

Contact: Taz Poptani DDI No. 020 3589 3987

App No : 19/06846/FUL App Type : FUL

Application for : Householder application for retention of boundary fence and trellis (retrospective)

At 1 Cherrywood Gardens, Flackwell Heath, Buckinghamshire, HP10 9AX

Date Received : 31/07/19 Applicant : Mr & Mrs R Green

Target date for decision: 25/09/19

1. Summary

- 1.1. Retrospective planning permission is sought for the retention of a boundary fence and trellis. The development is considered to have an acceptable level of impact on the visual amenities of the application site and surrounding locality.
- 1.2. The application is recommended for approval.

2. The Application

- 2.1. Retrospective planning permission is sought for the retention of a boundary fence and trellis along the north-eastern side boundary facing onto Cherrywood Gardens and is also proposed along the rear north-western boundary. The timber fence measures 1.8 metres in height with a 0.3 metres height trellis on top.
- 2.2. The previous boundary treatment along the north-eastern side boundary was in the form of a 1.8 metres high close boarded fence. The proposed rear fence and trellis would match that erected to the side boundary.



- 2.3. The application property is a two storey detached dwelling located on the south-western side of Cherrywood Gardens and occupies a prominent corner plot. The dwelling is situated within the built up area of Flackwell Heath and is not in a Conservation Area.

3. Working with the applicant/agent

- 3.1. In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 3.2. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

4. Relevant Planning History

4.1. **18/05897/FUL:** Householder application for demolition of existing detached double garage and construction of single storey side and first floor rear extensions. Permitted.

4.2. Other similar “fence” applications of note in the immediate area include:

04/07308/FUL: Retrospective permission for the erection of a 1.8 metre fence at 27 Chapel Road was refused:

In the opinion of the Local Planning Authority the fence that has been erected results in a stark, dominant and unsightly appearance on this prominent corner site and it is not considered to typify the distinctive character of boundary enclosures in the area.

This is by reason of its height and location, its materials and construction and the lack of mature garden planting.

It was therefore considered to result in harm to the character and appearance of the site and its surroundings contrary the Adopted Local Plan.



4.3. In dismissing the subsequent appeal the Inspector noted that; “..whilst the fence in question provides privacy to the applicant’s garden in my view it harms the general softer and more spacious character of the locality.”

4.4. **08/07126/FUL:** Construction of detached shed in garden and erection of 2.9 m high fence along side and rear boundaries (retrospective) at 19 Chapel Road, Flackwell Heath was refused.

4.5. It was considered that the side boundary fence that had been erected, by virtue of its height and design, appeared dominant, obtrusive and overbearing on this prominent corner plot site and as such was not in keeping with the character and appearance of the surrounding area and was detrimental to the street scene. It was therefore considered to be contrary to adopted policy.



4.6 A subsequent appeal was also dismissed. In considering this appeal the Inspector notes:

“The fence which is the subject of the appeal surmounts a low brick wall, around 0.6m high. The main component of the fence is close-boarded, and is around 1.5m high. This component in turn surmounted by a trellis, about 0.6m high. The whole structure is therefore around 2.7 metres high, and is said to have replaced a structure (fence surmounting wall) which was 2.2 metres high”.

“Local policies seek to ensure that development is of a high standard of design and in keeping with its surroundings. In my opinion the fence is not out of character with No 19 itself, as it is a modern house set well back from the plot boundaries. However, the height of the fence, its dominating presence at the back of the footway, and its stark appearance, contrast markedly with the generally lower, softer and more varied boundary treatments in the vicinity of the site, and most especially those along Sedgemoor Road. For these reasons I conclude that the fence is detrimental to the street scene. My conclusions would stand even if the appearance of the trellis were softened by the presence of climbing plants”.

- 4.7 Subsequently planning application **09/06327/FUL** was permitted for the construction of 2.2 metres high boundary fence (retrospective) at 19 Chapel Road. Effectively approving the fence as constructed but without the trellis.

5. Issues and Policy considerations

Principle and Location of Development

New Local Plan: CP1 (Sustainable Development), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.1. There is no objection to the principle for the erection of a replacement boundary fence to the existing dwelling in this location, subject to compliance with the adopted Development Plan Policies.

Raising the quality of place making and design

New Local Plan: CP9 (Sense of place), DM35 (Placemaking and Design Quality)

- 5.2. As aforementioned, the application property is a two storey detached dwelling located on the south-western side of Cherrywood Gardens and occupies a prominent corner plot. The dwelling is situated within the built up area of Flackwell Heath and is not in a Conservation Area. The rear garden of the site extends up to the rear and north-eastern side boundaries. As such, the previous and new replacement fence is required to allow a degree of security and privacy for the occupants' rear garden area.
- 5.3. The previous boundary treatment along the north-eastern side and existing rear north-western boundary was/is in the form of a 1.8 metres high close boarded fence. The replacement timber fence measures 1.8 metres in height, with a 0.3 metres height trellis on top.
- 5.4. It is considered that the fence and trellis as erected is of a sympathetic and domestic appearance and given time, will weather and reduce in prominence. On the site inspection, it was evident that similar height front boundary treatments are visible in the wider locality. No objections are therefore raised in this regard.

Amenity of existing and future residents

Housing intensification SPD

New Local Plan (Submission Version): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

- 5.5. The replacement fence and trellis are not considered to have an adverse impact on neighbouring amenities.

Weighing and balancing of issues – overall assessment

- 5.6. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.7. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with

planning applications, the authority shall have regard to:

- a) Provision of the development plan insofar as they are material
- b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
- c) Any other material considerations

5.8. As set out above it is considered that the proposed development would accord with the adopted development plan policies.

Recommendation: Application Permitted

- 1 The development hereby permitted shall be built and retained in accordance with the details contained in the planning application hereby approved and plan number: RG/05/19, 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.

INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application. In this instance, the agent was informed about the acceptability of the proposal after the initial site visit. As the proposal was considered acceptable, the application is being recommended for approval without delay.

