



Committee Report

Planning Committee South – 27 October 2020

Application no DC/20/2081/FUL

Location

8 Haywards Fields
Kesgrave
Suffolk
IP5 2XH

Expiry date 27 October 2020

Application type Full Application

Applicant Mr Daniel O'Mahony

Parish Kesgrave

Proposal To erect a 1m fence using concrete post, postmix, lap panel, trellis

Case Officer Jamie Behling
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Authorising Officer Katherine Scott, Development Management Team Leader - SouthTeam,
(01394) 444503,

1. Summary

- 1.1. The proposed development seeks permission to erect a one metre high fence around the front of the property, set back from the kerb.
- 1.2. A previous 1.8 metre high fence was erected on the boundary alongside the kerb which was subject to a previous application and subsequent appeal. The appeal was dismissed and the fence taken down. A fence that is subject to this application has now also been erected and this application seeks authority for its retention.
- 1.3. The application was presented to the Referral Panel on 18th August 2020 as the Parish Council objected to the proposal which is being recommended for approval. The Referral Panel considered that given the previous refusal and appeal for a fence on the site and enforcement cases, the application should be determined by Planning Committee.

- 1.4. The recommendation is for approval as it is not considered that the fence as erected has a significantly detrimental impact on the character or appearance of the area, nor would it significantly impact on highway safety.

2. Site description

- 2.1. The site consists of the front garden of 8 Haywards Fields, a corner plot within a cul-de-sac with a shared parking area to the east. The building is a corner terraced, two-storey, residential dwelling located within the physical limits of Kesgrave.
- 2.2. The houses to the west have a parking area in front of the dwellings with a footpath between this area and the road. The footpath which approaches from the west abruptly stops at the boundary of No.8 and turns to a grass verge. The property has a detached plot of land to the rear of No. 10 to the south that can be used as amenity space.
- 2.3. In an attempt to create some security and privacy, the owner erected a 1.8 metre high fence around the perimeter of this front garden space late last year. Due to a condition in the original consent stating any new fence requires approval by the local planning authority, an application was submitted ref. under DC/19/4338/FUL and refused on the grounds of highway safety and design. This was later appealed (ref. APP/20/0014/REFUSE) and dismissed on the same grounds (a copy of the appeal decision is appended to this report).

3. Proposal

- 3.1. The proposal seeks the retention of a lap panel and trellis mixed fence of a height of one metre with some planting in front to soften the appearance set back approx. two metres from the kerb.

4. Consultations/comments

- 4.1. Four representations of Objection raising the following material planning considerations:
- Design
 - Danger to Highway Safety
 - Residential Amenity

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Kesgrave Town Council	17 June 2020	19 August 2020
"Refuse- contrary to DM21"		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	17 June 2020	7 August 2020
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	17 June 2020	No response
Summary of comments: No comments received.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted:

Expiry date:

5. Planning policy

- 5.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 5.2. East Suffolk Council's Development Plan, as relevant to this proposal, consists of Suffolk Coastal Local Plan, Adopted September 2020. There is no Neighbourhood Plan relating to this area of the district.
- 5.3. The relevant policies of the Suffolk Coastal Local Plan, Adopted September 2020 are:
 - SCLP11.1 – Design Quality
 - SCLP11.2 – Residential Amenity

6. Planning considerations

Planning Considerations - Visual Amenity, Street Scene and Landscape

- 6.1. The proposal is a one metre high fence set back approximately two metres from the kerb with a part trellis top providing further views through. The proposal would usually be classed as permitted development if it were not for condition 34 of original consent

C/9999/2 which states that any new fence/wall must previously be submitted to and approved by the local planning authority.

- 6.2. The fence erected is much smaller in size and scale than the previously refused scheme and is much more in keeping with the aesthetic of the area. Nearby neighbouring properties have replaced hedgerows with fences of a larger size, hardening the landscaping of the wider area without being reported to the Local Planning Authority, this making it difficult to enforce due to the passage of time. Views of the front of the house are possible over the fence and it is also now possible to see around the corner whether walking or driving when entering Haywards Fields. Leaving the gap between the kerb retains the green attractiveness of the area whilst the additional planting will, in time, soften the impact of the fence on the character of the area.
- 6.3. Due to this reduction in size and scale and moving the fence back to retain a verge in line with the path, it is considered that the proposal is more in character of the appearance of the area, overcoming the reasons for refusal previously and therefore complies with policy SCLP11.1 of the Local Plan.

Planning Considerations - Residential Amenity

- 6.4. The proposal will not cause any loss of light to neighbours and views are still possible out of all surrounding windows.
- 6.5. The fence no longer causes a nuisance to neighbours due to its size and position and therefore the proposal is considered to comply with SCLP11.2.

Planning Considerations - Parking and Highway Safety

- 6.6. As the fence has been reduced in size and set back two metres from the boundary, Suffolk County Council as Local Highway Authority have removed their objection and consider the proposal an acceptable size and position that does not cause a danger to highway safety due to loss of visibility around the corner.

Planning Consideration – Other

- 6.7. It has been raised that the proposal does not comply with the covenant of the estate which is not a material planning matter. If a third party wishes to legally challenge the applicant on the grounds of failing to comply with the covenant, then they must do so through their own means.

7. Conclusion

- 7.1. As the design is acceptable and as noted above there is no significant impact on neighbours' amenity or highway safety, the development is therefore considered to comply with the policies listed above.

8. Recommendation

- 8.1. Approve subject to controlling conditions listed below.

Conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with; Site Plan received 08/06/2020, Block plan received 16/06/2020 and photos received photos received 05/08/2020 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

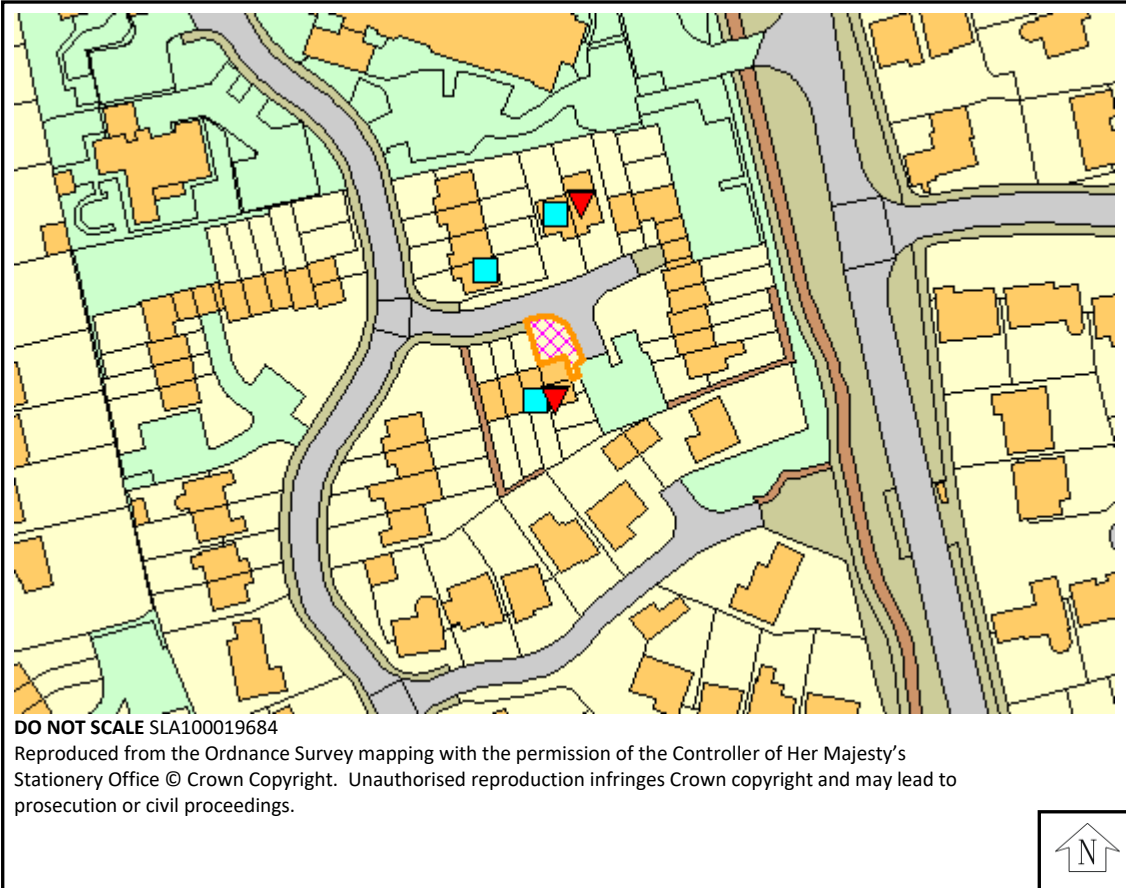
Informatives:

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/20/2081/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBLQOCQX06O00>

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support