

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 December 2016

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APPLICATION REF. NO:	16/01059/FUL
STATUTORY DECISION DATE:	3 January 2017
WARD/PARISH:	WHINFIELD
LOCATION:	1 Galloway
DESCRIPTION:	Erection of a 1.82m timber boundary fence (retrospective)
APPLICANT:	MR GEORGE SEBOK

APPLICATION AND SITE DESCRIPTION

This is a retrospective application for the retention of a 1.82m high timber panelled fence erected around a parking area which has been formed on a grassed area to the southern side of the property adjacent to Tayside. The creation of the parking area and dropped kerb does not require planning permission. Planning permission is required for the fence because it exceeds 1 metre in height adjacent to a highway.

The applicant has advised that the fence has been erected to replace an existing rotten fence and to improve security to the property.

The application property is a detached bungalow located on the corner of Galloway and Tayside, a development of bungalows and houses off Whinbush Way.

PLANNING HISTORY

There is no recent or relevant planning history.

PLANNING POLICY BACKGROUND

The following policy is relevant to consideration of the application:

Saved Policies of the Darlington Local Plan 1997

- H12 – Alterations and Extensions to Existing Dwellings

National Planning Policy Framework

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer – Raises no highway objection to the proposal. The fence does not appear to cause a visibility issue as it is set back from the driveway crossings and it would be difficult to

refuse on safety grounds given that this is a cul-de-sac serving a limited number of properties. Passing pedestrians heading towards the local services would generally be on the opposite footway.

6 letters of objection have been received from neighbouring properties which raise the following issues:

- *The fence has a negative visual impact because of its location on the boundary perimeter and presents a negative impact on the character of the surrounding area;*
- *The fence has been erected for the sole purpose of storing a caravan. Strongly oppose the fence because it is a danger to the public passing and the occupants have two vehicles parked at each end of the fence which obstructs their view when reversing off the drive. The public cannot see them until they are onto the pavement;*
- *There are a lot of elderly people in wheelchairs go past the fence. It is only a matter of time before someone is injured;*
- *As for privacy and security the property only had a toilet and bathroom window on that side until a conservatory was built. All neighbouring properties have the same privacy from the passing public;*
- *If this fence is allowed to stay in its current form and height it will allow other people to erect similar fences;*
- *If the existing fence is rotten this should be replaced with a fence of a similar type to fit in with other fences on the estate;*
- *Pedestrian traffic in Tayside is light, 10 – 15 people per day and the shortcut to the local supermarket is rarely used;*
- *The new fence takes up a large area of the front open plan garden area as shown on the original estate plan and is principally to be erected as a semi-secure place to park a caravan and spoils the open ambience of the area;*
- *Bylaws states that a fence or hedge bordering the front garden area should be no higher than 21 inches and also that a caravan/motorhome type vehicle cannot be parked on the front garden area;*
- *The Council's policy on open plan gardens has over the years meant we have kept our area in a clean and tidy condition and easy on the eye. Now, only the houses in Galloway have that privilege. The first thing anyone sees entering the cul-de-sac is a caravan surrounded by a 1.82m high fence;*
- *In response to comments made by the Highway Engineer, the local bylaws dictate that a fence or live hedge should be no higher than 21 inches. This ruling should be applied or there is no point in having bylaws. The 'drive' bisecting the front aspect is brand new and installed by present new owner in July/August 2016.*

PLANNING ISSUES

Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan states that alterations and extensions to existing dwellings will be permitted where they are in keeping with the character, design and external appearance of the property and in keeping with the street scene and surrounding area. Such proposals are also required to maintain adequate daylight entering the principal rooms of nearby buildings; maintain adequate privacy in the rooms, gardens and other outdoor areas of nearby buildings and should not be overbearing when viewed from neighbouring properties.

The character of the wider development is of detached dwellings and bungalows fronting onto the main access road and cul-de-sacs within the estate, with the front garden areas of these properties being predominantly open, or enclosed by low white posts and chain links. Some properties are enclosed by hedging or low-level horizontal timber boarded fences.

The application property is a corner property with a small rear garden. The fence has been erected to enclose the grassed area to the side of the property, facing Tayside, which has been hard surfaced to enable a touring caravan to be parked on this area. Neither the parking of a touring caravan nor the hard surfacing of this area requires planning permission. Furthermore there are no restrictive conditions attached to the original planning permission which restrict the erection of fences, walls or means of enclosure within the estate which would otherwise be permitted development. Any covenants or byelaws in existence restricting means of enclosure of the parking of caravans are civil issues and would not affect consideration of this application which must be assessed in terms of its compliance with planning policies.

The main issues for consideration are therefore whether the fence is acceptable in terms of its impact on the visual amenity of the surrounding area and whether it gives rise to any issues of highway safety.

The fence has replaced an existing fence albeit of a horizontal timber design, examples of which are found elsewhere within the estate, and which was set back from the pavement edge retaining the grassed area. It is not considered however that the replacement fence has such an unacceptable impact in terms of its design or visual appearance so as to warrant refusal in this instance. Views of the fence are more prominent from Tayside to the south however more limited views are obtained from Galloway to the east and in terms of its overall impact on the character and appearance of the wider development this is considered to be negligible.

The fence does not give rise to any issues of residential amenity in terms of loss of light, outlook or privacy to neighbouring properties. The Highway Engineer has also considered the proposal and raises no highway objection to the fence on the basis that it does not cause a visibility issue as it is set back from the driveway crossings. Furthermore it would be difficult to refuse on safety grounds on the basis that this is a cul-de-sac serving a limited number of properties.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The erection of a fence to the side of the property is considered acceptable in the context of the application property and the wider streetscene and does not give rise to any issues of residential amenity or highway safety. The proposal is therefore considered to comply with Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997.

RECOMMENDATION
THAT PLANNING PERMISSION BE GRANTED

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT
IN CONSIDERATION OF THE APPLICATION:**

Borough of Darlington Local Plan 1997
Saved Policy H12 (Alterations and Extensions to Existing Dwellings)