

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 APRIL 2021

APPLICATION REF. NO:	21/00199/FUL
STATUTORY DECISION DATE:	21 April 2021
WARD/PARISH:	HURWORTH
LOCATION:	6 Evesham Grove Hurworth Darlington DL2 2YE
DESCRIPTION:	Removal of hedge and erection of 1.9m fence to rear of property (Retrospective Application)
APPLICANT:	Mr Derek Hiley

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICATION AND SITE DESCRIPTION

1. The application site consists of a two-storey detached dwelling situated on the west side of Evesham Grove set within a small residential cul-de-sac towards the northern end of Hurworth village. The rear of the property and its garden back onto Roundhill Road.
2. Retrospective planning permission is sought for the erection of close boarded timber fencing along the rear boundary adjacent to Roundhill Road which encloses an area of land owned by the applicant to the rear of the garden area. This area, which is approximately 1.5 metres deep, was previously enclosed by a hawthorn hedge. The fence measures approximately 1.9m in height and 12m in length and is 1.5 metres from the rear of the existing garden boundary fence which is to be retained. Since the fence has been erected it has been stained dark oak in colour.

MAIN PLANNING ISSUES

3. The main issues with application are:
 - a) Impact on visual and residential amenity
 - b) Impact on highway safety

PLANNING POLICIES

4. Relevant Local Plan and National Planning Policy Framework policies include those seeking to ensure that new development: -
 - Is in keeping with the character, design and external appearance of the dwelling, street scene and surrounding area and that adequate privacy in rooms, gardens and other outdoor buildings is maintained (H12)
 - Reflects and/or enhances Darlington's distinctive natural, built, and historic characteristics that positively contribute to the character of the local area and its sense of place (CS2)

RESULTS OF TECHNICAL CONSULTATION

5. No objections in principle have been raised by the Council's Highways Engineer. Hurworth Parish Council have not commented on the application.

RESULTS OF PUBLICITY AND NOTIFICATION

6. Three letters of objection have been received from 51 The Green, 3 Southfield Close, and 32 The Wayside. None of the objections are from properties within the immediate vicinity of the application site. The following issues are raised:
 - Fencing is unsightly and out of context with the surrounding area resulting in a detrimental impact
 - Removal of mature native hedgerow has disrupted the coherent look of this part of Roundhill Road and stripped away valuable habitat for wildlife
 - Creating a precedent for other households to do the same, resulting in more loss of habitat and mismatched fences erected by various households not in keeping with village

PLANNING ISSUES/ANALYSIS

(a) Impact on visual amenity

7. The existing timber close boarded fence has been erected in place of a mature hawthorn hedge. Since the fencing has been erected it has been stained dark oak in colour to match similar boundary fencing enclosing No. 2 Evesham Grove which is on the corner of Evesham Grove and Roundhill Road.
8. The majority of properties on Evesham Grove are enclosed by mature hedging and trees along their rear boundaries adjacent to Roundhill Road although there are some examples of properties having removed the hedging and erected timber

fencing in its place. Further along Roundhill Road, and on the opposite side of the road, other properties are enclosed with a mixture of timber fencing, brick walls and hedges of various heights and materials. The fence, which is of vertical timber board construction, has been dark stained to lessen its impact in the streetscene and is of a similar height to the hedge it replaces, and, in this respect, it does not appear at odds with the character and appearance of the surrounding area.

9. While there is concern regarding the loss of a section of hedgerow, the hedgerow was within the applicant's domestic curtilage and as such was not protected by The Hedgerow Regulations 1997. Permission was not therefore required for its removal. The only issue for consideration as part of this application is the acceptability, or otherwise, of the replacement fence which as explained is considered to be acceptable in terms of its impact on the character and appearance of the surrounding area. It is also worth noting that fencing up to 1 metre in height could have been erected in place of the section of hedgerow without the need for planning permission.
10. Notwithstanding this, the existing timber fencing which separates the garden and the replacement fence will remain in place, creating an enclosed area with no access, which in time will become overgrown and create a wildlife habitat. There is a gap of between 15 and 20 centimetres below the fence which will give sufficient space for small animals such as hedgehogs to wander through.

(b) Impact on residential amenity

11. In view of its location to the rear of the application property and adjacent to Roundhill Road, the fence does not have any significant impact on the amenities of nearby residential properties in terms of loss of light or outlook, and complies with Saved Local Plan Policy H12 in this regard.

(c) Impact on highway safety

12. The Highways Engineer has raised no objection to the fence which does not raise any issues with visibility required for highway safety.

CONCLUSION AND RECOMMENDATION

13. While the erection of the replacement fence has resulted in the loss of a section of mature hawthorn hedge, the hedge was not protected by the Hedgerow Regulations 1997 and permission was not required for its removal. The only issue for consideration as part of the application is whether or not the replacement fence is acceptable in terms of its impact on visual and residential amenity and highway safety. As set out in the report, the replacement fence is considered acceptable in terms of its height, design and dark oak stained finish and is of a height comparable with the section of hedge it replaced. It does not have any unacceptable impact on residential amenity or highway safety and therefore complies with Saved Local Plan Policy H12 and Core Strategy Policy CS2. Accordingly, it is recommended:

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING
CONDITION**

1. Notwithstanding the details shown on the approved plan detailed below, the timber fencing shall be maintained dark oak in colour.

Photo & Fencing details No. AOL Mail (1) dated 17/02/2021

REASON: In order that the Local Planning Authority may be satisfied as to the details of the development and to ensure the development is carried out in accordance with the planning permission.