

Contact: Gemma Davies DDI No. 01494 421632
App No : 17/06109/FUL App Type: Full Application
Application for : Householder application for retention of existing boundary fence with associated hedging (retrospective)
At 1 Hilltop Cottages, Treadaway Road, Flackwell Heath, Buckinghamshire, HP10 9PX
Date Received : 26/04/17 Applicant : Mr & Mrs Ekendahl
Target date for Decision 21/06/17 (agreed extension)

1. **Summary**

- 1.1. Full planning permission is sought for the retention of a side boundary fence with hedging to front at 1 Hilltop Cottages, Treadaway Road. This application follows a recent appeal decision for the retention of a previous boundary fence in a different position. The works have already been carried out and therefore this application is retrospective.
- 1.2. For clarification this application seeks planning permission for a different form of development than that considered as part of the 2014 planning application, enforcement notice and appeal decision. The fence subject to this application, although erected from re-used material is in a different position to that previously enforced against and therefore this is a materially different development. This approach is taken following the view of the Inspector in para. 42 of her appeal decision 'allowing for the use of the same materials, the relocated fence would be a new fence that forms no part of the breach of planning control'.
- 1.3. The development, subject to conditions would preserve the character and appearance of the Conservation Area in which it is set and would respect the overall character of the area. The development has no impact on the amenity of neighbour dwellings or highway safety and therefore the application is recommended for approval subject to appropriate conditions.

2. **The Application**

- 2.1. The application property is an end of terrace two-storey dwelling which is situated on the prominent corner junction of Treadaway Road and North Links Road. The site is situated within a Conservation Area.
- 2.2. Hilltop Cottages, together with the adjacent detached house, were built following a grant of planning permission in 2001. The approved development provided for small gardens to the front of the cottages, associated with a shared parking area, landscaping and a retained hedge along the Treadaway Road boundary. There was little space to the rear of the cottages.
- 2.3. Subsequently in 2003 planning permission enabled gardens to be provided at the back of the cottages, forming a boundary adjacent to North Links Road. In respect of both permissions planning conditions remove permitted development rights under the Town and County Planning (General Permitted Development) Order 1995 (the GPDO) (or any Order revoking and re-enacting that Order).
- 2.4. In August 2013 work was undertaken to lay an area of decking to the rear and side of the house and close boarded fencing was erected along the site boundaries. A wall of timber sleepers was created below the fencing along the Treadaway Road boundary. A small shed was erected on the decking in the back garden close to the boundary with number 2 Hilltop Cottages. As mentioned above retrospective planning

permission to retain these works was refused in 2013, as was an amended scheme in 2014. This new application seeks permission for a materially different form of development.

- 2.5. Following the 2014 appeal decision, and subsequent discussions with the Planning Authority, the original (and unacceptable) retaining 'sleeper' wall has been removed, as has the original fence and this has been replaced with a fence 1m back from the boundary of the site to allow the planting of a replacement hedge in this area to soften the appearance of the panelled fence.
- 2.6. The development plan for the area includes the Core Strategy Development Plan Document 2008 (the Core Strategy) and the Wycombe District Local Plan to 2011 (as saved, extended and partially replaced) (the Local Plan). The National Planning Policy Framework (the Framework) post-dates the Core Strategy and the Local Plan. The development plan policy requirements for a high standard of design are consistent with the Framework.
- 2.7. Since the determination of the last appeal the Council have produced a Draft New Wycombe District Local Plan June 2016. The emerging policies may be referred to in the assessment of this application. However as this document has not been through Examination, the application of these draft policies holds limited weight.

3. Working with the applicant/agent

- 3.1. In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
 - by adhering to the requirements of the Planning & Sustainability Customer Charter
- 3.2. In this instance the applicant/agent was updated of any issues after the initial site visit, and as the application was considered to overcome the Inspectors previous reason for dismissing a similar appeal in relation to a fence, no further assistance was required.
- 3.3. As local members have requested to see the officers report as part of the Councils procedures for referral to Planning Committee an extension of time for determination of the application was agreed.

4. Relevant Planning History

- 4.1. 01/06030/FUL - Erection of 1 x 4 bed detached dwelling and detached garage and 3 x 3 bed terraced dwellings and detached open barn garaging. Permitted and implemented.
- 4.2. 03/06026/FUL - Change of use of land to gardens associated with new dwellings permitted by PP 01/06030/FUL. Permitted and implemented
- 4.3. 13/07037/FUL - Householder application for construction of raised decking area, construction of new 1.8 metre high fence and shed (retrospective). Refused under delegated powers because the fence was deemed to be visually intrusive and thus detrimental to the Conservation Area.
- 4.4. 14/05445/FUL - Householder application for replacement fence and hedges and decking (retrospective). This application was recommended for approval but overturned and refused at Planning Committee on 19.11.2014. Following this refusal an enforcement notice was served requiring the fence and 'sleeper' wall to be removed. No enforcement action was taken against the decking or shed. The owners (the same applicants as this current application) appealed the enforcement notice

under grounds (a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended and the planning refusal. The appeals were subsequently dismissed and the notice upheld, but varied to extend the compliance period to 6 months (attached as appendix).

- 4.5. Two planning applications on the site to remove condition 10 on planning permission 01/06030/FUL (ref: 17/06111/VCDN) and condition 4 on planning permission 03/06026/FUL (ref: 17/06114/VCDN) which removed permitted development rights for this property for developments falling within Classes A, B, C, D & E Part 1 and Class A of Part 2 (which includes fencing) were recently refused. The reason given for removing these rights on both applications was to allow the Local Planning Authority the opportunity to properly consider the effect of any future proposals on the character and amenity of the locality. As this situation has not changed the applications were refused under delegated powers.
- 4.6. It should be noted that even if these applications were approved and the conditions on the historical applications were removed, the fence subject to this application would still require planning permission as it exceeds 1m in height adjacent to the boundary.

5. Issues and Policy considerations

The impact of the development on the character and appearance of the Conservation Area and the surrounding area in general.

ADLP: G3, G8, H17, G10, G11, HE6

CSDPD: CS17 & CS19

- 5.1. The application site is situated on the prominent corner junction of Treadaway Road and North Links Road and the site is also situated within a Conservation Area where development should preserve or enhance the surroundings. The main issue is the effect of the close boarded fence and sleeper wall on the character and appearance of The Common, Flackwell Heath Conservation Area. In respect of historic heritage, the Framework requires an assessment of the amount of harm to the significance of a heritage asset and the weighing of the harm against public benefits.
- 5.2. Policy G3(c) and (d) (General Design Policy) states that 'developments should be compatible with the immediate surroundings of the site and appropriate to its wider context by reference to street pattern and land levels, plot sizes, means of enclosure, proportion, scale, bulk, form and massing; and are sympathetic to the design and appearance of their surroundings, including building materials and profile, window pattern, architectural detail, landscape treatment and means of enclosure.'
- 5.3. The Conservation Area Character Survey dates to around 1995 and continues to be a very relevant reference document in identifying the significance of the designated heritage asset. The Conservation Area Character Survey advised that a significant view from within the Conservation Area is from the northern extremity of the Conservation Area, south westwards along Treadaway Road. It is noted that hedges make a large contribution to the area's character and hedges are generally preferred to walling and fencing as a boundary treatment within Conservation Areas. On this occasion, the hedge along the boundary of Hilltop on the Treadaway Road frontage is identified as a significant hedge on the Character Survey Map, although the hedge is not shown extending all the way to the North Links Road corner.
- 5.4. The original permission for the dwelling in 2001 allowed for the original hedge to remain along the Treadaway Road boundary and the importance of retaining the hedge was emphasised by the landscaping condition attached to the 2001 planning permission. It is therefore unfortunate that the works carried out in August 2013 led to the removal of the hedge. Regardless of whether there is a fence on the site, the original hedge has been lost and the applicants are now seeking to remedy this harm by planting a new hedge, which has been accepted by the Councils Conservation

Officer.

- 5.5. Within para. 23 of the 2014 appeal decision the Inspector makes it clear that it is the cumulative impact of the wall **and** fence along Treadaway Road that provided a 'harsh feature within the streetscene' and adversely impacted on the identified significant view along Treadaway Road. She continues... 'the visual harm is increased by reason of the height of the structure, the solid, close boarded form of the fence and its position on the back edge of a narrow footway'.
- 5.6. As mentioned above, this current application is materially different to that refused at planning committee in 2014 and subsequently dismissed at appeal. Not only has the original unauthorised fence been removed, but the new fence has been erected 1m back from the boundary of the site to allow a hedge to be planted along this boundary. In addition to this, and most importantly the 'sleeper' retaining wall has been removed which substantially improves the appearance of the boundary treatment within the street scene and results in a less dominant form of development.
- 5.7. Along with the removal of the sleeper wall, the deeper planting bed as illustrated on the submitted plans has allowed for planting that will, when mature, further soften the appearance of the fence in the street scene. It is appreciated that the hedge will take time to establish and grow but over time, this hedge would effectively screen most, if not all, of the fence as erected and would therefore preserve the Conservation Area, while maintaining the security of the rear garden area for the applicants.
- 5.8. As a result, the development is considered to comply with the development framework policies. The development preserves the character of the conservation area and does not result in demonstrable harm to the character and appearance of the street scene or the wider area in which it is set. The revised scheme is materially different to the previous 2014 scheme and the revised development overcomes the previous reasons for refusal.

Recommendation: Application Permitted

- 1 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan number TR PA 01 Rev B, unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 2 If any part of the hedge hereby approved dies, becomes damaged, destroyed, diseased or dangerous, it shall be replaced during the following planting season by another healthy hedge of the same species, unless otherwise approved in writing by the Local Planning Authority. Thereafter, any such replacement planting shall be maintained or further replaced as necessary.
Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity and to ensure a satisfactory visual appearance within the Conservation Area.

INFORMATIVE(S)

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- by adhering to the requirements of the Planning & Sustainability Customer Charter

In this instance the applicant/agent was updated of any issues after the initial site visit, and as the application was considered to overcome the Inspectors previous reason for dismissing a similar appeal in relation to a fence, no further assistance was required.

As the application was called to Planning Committee for determination an extension of time for determination of the application was agreed until the end of August.