

Application Number: DM/2019/00333

Proposal: Retrospective application for the erection of a fence.

Address: 3 Canon Lane Caerwent Caldicot Monmouthshire NP26 4QQ

Applicant: Mrs. Lisa Gillespie

Plans: Photography Amended Height - , Block Plan - , Location Plan - ,

RECOMMENDATION: Approve

Case Officer: Mrs. Alison Pankhurst
Date Valid: 12.03.2019

This application is presented to Planning Committee due to the applicant being an officer of the Council

1.0 APPLICATION DETAILS

1.1 This application relates to a detached property located at 3 Canon Lane, Caerwent, which is a development of semi-detached and detached properties. The estate is a modern housing development on the outskirts of Caerwent village and permitted development rights were removed for the erection of fences, walls and enclosures to the front of the dwellings other than approved. The application has been submitted as a result of an enforcement case for the erection of boundary fencing beyond the principal elevation of the dwelling. The decorative fencing has been erected either side of the front driveway measuring approximately 1.2m in height.

1.2 However, since submitting the application and receiving numerous objections to the development the two end panels have been reduced in height to 1.09m and 0.80m (0.80m being the end panel adjacent to the highway).

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01500	Demolition of existing glass conservatory. Construction of rear single storey pitched roof extension, and first floor pitched roof extension over existing garage. Rendering to upper part of elevations.	Approved	20.11.2018
DM/2019/00333	Retrospective application for the erection of a fence.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

Development Management Policies

MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Caerwent Community Council - awaiting comments

Highways Engineer - No objection to the development. No.3 Canon View is not located on what the highway authority considers to be a bend; in fact the road alignment is considered sinuous as opposed to being a bend and Canon Lane by its alignment encourages reduced traffic speeds. The proposed fence may well reduce what residents and other traffic users have considered to be available visibility, but in fact such over provision by current day design standards is discouraged. Research carried out in the preparation of Manual for Streets found that reduced forward visibility influences and reduces traffic speed. Therefore, the highway authority do not object to the fence as erected and its retention does not represent a departure from current standards creating a danger or risk to users of the adjacent highway.

SEWBReC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Several neighbouring properties were consulted on the application and a site notice was placed on site. Thirteen responses have been received during the consultation period.

The comments are as follows:

- Comments refer to the development being too high and obscuring the view of the road. When driving into or out of the estate you cannot see oncoming traffic. The previous hedging did not obscure the view. I am concerned there will be an accident in this area due to the obscured view. The two panels nearest the road between No. 3 and 5 should be removed or significantly lowered.
- Other comments stated that the solid fencing which has replaced natural hedging is not in keeping with local boundaries and would appear to breach local covenants. The height of the fence prevents a clear line of sight around the bend of the adjacent highway, whereby oncoming traffic can no longer be seen by traffic entering or leaving the estate. There is a clear risk of traffic

colliding if the fence height is not reduced or tapered or indeed the last panel removed completely, to afford a clear and unobstructed view of oncoming of traffic. The original natural boundary allowed an unobstructed view to satisfy safe passage of vehicles. I consider the style of fencing not to be in keeping with the character of other boundaries within the estate.

- Several other comments also set out that the fence creates an obstruction, reduces forward visibility, is hazardous for pedestrians crossing the road and forms a blind spot.

- The fence between 1 and 3 is not an issue but the fence between 3 and 5 blocks the line of site down the road. This is a concern for myself in particular as I have children who are just starting to ride their cycles on the road.

Since receiving the objections to the planning application, it was discussed with the applicant whether they would be willing to take into account the comments and make alterations to the fence panels in order to overcome the objections. Subsequently the applicant submitted photographs showing that they had in actual fact reduced the two end fence panels to try and improve visibility issues.

Following the submission of the amendment a re-consultation of interested neighbours has taken place. The re-consultation period has not yet expired but three comments have been received at the time of writing this report. Their comments are as follows:

It has been noted that the fence has been lowered and now happy as I'm concerned matter has resolved my objection.

Despite the alterations there is still an objection but note that the section of fencing abutting the edge of pavement has been lowered. However, vision splay on the bend is not significantly improved. It is still impossible to see around the bend by virtue of the fence being in place. It would seem that the only way that clear vision would be restored is for the fence panel abutting the pavement to be removed completely.

A further comment notes that the fence panel abutting the pavement has been lowered in height, although the resident would have hoped for its entire removal. It is now hoped that the action taken will result in a safer environment for both drivers and pedestrians entering and leaving the estate. It is a shame that planning permission was not sought before the fence was erected as concerns could have been addressed at this point.

6.1 EVALUATION

6.2 Principle of Development

6.2.1 A primary issue in this case is the effect of the retention of the decorative fencing to the front of the principal elevation on the visual amenity of the area. The application relates to the retention of low level fencing to the boundary of the driveway at No.3 Canon Lane, Caerwent, measuring approximately 1.2m high on both the eastern and western boundary.

6.2.2 The applicants replaced the existing planting at the front of the property with decorative panelled fencing. The property is situated close to the entrance of the estate on a quiet modern housing estate and set back from the highway. The application was submitted as a result of an enforcement case due to permitted development rights being removed for any enclosures to the front of the property.

Design/ Visual impact

6.2.3 The fence panels installed either side of the eastern and western boundary are low level convex style fencing panels and not coloured. In decorative terms they are visually pleasing and are considered to be of good design. The fencing compliments the dwelling and the large driveway. The retention of the fence is considered to have an acceptable visual impact on the site since the reduction of the two end fence panels has been implemented. The scale of the proposal

is considered to be acceptable. There are similar fences in the vicinity, but this particular cul de sac is predominantly open plan with plants to the front of the dwellings. The addition of this low level fencing, however, still gives the appearance of an open plan estate with no. 3 maintaining planting to the driveway area that softens the impact of the solid fencing. The fence is of high quality, traditional materials and decorative to compliment the style of the dwelling itself. The proposed development respects the existing form and layout of its setting and would be in accordance with Policy DES1 of the Local Development Plan.

Impact on Residential Amenity

6.2.4 A number of objections have been received as a result of the erection the decorative fencing to the eastern and western boundary of No.3 Canon Lane. The neighbours are predominantly concerned with the fence obstructing visibility whilst entering and leaving the estate and that the previous planting scheme to the front driveway did not cause any issues of this nature. The applicant responded to concerns of residents and made changes in order to overcome these issues. As a result of the objections the applicant reduced the height of the fence panelling from 1.2m in height to 1.09m, 0.9m and 0.79m accordingly, with the lowest point abutting the pavement.

6.2.5 The fencing as amended is not considered to be excessive in height and nor would it obstruct views from nearby dwellings. The fencing is considered acceptable having regards to policies DES1 and EP1 of the LDP.

6.2 Access / Highway Safety

6.2.1 Highways have commented on this application and have no objections. No.3 Canon View is not located on what the highway authority consider to be a bend, terming the road as 'sinuous' as opposed to being a bend and Canon Lane by its alignment encourages reduced traffic speeds. The fence may well reduce what residents and other traffic users have considered to be available visibility, but in fact such over provision by current day design standards is discouraged. Research carried out in the preparation of Manual for Streets found that reduced forward visibility influences and reduces traffic speed. Thus, Highways do not object to the fence as erected and its retention does not represent a departure from current standards creating a danger or risk to users of the adjacent highway. On the basis of the above it is considered that the retention of the as built development is acceptable and complies with Policy MV1 of the Monmouthshire LDP.

6.3 Historic Environment

6.3.1 The estate is located within an Area of Archaeological Sensitivity and just outside the boundary of the Caerwent Conservation Area. The site itself is a modern housing estate on the outskirts of the Caerwent Roman settlement. The fencing, by its nature, would not harm any archaeological remains. In the context of the modern housing estate, it is considered that the introduction of the fencing does not cause detrimental harm to the area and would be in accordance with Policy HE1 of the Monmouthshire Local Development Plan.

6.4 Response to the Representations of Third Parties

6.4.1 In response to the neighbour objections within the housing estate the applicant agreed to reduce the height of the two end panels in an effort to overcome the issues regarding the obstruction to visibility in the estate. A re-consultation exercise has taken place and so far three responses have been received. Although one neighbour still objects to the development, preferring that the panels be removed from the dwelling, the other two comments consider that the reduction in height will result in a safer environment for both drivers and pedestrians entering and leaving the estate.

6.5 Well-Being of Future Generations (Wales) Act 2015

6.5.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this

recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.6 Conclusion

6.6.1 Although permitted development rights were removed from the dwellings on this estate to erect fences or enclosures it is considered that the retention of the fencing to the eastern and western boundary has an acceptable visual impact since the reduction of the two end fence panels has been implemented. The scale of the proposal is not considered to be unacceptable and it is not be considered to be detrimental to the character and appearance of the area. This estate is predominantly open plan with planting to the front of the dwellings but with the addition of this low level fencing it stills give the appearance of an open plan estate. No.3 still has planting to the driveway area which also softens the impact of the solid fencing whilst defining the boundary line. No.3 retains an open frontage and the low fence does not impinge on the open feel of the street. On the basis that alterations have been made in order to overcome the objections it is considered that the retention of the fencing is acceptable and complies with policies DES1, EP1, HE1 and MV1 of the Monmouthshire LDP.

7.1 RECOMMENDATION: APPROVE

Conditions:

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

2 The fence panels on the eastern and western boundary shall be painted in a dark green colour within one month from the date of this permission.

REASON: In the interest of visual and residential amenity in accordance with Policy DES1 of the Monmouthshire Local Development Plan.

INFORMATIVES

1 None.