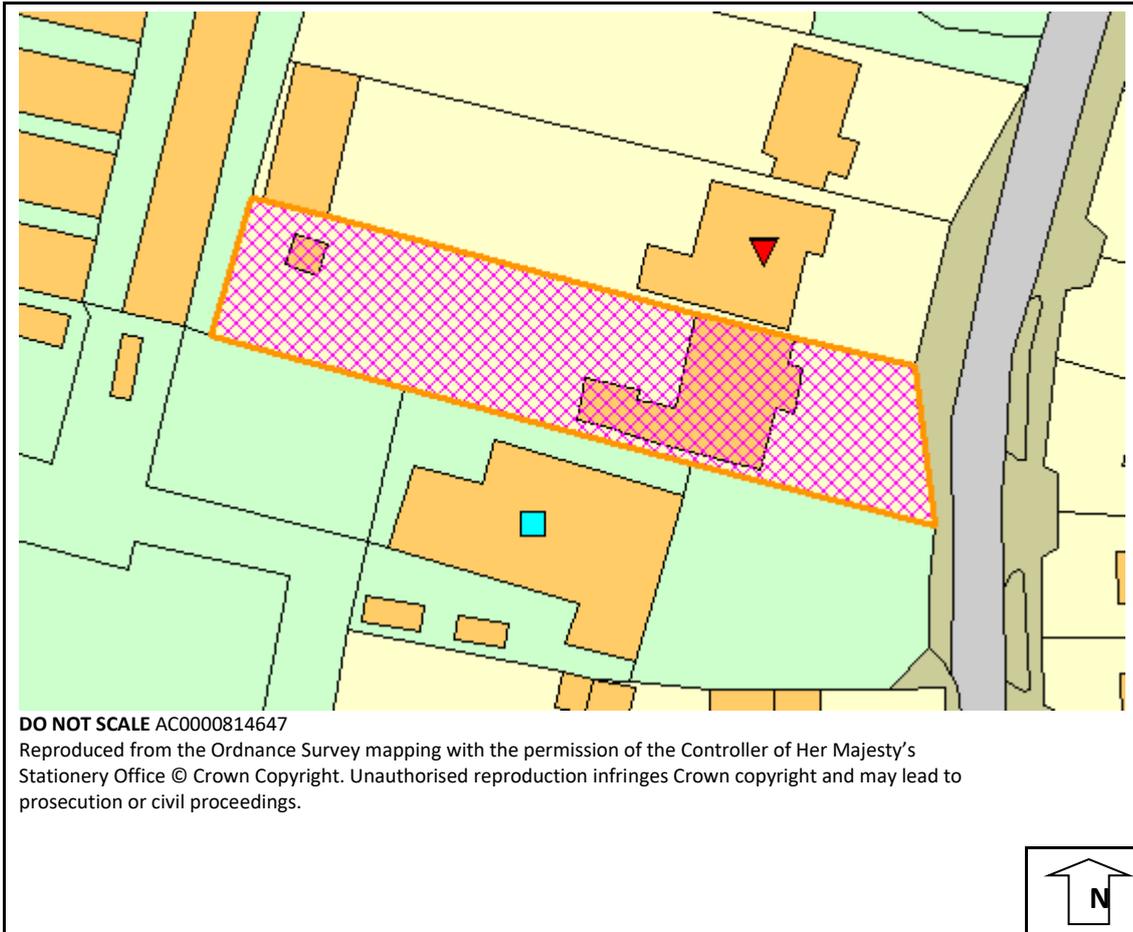
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background information

See application reference DC/23/3760/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support