

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 September 2009

Page

APPLICATION REF. NO:	09/00553/FUL
STATUTORY DECISION DATE:	15 October 2009
WARD/PARISH:	MIDDLETON ST GEORGE
LOCATION:	18 The Beeches, Middleton St George
DESCRIPTION:	Variation of Condition 6 of planning permission 03/00210/FUL dated 19 September 2003 to permit the erection of boundary wall enclosure
APPLICANT:	Mr N Tutty

APPLICATION AND SITE DESCRIPTION

The Beeches is a modern housing development of detached dwellings arranged around a cul-de-sac. The development is situated on the north side of Yarm Road, within a predominately residential area. The application site is situated on the east side of the access road.

An unauthorised close-boarded fence was erected to the side and rear of No 18 The Beeches. A retrospective application (reference number 06/00793/FUL) for the retention of the fence was refused by Members of the Planning Committee in February 2007 and a subsequent appeal against this decision was dismissed by the Planning Inspectorate (October 2007). The Council issued an Enforcement Notice in January 2009 to secure the removal of the fence and it came into effect in July 2009. The fence has not yet been removed.

However, this application is seeking to obtain planning permission for an alternative means of enclosure to the existing fence to enable it to be replaced. The proposed means of enclosure would consist of a mixture of brickwork and timber sections with an overall height of 1.825m.

PLANNING HISTORY

03/00210/FUL In September 2003 planning permission was GRANTED for the erection of 21 dwellings and provision of roads and sewers

03/01093/FUL In November 2003 planning permission was GRANTED for the substitution of house types plot 7, 9, 10 and 18

06/00793/FUL In February 2007 planning permission was REFUSED for the location of boundary fence to western side of garden (retention of development)

An appeal was lodged against the refusal of planning permission (ref no: 06/00793/FUL) and the Planning Inspectorate dismissed it in October 2007. An Enforcement Notice was issued in January 2009 to remove the fence, which came into effect in July 2009.

PLANNING POLICY BACKGROUND

Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan is relevant along with Planning Policy Guidance Note 7 – Alterations and Extensions to Existing Dwellings

RESULTS OF CONSULTATION AND PUBLICITY

Two letters of objection have been received raising the following issues:

- *I feel that the developer has tried to ride rough shod over the planning regulations, and feel strongly that this application should be refused and that the Council should insist that the original design contained in the original planning application should be adhered to. If not, I am sure that he will, once again, follow the procedures and delay yet again having to undertake any work on correcting this boundary*
- *It is significantly different from the original approved plans*
- *It doesn't mirror the opposite boundary between house Nos 2 and 3, which the original plans clearly stated it should*
- *It is unclear if the boundary is to be relocated away from the footway, as per the original plan. This allows a clear and safe line of sight when vehicles are exiting the drive of No 19 The Beeches*
- *The Planning Inspectorate concluded that the original plans must be adhered to. This decision was made two years ago and should be enforced*
- *I believe and agree with earlier decisions that this application, if approved, would result in a loss of an important landscaping feature, which was agreed as part of the original scheme and would be detrimental to the visual amenities of the street scene. I consider it to be contrary to Policy H12 of the 1997 Local Plan and also the Council's Planning Guidance*
- *This application and boundary style does not match other boundaries around the area*
- *There is an Enforcement Notice in place that states the original plans are to be followed*

Consultation Responses

Middleton St George Parish Council

The comments from the Middleton St George Parish Council will be mentioned verbally at the Planning Committee

Highways Engineer

A response from the Council's Highways Engineer has been received and is considered further in this report

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed development is acceptable in the following terms:

- Visual Appearance and Character of the Area
- Highway Safety
- Other Matters

Visual Appearance

The application site is in a prominent location on the approach into the cul-de-sac. The proposal involves the erection of a means of enclosure along the south and west boundaries of the site. It would consist of brickwork, with stringcourses, interspersed with timber panels. The brickwork would have an overall height of 1.825m, whilst the timber panels would measure 1.8m high. Whilst the brick type has not been confirmed, officers would seek to ensure that they are in character with those used elsewhere in the development.

The design of the proposed means of enclosure does vary from the wall and fencing which encloses the rear and side garden of No 3 The Beeches, opposite the application site. The variation consists of the timber panels running the full height of the proposed means of enclosure, whilst the opposite wall/fence incorporates a brick dwarf wall, and the timber panels sit upon this feature rather than extend to ground floor level.

The refusal reason for the retrospective planning application for the fence stated:

“The relocation of the boundary fence results in the loss of an important landscaping feature agreed as part of the original scheme, which is detrimental to the visual amenities of the street scene.”

The Planning Inspector, in his report, also commented that the location of the fence is inappropriate and has a detrimental impact on the character and appearance of the street scene. The Inspectors report did not, however, conclude that the development must be carried out in accordance with any specific design.

The current proposal would result in the repositioning of the means of enclosure away from the footway edge and the reintroduction of a landscaped strip. This strip would be approximately 0.5m wide and the applicant would intend to plant shrubs along its length.

It is considered that the differentiation in design between the proposed means of enclosure and the existing and approved means of enclosure, as shown at No 3 The Beeches, would not have an adverse impact on the visual appearance and character of the street scene.

Highway Matters

The proposed repositioning of the wall from the back edge of the footway does improve the visibility splay for the dwelling to the rear and there are no highway objections to the proposed development

Other Matters

As previously mentioned, the Enforcement Notice seeking the removal of the existing fence is active, and this application is seeking approval for an alternative means of enclosure, albeit a variation from the approved design. Due to the delays in getting this application submitted, officers need to ensure that the development is implemented within an acceptable and reduced timescale. It is considered appropriate to reduce the standard three year implementation period and the applicant has agreed to a suitable condition to secure this.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The proposed means of enclosure is considered to be an acceptable alternative to the existing timber fence. The proposal would not have a detrimental impact upon the character or visual appearance of the housing development and the wider street scene. The proposed development does not raise any residential amenity or highway safety issues. The proposed development would accord with Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan and Planning Policy Guidance Note 7 – Alterations and Extensions to Existing Dwellings

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- The development hereby permitted shall be commenced not later than three months from the date of this permission.
REASON: In order to ensure that the proposed development is commenced and completed within an acceptable timescale in the light of recent planning decisions and in the interests of the visual appearance of the street scene.
- B4 – Details of Materials (Samples)
- B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed means of enclosure is considered to be an acceptable alternative the existing timber fence. The proposal would not have a detrimental impact upon the character or visual appearance of the housing development and the wider street scene. The proposed development does not raise any residential amenity or highway safety issues. The proposed development would accord with Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan and Planning Policy Guidance Note 7 – Alterations and Extensions to Existing Dwellings