

Item No 05:-

20/02957/FUL

**1 Martin Close
Cirencester
Gloucestershire
GL7 1XY**

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Erection of boundary fence (retrospective) at 1 Martin Close Cirencester Gloucestershire GL7 1XY

Full Application 20/02957/FUL	
Applicant:	Mr Richard Lewis
Agent:	
Case Officer:	Alison Roberts
Ward Member(s):	Ray Brassington
Committee Date:	9th December 2020
RECOMMENDATION:	REFUSE

Main Issues:

(a) Design and Impact on Character and Appearance

Reasons for Referral:

Given the sensitive nature of the application, Officers consider it would be appropriate for it to be debated and determined by the Planning and Licensing Committee.

1. Site Description:

The application site comprises an end of terrace property located within a residential area situated within the Cirencester Town Development Boundary and the Principle Settlement of Cirencester. The site occupies a corner plot, with the rear residential garden backing onto Mount St, from where the development in question can primarily be seen. The site is not located within a Conservation Area or within the Cotswolds Area of Outstanding Natural Beauty.

2. Relevant Planning History:

N/A

3. Planning Policies:

TNPPF The National Planning Policy Framework
EN2 Design of Built & Natural Environment

4. Observations of Consultees:

N/A

5. View of Town/Parish Council:

No Objection

6. Other Representations:

No comments received at time of writing.

7. Applicant's Supporting Information:

Drawings

8. Officer's Assessment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Proposals

This current application has been submitted as a result of an ongoing enforcement investigation. The application seeks the retention of unauthorised fencing erected around the property's northern and eastern boundaries. The fencing erected measures 2.55m at its highest point, along the eastern boundary, when viewed from the public highway. Due to land level changes between the highway and the rear garden, the northern fence panel, when measured from inside the garden rather than from the pavement side, measures 2m in height closest to the property with a gradual increase to 2.4m nearest the highway. The fencing is also faced with a green plastic artificial conifer hedging finish when viewed from the highway.

Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended), dictates that formal planning permission is required for a means of enclosure (gates, fences, walls, etc.) that front a highway and exceed 1 metre in height.

Whilst the fencing has been erected inside of the existing fencing which could be considered an 'intervening feature', the gate forming part of the enclosure is adjacent to the highway and, as the development is to be considered as a whole, the fencing requires planning permission, as explained above, by virtue of the fact that it exceeds the permitted 1m in height.

It should be noted that no justification has been offered for the application and no amendments have been received.

(a) Design and Impact on Character and Appearance

Local Plan Policy EN2 states that developments will be permitted provided they accord with the Cotswold Design Code (Appendix D), and that "proposals should be of design quality that respects the character and distinctive appearance of the locality."

Paragraph D.9 of Appendix D states that "Careful study should be made of the context of any new development. Each site will have its own characteristics, and a specific landscape or townscape setting. Any proposed development should respond to this."

Paragraph D.55 states that "Modern, incongruous forms of boundary treatment should be avoided, especially in prominent locations. These include close-boarded and other forms of modern timber fencing".

Section 12 of the NPPF sets out criteria for achieving well-designed places, with paragraph 127 requiring that planning policies and decisions should ensure that developments: "will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; create places ... with a high standard of amenity for existing and future users."

In addition, paragraph 130 states "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

The fence, the subject of this application, has been constructed from horizontal slatted timber panels covered with plastic artificial conifer hedging measuring a total height of 2.55m. The fencing has been erected with the panels facing in towards the residential garden whilst the rails and posts are facing the public street scene. In addition, the fencing has been erected directly behind the existing vertical close-boarded timber panels. Timber fencing is a prominent feature within the immediate locality, with the majority of the rear gardens facing Mount Street incorporating 1.8m high vertical close-boarded timber fencing to denote their boundaries and to provide privacy. Whilst timber fencing is a contextual aspect of the immediate area, the locally uncharacteristic additional height of the proposed fence, in comparison with other boundary treatments within the existing street scene, is considered to be incongruous in its height and visual appearance.

Whilst the application site is not located within the Cotswolds Area of Outstanding Natural Beauty or within a Conservation Area that would afford it extra protection, the fencing is located in a prominent position enclosing a corner plot. The design of the

proposed scheme is such that, having regard to long range public views of the street scene, the top 0.75 metres of fencing resembles hedging which does not look out of place in the residential context. Notwithstanding the above, it is apparent upon closer viewing from the public highway that the fencing is covered with artificial material, which is not considered to be of a quality that respects the character of the area.

Taking the above into account, due to the height and design of the fencing, on balance it is considered that it fails to contribute positively to the character and distinctive appearance of the locality. Additionally, the proposals design, scale, form, proportions and use of materials does not respect the character and appearance of the existing street scene.

For the reasons above, the fence is considered not to accord with the objectives of the Cotswold District Local Plan Policy EN2 and The Design Code (Appendix D) and Section 12 of the NPPF.

9. Conclusion:

It is recommended that the application is refused. The proposals are considered not to be in accordance with Local Plan Policy EN2, The Design Code detailed at Appendix D and Section 12 of the NPPF.

Because this application was made retrospectively and is recommended for refusal, the Council has identified a breach of planning control and considers it to be harmful; the planning harm is set out in full within the Officer's Assessment, together with the reason for refusal. On the basis of the harm described, Officers conclude that it would be expedient to commence formal planning enforcement action and therefore to seek to remedy the harm identified by the appropriate means available to the Council, including if necessary, by issuing of a formal notice.

Officers have not identified any legal and human rights implications, nor environmental and sustainability implications, that would outweigh the decision to pursue formal enforcement action. Such action would not be a key Council decision and the primary risk (including financial implications) is that an appeal may be made against any notice that the Council may serve. No human resource implications have been identified and no equalities impact assessment is required.

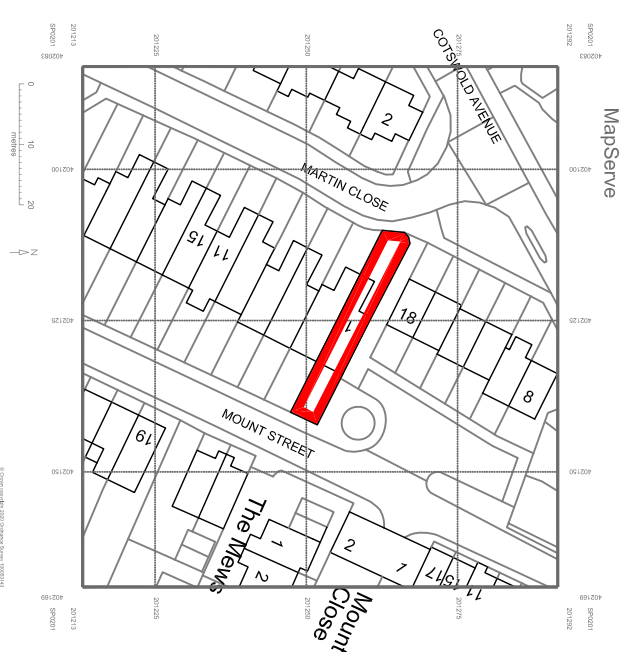
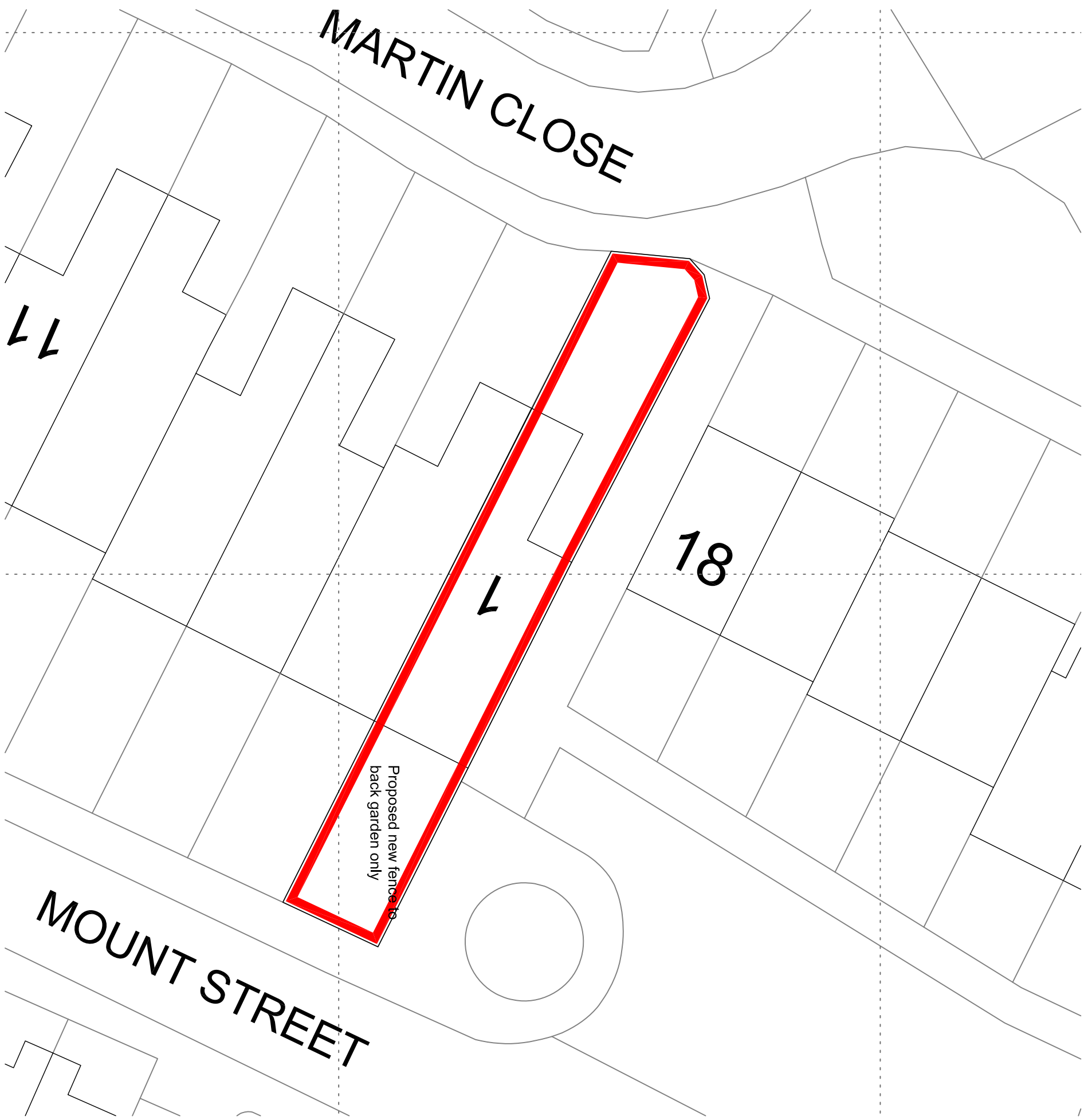
In light of the recommendation to refuse the application, authority is also hereby sought for Officers to commence formal enforcement action and to serve any relevant formal notices, as and when necessary, in accordance with the Council's adopted Scheme of Delegation.

10. Reason for Refusal:

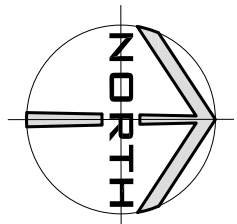
1. 1 Martin Close occupies a visually prominent corner plot, with the rear residential garden backing onto Mount St, from where the development in question can primarily be seen from public viewpoints. By virtue of the fence's poor quality, materials and design, as well as its height in comparison to other boundary treatments within the existing street scene, the fencing appears as an incongruous form of boundary treatment. It therefore fails to accord with the Local Plan Policy

EN2, The Design Code detailed at Appendix D and Section 12 of the NPPF.

- NOTES:
- A. DO NOT SCALE FROM THIS DRAWING.
 - B. USE GIVEN DIMENSIONS ONLY. ALL DIMENSIONS TO BE SITE CHECKED AND AGREED WITH CLIENT.
 - C. MATERIALS TO BE AGREED AND APPROVED BY CLIENT.



Location Plan 1:1250

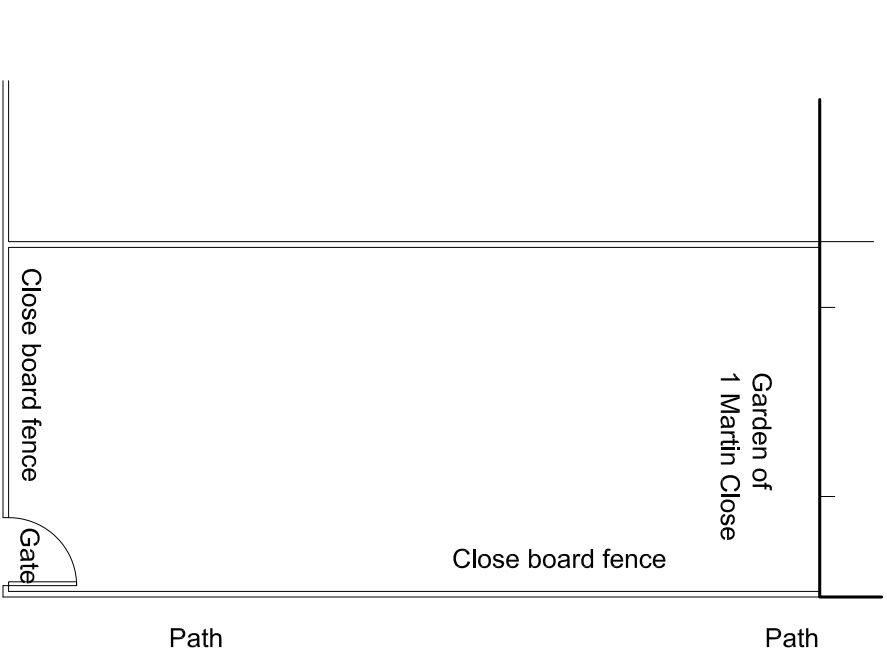
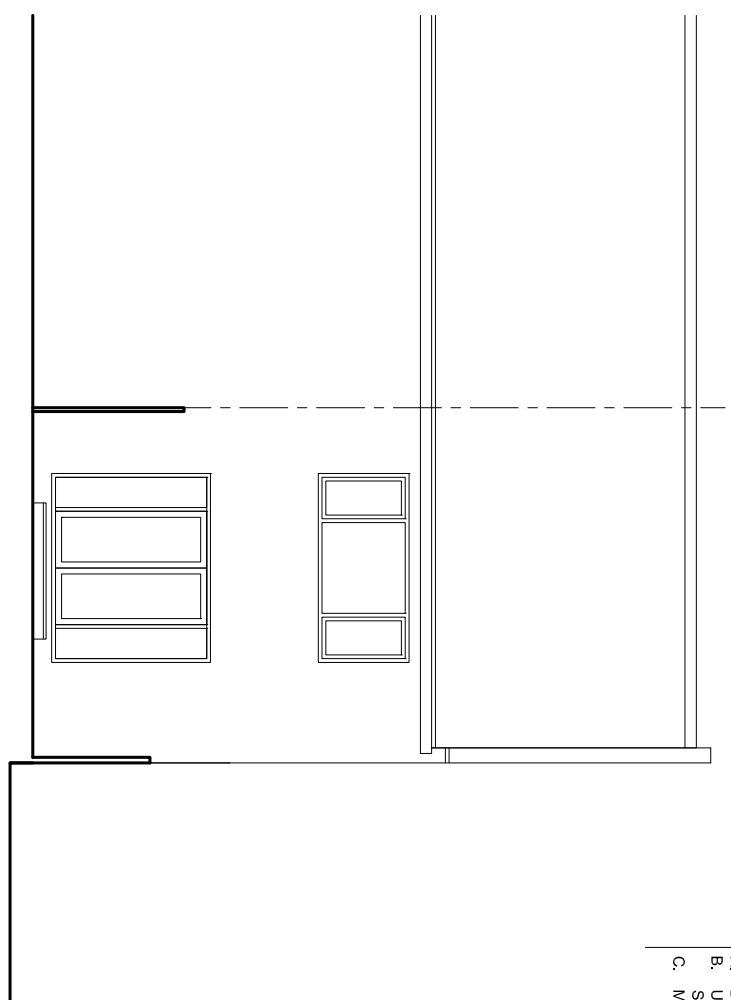
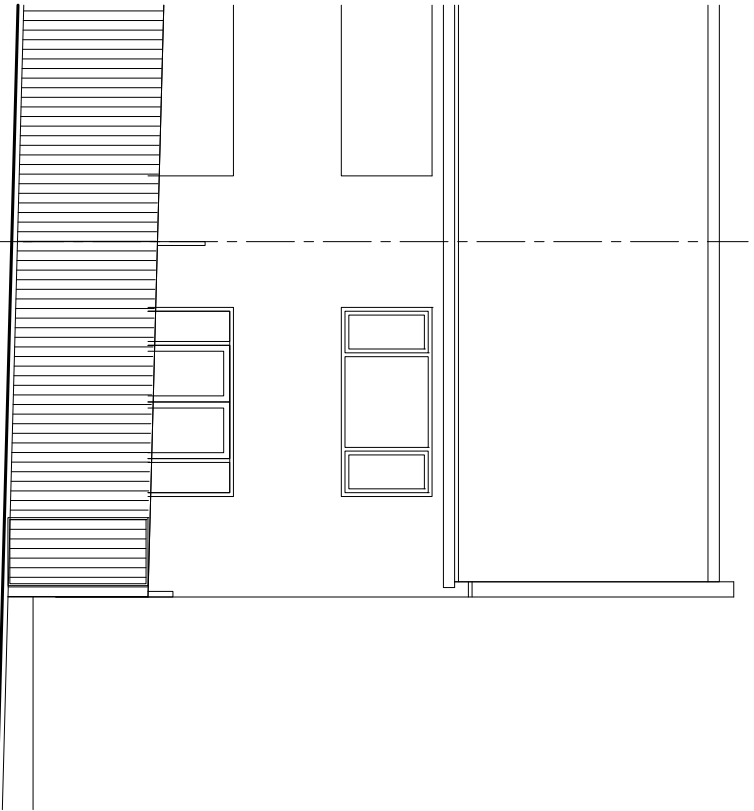


FOR PLANNING APPROVAL

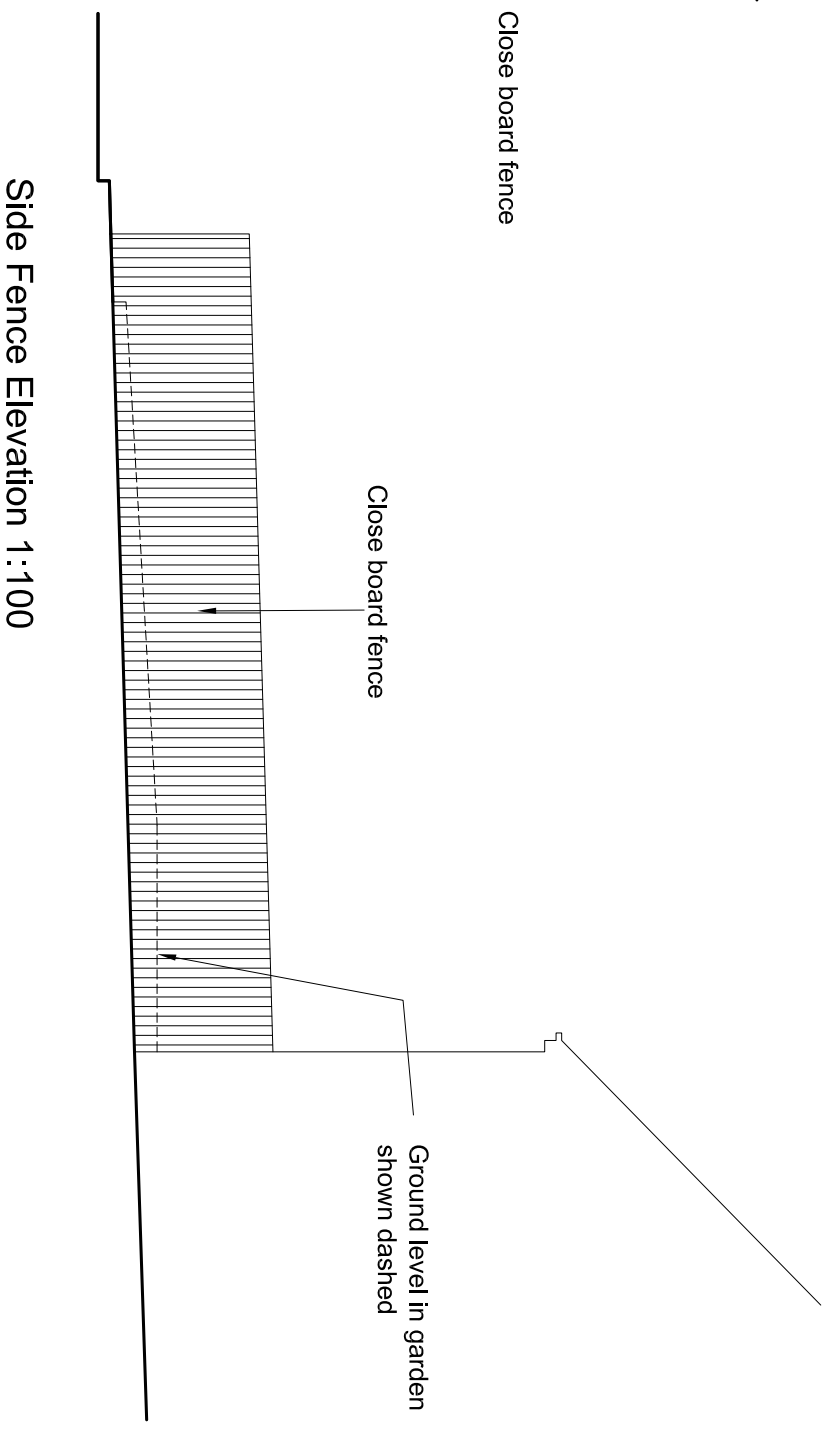
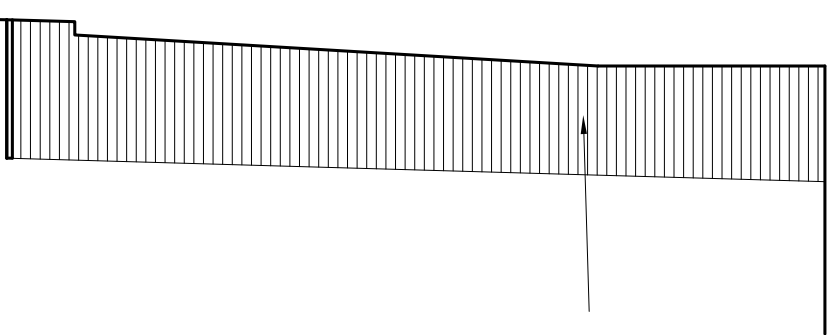
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<p>DRAWING: Site and Location Plan</p>		<p>JOB NUMBER: 20-167 / EX05</p>	
<p>SCALE: @ A1 As Shown</p>	<p>DRAWN: CR</p>	<p>CHECKED:</p>	<p>DATE: Sep'20</p>
<p>REVISIONS (up to the last 5 revisions shown only)</p>		<p>REV:</p>	

Site Plan 1:1200

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Section Through Rear Garden 1:100



FOR PLANNING APPROVAL



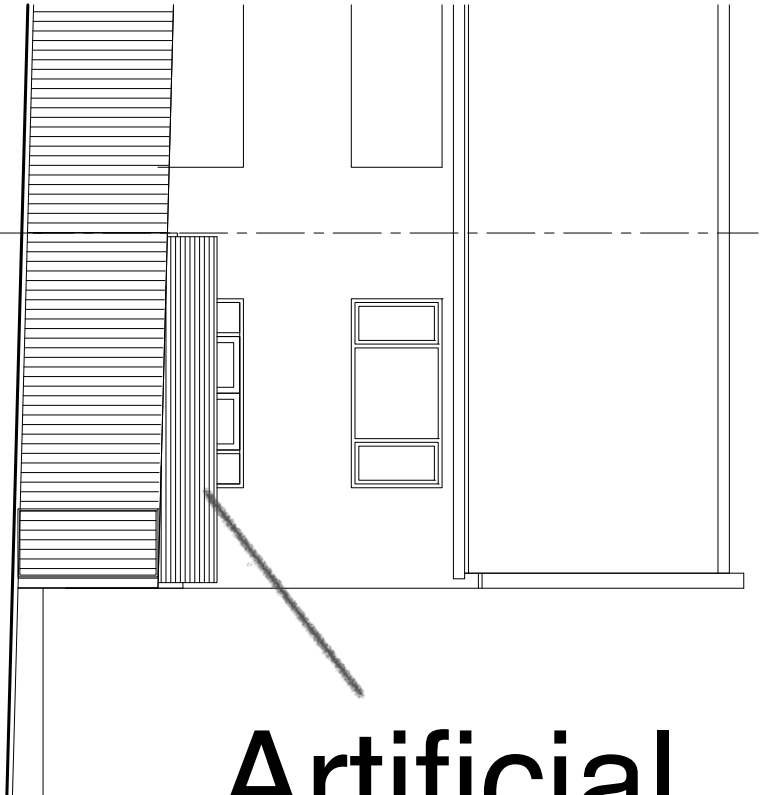
Mount Street

Garden Plan 1:100

REVISIONS (up to the last 6 revisions shown only)

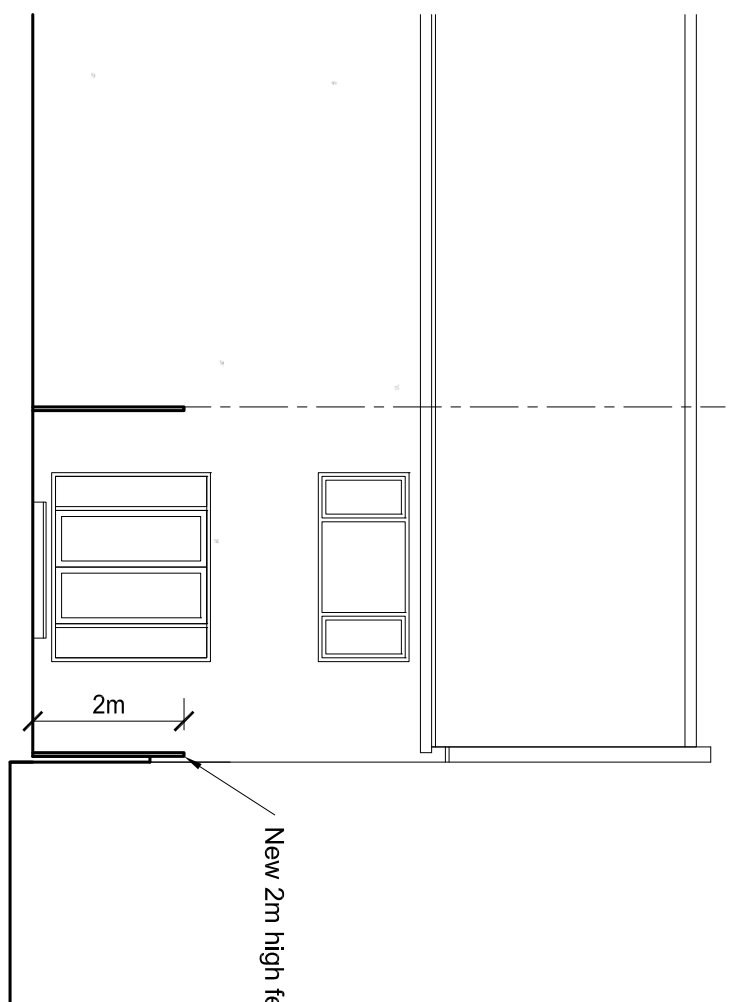
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SCALE: @ A1 1:100	DRAWN: CR	CHECKED:	DATE: Sep'20
JOB NUMBER: 20-167	DWG NUMBER: /EX10	REV:	

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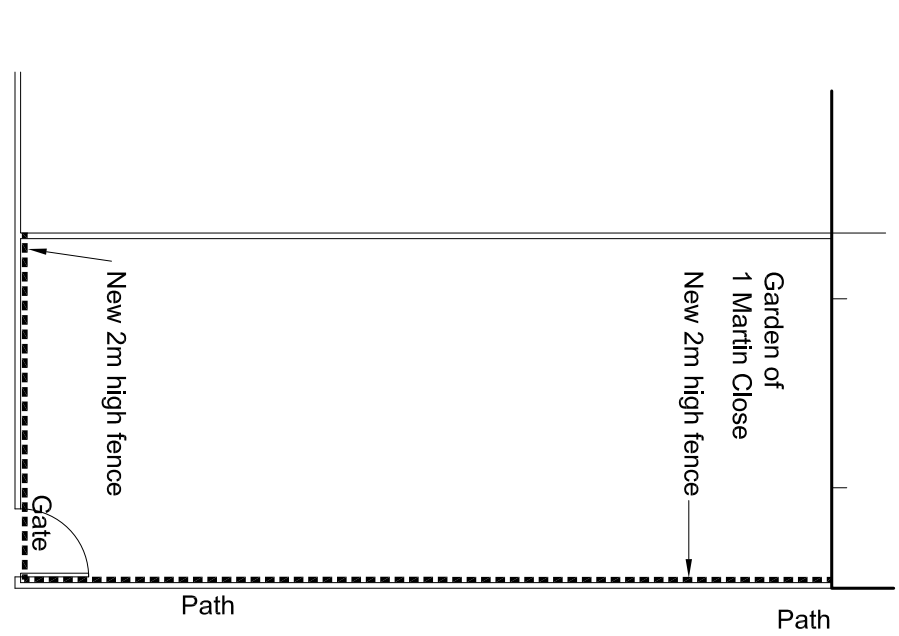


Rear Fence Elevation 1:100

Artificial Conifer Hedge



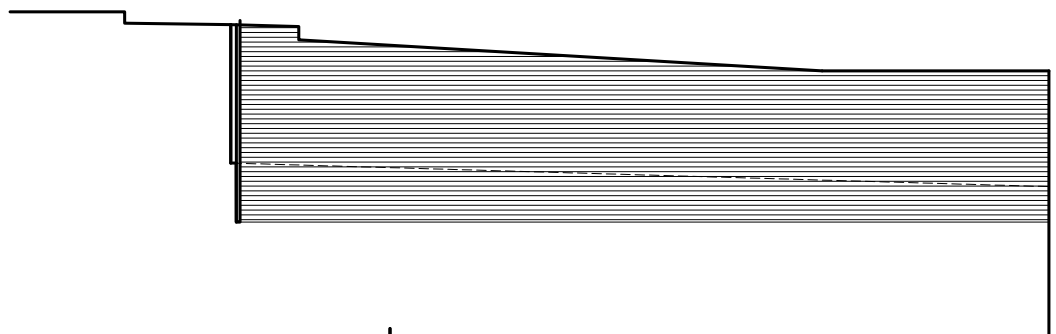
House Elevation 1:100



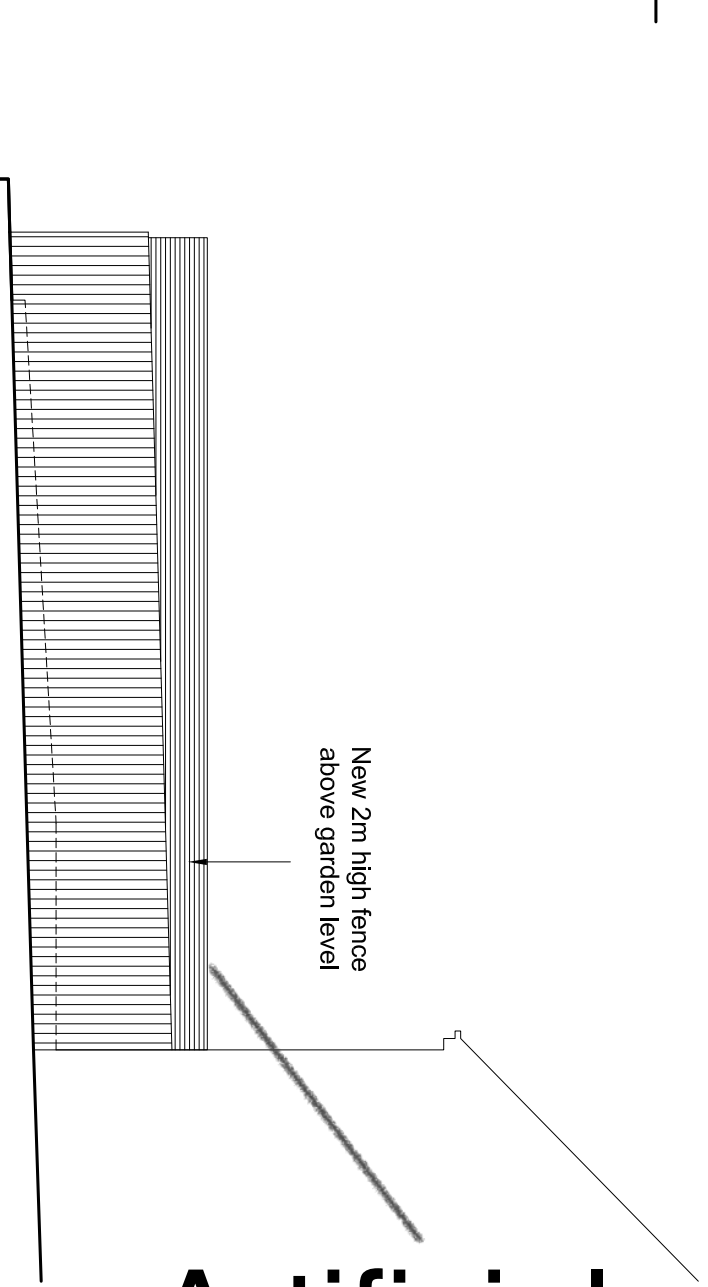
Section Through Rear Garden 1:100

Mount Street

Garden Plan 1:100



Side Fence Elevation 1:100



Artificial Conifer Hedge

FOR PLANNING APPROVAL

TITLE: Rear Garden Fence, 1 Martin Close, Cirencester GL7 1XY for Mr R Lewis DRAWING: Proposed Drawing		HALZAC DESIGN LTD ARCHITECTURAL DESIGN AND TECHNICAL SERVICES e: colin@halzacdsgn.com w: halzacdsgn.com t: 01793 951631 m: 07801 070166	
SCALE: @ A1 1:100	DRAWN: CR	CHECKED:	DATE: Sep'20
JOB NUMBER: 20-167	DWG NUMBER: /PL15	REV:	

REVISIONS (up to the last 5 revisions shown only)



