

DELEGATED DECISION REPORT

SMD/2021/0627
Valid 20/10/2021

18 LINDEN DRIVE
BIDDULPH

**RETENTION OF 2.8MTR HIGH,
POST AND WOODEN FENCE
PANELS**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The proposed site comprises a detached brick and tile bungalow and its associated curtilage, situated in the Biddulph West Ward. The site is within the Biddulph Development Boundary, where the Staffordshire Moorlands Local Plan seeks to concentrate development. The proposed site is enclosed by neighbouring dwellings on Linden Drive and Washington Close. No. 16 Linden Drive lies to the South of the proposed site and No. 10a Washington Close is situated to the North. The curtilage of No. 12 Washington Close adjoins the site on the North-East and the curtilage of the Chilton House flats, Washington Close adjoins the rear curtilage boundary of the site on the East. The Linden Drive highway runs adjacent to the proposed site on the West.

It is noted that a number of properties within the estate have been extended and altered; however the established character of the original estate has been retained.

PROPOSAL

The development comprises modifications to the boundary fencing, in order to provide increased privacy to the dwellinghouse. The works have already been undertaken. The alterations include the heightening of the existing concrete pillars, as well as the sections of fence panelling amongst them on the North-Eastern rear boundary. The proposed fence modifications would increase the height of the existing boundary fence by 0.8 metres on the North-East boundary. There would be no increase in height on the North-West side boundary wall. The boundary fence alterations would be constructed from materials which would harmonise with the existing boundary treatment, including timber fence panels.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS6 Biddulph Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 – 14
Section(s) 4 – Decision making, 12 – Achieving well designed places

Staffordshire Moorlands Design Guide SPD

Part 4 – Access Space and External Works

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

N/A

CONSULTATIONS

Publicity

Site Notice expiry date: 15/12/2021
Neighbour consultation period ends: 10/11/2021
Press Advert: N/A

Public Comments

A public comment has been received by the neighbour at No. 12 Washington Close regarding the fence shading her garden behind her garage as well as the fence making them feel fenced off/in.

Town / Parish Comments

No comments have been made.

Staffordshire County Council Highways

No objections have been raised.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

In accordance with Policies SS1 and SS2 of the Staffordshire Moorlands Local Plan the Council expects all new development to make a positive contribution towards the sustainability of communities and to protect and where possible enhance the environment. A concentrated focus on future growth is to be directed to larger settlements, including Biddulph. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

In compliance with Policy SS6, new development will be directed to the most sustainable locations. The site lies within the town of Biddulph, which is one of the main urban areas where the focus of new development will be directed, with the aim of crafting all development to enhance the character and appearance of the town.

The proposed site is within the Development Boundary, thus the proposed works are acceptable in principle, subject to conformity with other relevant national and local planning policies. The main issues which need to be considered as part of the assessment of the proposed works include design, neighbour amenity and highway safety.

I note that a 2 metre high fence around the boundary of a dwellinghouse (except from in front of a highway) would classify as permitted development. Therefore, the planning application judgement will be based on the additional 0.8 metres and whether this would harm neighbour and street scene amenity.

Design

Policy DC1 seeks to ensure that all development is well designed and of a high

quality, contributing to local distinctiveness and harmonising with sense of place. The proposed development consists of modifications to the boundary fencing, in order to provide increased privacy to the dwellinghouse.

The alterations include the raising of the height of the existing fence panels to the North-East of the boundary. The proposed fence modifications would increase the height of the existing boundary fence by 0.8 metres on the North-East and East boundary. There would be no increase in height on the North-West side boundary fence.

For a development to be considered appropriate, the Councils' Design Guidance SPD states that new development should respond to its setting including landscaping which can greatly enhance the setting and appearance of buildings, thus analysis of the site and its context as well as its wider landscape setting is essential. The design of the boundary fence alterations is considered acceptable. Due to the height increase only being moderate the fence would sustain the character and setting of the existing dwelling. I note that the fence alterations would be within a self-contained curtilage plot, being hidden away from any wider views from the public road. As the proposed fence alteration is not visible from outside the plot, the character of the street scene would not be adversely effected. Regardless of this, fencing can be seen as a complimentary form of boundary treatments, similar to several other dwellings on the street, thus meaning that it is not an incongruous feature. Thus, the addition of some height to the North East section of fencing would fit amongst the wider landscape setting of the area, maintaining the characterizable hard landscape feature in accordance with the Staffordshire Moorlands Design Guidance SPD.

Materials used in the construction of the proposed boundary alterations would match those used in the construction of the existing boundary treatment, as well as from surrounding boundary treatments in the area. The surrounding street scene is comprised of a varied selection of boundary treatments, including timber fencing, hedgerows and stone walling. Timber fence panels have been used in the construction of the proposed boundary alterations. Therefore, the materials are considered appropriate in relation to the existing dwellinghouse, as well as the surrounding street scene. Thus, the proposed materials would match the existing materials and harmonise with the surrounding street scene, not detracting from the character of the original estate.

The proposal, by virtue of its size, scale and siting maintains the character of the existing dwelling and area. The proposal would therefore accord with the provisions of local plan policy DC1 and section 12 of the NPPF in this regard.

Amenity

Paragraph 130 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy DC1 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character

and amenity.

The application site is bound by No. 16 Linden Drive to the South and No. 10a Washington Close to the North. A small section of the boundary of the site is a common boundary with No. 12 Washington Close. Assessment of amenity impact will be required on the three direct neighbouring dwellinghouses to the sides of the site. As the proposed works consist of modifications to the boundary fence which adjoins the curtilage of Chilton House flats, the amenity of the neighbours here should also be assessed.

The proposed boundary treatment alterations would not impact the amenity of No. 10a Washington Close. I note that the 0.8 metre increased height fencing would barely adjoin the common boundary shared between the site and this neighbour. As the neighbouring dwellinghouse at No. 10a Washington Close is positioned to the North of the site and the majority of the works will be on the North-East and East boundaries, the works will be a substantial enough distance from this neighbour to mitigate any chance of light loss. Thus, the neighbour would not be impacted. Due to the East to West trajectory of the sun, the moderate increase in the height of the boundary fence would not result in a shadow being cast over the neighbouring dwelling, meaning that the boundary treatment would not be considered as overbearing. The proposed boundary fence, as well as the distance between the majority of the proposed works and the neighbouring dwelling would eradicate any chance of overshadowing which could be caused as a consequence of the moderate increase in height of the boundary fence.

An objection has been submitted from the neighbour at No. 12 Washington Close regarding shading their garden behind their garage, feeling fenced in and not being consulted before the works occurred. As this is a retrospective application, consultations could unfortunately not occur before the erection of the higher fencing occurred. Although the boundary of the site slightly adjoins the boundary of No. 12 Washington Close, it is not considered that the amenity of this neighbour would be adversely impacted. I note that the house belonging to the objector is a substantial enough distance away to mean that they will not lose any light to their windows. Although the Council seeks to protect the amenity of dwellinghouses themselves, the Council does not seek to protect garages as they are not habitable rooms where people spend quality time. As the increased fence height is positioned to the West of the garage belonging to this neighbour, any additional shadowing above the height of the existing garage would only occur in the late hours of the afternoon. The East to West sunlight trajectory would mean that this neighbour will get a plentiful amount of sunlight into their garden when the sun is to the East and South. For all of the reasons mentioned above, it is not considered that the amenity of No. 12 Washington Close would be adversely impacted.

With respect to the Chilton House flats to the east, any impact would be felt in the afternoon, with the fence being position to the west of these neighbours. Although there would be a moderate increase in the height of the boundary fence facing these neighbours, the East to West sunlight trajectory means that there would only be shadowing, in particular over the ground floor windows, later in the afternoon. Thus, this would not be so significant to warrant the refusal of planning permission.

Furthermore, a 2 metre high boundary fence is permitted development and was already in place between the curtilages of the properties. Thus, as the boundary works will only increase the height of the boundary fence by 0.8 metres, there would not be a substantial difference from the shadowing which already occurs over the curtilage / ground floor windows of the Chilton House flats from the existing fence. From this observation, it becomes apparent that the amenity of the Chilton House flats would not be detrimentally impacted by the proposed boundary treatment alterations.

It is noted that due to the moderate increase in the height of the boundary fence as a result of the proposed works, the privacy of all neighbours would only be increased, as well as the privacy of the site itself. Before the fence was increased in height, overlooking of the site by the windows at the Chilton House flats could easily occur. The rear principal, habitable kitchen window was in sight of all of the rear Chilton House flat windows, having a detrimental impact on privacy for both parties. The increase in the height of the fence means that no overlooking could occur between the site and neighbouring flats.

There are no dwellinghouses with curtilages which directly adjoin the West front curtilage of the site, thus no amenity impact will occur here.

Highway Safety

Paragraph 102 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy T1 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking.

The position of the fence would not interfere with the parking arrangements for the host dwelling or the wider road network. As the proposed works would be to the rear and side of the dwelling, the available off road parking to the front of the dwelling would not be compromised, in compliance with Policy T1. Visibility would not be reduced from the front driveway, as the proposed fence alterations are set back from the principal elevation of the dwelling, on the rear and side elevations.

Thus, the proposed extension would have no impact on highway safety, in accordance with Policy T1.

CONCLUSION / PLANNING BALANCE

In consideration of all of the above, the application is recommended for approval. Due to the application having no adverse effect upon neighbour or street scene amenity and no overall impact on the highway, it is deemed acceptable under planning policy. The distances between the proposed works at the site and the neighbours would ensure that the increase in the height of the boundary fence would be unlikely to result in any harm to neighbour amenity in terms of loss of light or shading. Furthermore, the design of the proposed boundary treatment alterations is considered an appropriate fit for the existing dwelling and amongst the

surrounding street scene, incorporating features of surrounding types of boundary treatment. Therefore, the proposed boundary treatment alterations are recommended for approval, subject to compliance with all conditions.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Hollins

Recommendation Date: 15/12/2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council