DELEGATED REPORT

Application Reference:	PL/2023/10679
Application Type:	Householder Planning Permission
Site Address:	14 Sunbeam Drive, Patterdown, Chippenham, SN15 2FR
Proposal:	Proposed single storey rear extension and retrospective approval for max. 570mm high fencing to front garden and driveway.
Recommendation:	Planning Permission be REFUSED.

PROPOSAL

The proposal seeks permission for two main components:

1. Planning permission for a single storey rear extension to the dwelling.
2. Retrospective permission for the installation of fencing which has been erected to the front garden, boundary line and driveway.

The “householder” application form has been completed and there is no suggestion that the single storey extension would be for any other purpose than that associated with the occupation of 14 Sunbeam Drive, Patterdown as a domestic dwelling.

DESCRIPTION/CONTEXT

14 Sunbeam Drive is a modern detached property set within a new residential development in Patterdown, Chippenham. The dwelling is located to the north of the development and accessed via the B4643. Properties in this location are typically detached, with landscaped frontages and off-road parking with associated garages.

The application is not covered by conservation, landscape or ecological designations.

PLANNING HISTORY

20/00073/DOC – Discharge of Conditions 2, 8, 11 & 15 of 19/00098/REM - Approve with Conditions

19/00098/REM - Approval of all reserved matters (Appearance, Landscaping, Layout and Scale) for the erection of 72 dwellings with associated landscaping, open space and vehicular and pedestrian accesses off Patterdown Road. No EIA at outline. -Approve with Conditions

16/09277/OUT - Outline planning permission for up to 72 dwellings with associated landscaping,

open space and vehicular and pedestrian accesses off Patterdown Road. All matters other than means of access are reserved - Approve with Conditions

POLICIES

- National Planning Policy Framework (NPPF)
- Wiltshire Core Strategy Policies (WCS): CP57

ISSUES

- Principle of Development
- Design, Materials and Visual Amenity
- Residential Amenity
- Other Matters

CONSULTATION

Chippenham Town Council: Object.

There is no objection to the proposed single storey rear extension. However, the solid boundary fencing erected to the front garden is out of keeping with the open plan, soft landscaped character and appearance of the estate and contrary to CP57 of the Wiltshire Core Strategy, the National Design Guide and the NPPF. Front boundary treatment in the form of low hedging, as designed for this estate, softens the appearance of the built environment, is best for biodiversity and if allowed to fully grow will provide a robust and attractive boundary. The approval of the fence would set a precedent for other similar such inappropriate front boundary treatment on the estate. If the front boundary fence were to be removed the Town Council would likely support this application.

REPRESENTATIONS

Consultation has been carried out and two letters of objection, one letter of comment and one letter of support have been received.

Main Issues raised:

Fencing

- *Part of the justification for the barrier is to prevent damage to vehicles, however there has been no damage to vehicles using the drive and the risk of this is marginal.*
- *The low fence poses a hazard for various reasons, some are as follows. The drives were designed to allow sufficient space to open vehicle doors; however, the fence impedes this space. It should be noted that due to the low height of the fence it is now necessary for us*

to reverse our vehicle into our drive, we note that the applicant routinely does the same and whilst the fence does not impact him entering or leaving his vehicle it effectively halves the space for us to open our car doors. It is difficult to see as it is below bonnet height, especially at night, this also poses a trip hazard especially when you are leaving vehicles again due to its low height.

- *The fence infringes on our property by approximately 10mm. The correct centre line is the mid-point of the internal walls; however, the applicant has placed the boundary on the mid-point between the garage doors which is incorrect therefore the construction impedes onto our property.*
- *have checked the whole estate and there is not one other shared drive that has this boundary in place. We believe this is an unnecessary and dangerous change also it is in contravention to the open spaces clause 11 as highlighted below on the deeds of the houses that clearly states that there should be no fences. It would also be reasonable to expect occupiers to be aware of and comply with the clause.*
- *While we concede that there are fences around the estate, they are all constructed in a uniform manner, which is different to the one that has been erected around the applicant's property. These are also around the open areas or footpaths, of which this is around neither*
- *The property has a boundary wall constructed that defines his garden. In our opinion one of the key reasons for the border area, is to provide a safety gap between his wall on the shared driveway, which helps the risk of damage to both his boundary wall and vehicles. By installing the fence this has largely negated the purpose of the border, while introducing an unnecessary obstacle that increases the danger to injury or damage to both people and vehicles entering or exiting the cul-de-sac.*
- *The fence around the property is a contravention to the deeds where it states that the estate should be kept open. We believe that this changes the aesthetics of the overall view of the cul-de-sac and thus the estate. This has an impact of other home owners as when we purchased the property we were aware of that the frontage of our properties would not be impacted in this way.*
- *The fence which is now tight up against the shared driveway used by vehicles has made the area more hazardous. Hazard = Probability x Severity. The probability of a vehicle straying off the tarmacked area has not changed, however the severity of impact of fence with vehicle is likely to cause more damage. What may have been once a neighbourly chat regarding a tyre mark on a corner or brushing a shrub, with relatively swift resolution would likely now become a civil matter of liability (i.e. careless driving v ill conceived boundary). There is also now less room for error - a soft verge at least allows a tyre width before damage occurs to foliage. I absolutely understand that typically no one should be encroaching on this boundary during vehicle manoeuvres but it does feel that it's only a matter of time before a delivery driver or visitor has an unfortunate faux pas.*

<u>Extension</u>

- *No objection to the rear extension - our house has a similar single storey extension design which we find brings a lot of extra light into the kitchen/family room as well as the extra space.*
- *We do not object to the building at the rear of the property, but our only concern is that we have is that Wain Homes have just about finished building on the estate in our location. If*

this is approved we are going to have building works starting up when parking is at a premium already.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Principle of Development

The principle of domestic extensions and alterations within the curtilage of existing dwellings is considered acceptable, providing those proposals are compliant with the requirements of relevant policies within the development plan.

The acceptability of the proposal turns on the appropriateness of the nature and detail of the boundary fence, and any consequent effect upon the character and appearance of the locality.

Design, Materials and Visual Amenity

Core Policy 57 of the WCS requires new development to respond positively to existing landscapes in terms of building layout, built form, height, mass, scale, building line and materials in order to effectively integrate the building into its setting.

Extension

Component one of this application seeks permission for a single storey rear extension to the rear to the property to increase internal habitable space. The extension will be of a simple complementary design with a lean-to style roof. The dwelling is set within a modest plot which would comfortably support the addition and the works are to be at the rear of the dwelling and would not unduly impact the wider character and appearance of the locality. Where views could be glimpsed, they would be read against existing residential form. Proposed materials include matching roof materials, UPVC fenestration with the introduction of render to the external walls. Whilst render could be viewed as a divergent material, the application of render remains sympathetic to the prevailing character and appearance of the host dwelling and wider area.

The proposed rear extension is considered to be acceptable in terms of size, design and materials and complies with the requirements of CP57 to the Wiltshire Core Strategy.

Fencing

Core Policy 57 of the WCS (i) requires development to 'enhance local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape

setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced', and (xii) requires 'the use of high standards of building materials, finishes and landscaping'. CP57 also states that 'development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality'.

Component two of the application seeks retrospective permission for the retention of boundary fencing, which has been erected to the front and side of the dwelling and installed centrally to the shared driveway with no.12 Sunbeam Drive. The fencing as constructed to the front and side of the dwelling has been constructed from timber, with a horizontal slatted design which measures approximately 0.4m – 0.57m. The fencing that has been installed to the shared driveway, consists of post and chain railings, no sections have been provided for this element to determine height. From the submitted photos that accompany the application, the posts and chain railings appear to be of a similar dwarf height, and under a metre in height.

Analysis of the relevant application submission, reports and documentation for both the original outline (16/09277/OUT) and subsequent reserved matters (RM) (19/00098/REM) applications for the dwellings at Land at Patterdown Road, Chippenham demonstrates the importance of: (i) housing layout and density, (ii) communal and frontage landscaping, (iii) relationship between plot and building line, to the overall character of the development. The landscape officer also highlighted at the time that the site has '*particular ecological and arboricultural features and sensitivities present'* and that '*the sloping nature of the site and the presence of mature trees and woodland suggest that new development could and should be designed to insert sensitively into a strong retained and reinforced landscape framework'*

Condition 9 of 19/00098/REM stated:

> *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.*
>
> *REASON: To safeguard the character and appearance of the area.*

A number of concerns have been raised during public consultation in relation to the impact of the fencing to the visual amenity of the development. To the north of the development where no.12 is sited (referred to as Plot 7 on the REM plans) soft, green landscaping is dominant as boundary treatments. Dwellings and boundaries in this location have been carefully designed and are characterised by hedgerow, shrub and herbaceous planting to soften the impact of the newly constructed built form in this location and to retain a sense of openness. Whilst it is noted that timber knee rail fencing (circa 0.4m in height) has been used sparsely in the immediate locality, the design rationale has kept an open feel and does not feature hard landscaping to delineate property boundaries, particularly to the front. The introduction of a slatted fence, whilst appreciated that the fence has been erected at a low height, introduces a hard landscaping feature which is visually intrusive at this corner plot and detracts from the visual narrative of the development.

The soft landscaping plans have been specifically designed to soften the appearance and contributes significantly to the character and appearance of the area. The application of condition 9 to 19/00098/REM, demonstrates that the site has been sensitively designed and any future development needs to be carefully considered. The introduction of a dwarf slatted fence around the perimeter of the plot introduces and alien and incongruous feature which detracts from, and does not respond positively to, its immediate setting. The fencing as erected represents an adverse impact in terms of visual amenity, enclosure and character of the locality, being both incongruous with, and detrimental to, the locality.

The proposal would not, therefore, respond positively or be complementary to the existing townscape and locality, and accordingly would fail the requirements of Core Policy 57 of the Wiltshire Core Strategy and Section 12, in particular paragraph 131 of the National Planning Policy Framework.

Residential Amenity

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

Extension

The proposed extension would be located to the rear of the dwelling and would be limited to single storey in height and the works would provide an amenity benefit to the occupiers by providing more internal space. Given the site orientation, location of the extension and limited height of the proposed works, the proposals are not considered to have an unacceptable impact on neighbouring amenity by way of overshadowing, overbearing or loss of light. The proposal includes new fenestration; however, as the proposed works are limited to single storey, all views from the windows and doors look onto the amenity space of the existing dwelling and there are no unacceptable issues of overlooking or loss of privacy arising.

During public consultation, concerns were raised in relation to ongoing construction noise and associated vehicle movements. Whilst concerns in relation to building works and potential noise are understood, due to the nature and scale of the proposal, the construction phase is not likely to be particularly noisy or lengthy and therefore in this instance it would not be reasonable to require the submission of a construction method statement or a construction and environmental plan. An informative can be added to any future application to recommend that the applicant adhere to the UK Constructors Group Good Neighbour Site Guide during the construction of the development in the interests of neighbourliness.

In the context of the nature and layout of the development, there is considered to be no unacceptable impacts upon the amenities and living conditions of neighbouring properties in relation to the proposed rear extension, thereby complying with the relevant provision of CP57 of the WCS.

Fencing

Given the spatial arrangement of dwellings in the immediate locality, the fencing to the front of the dwelling is not considered to give rise to any particular impacts in terms of residential amenity; however, due to the height, design and placement of the bollard and chain fencing to the shared driveway, this does give cause for concern. The design in combination with the dwarf height of the posts presents a boundary treatment which is considered to be unneighbourly. The posts have not been erected in conjunction/agreement with the neighbouring property and do not take into regard the impact on amenities of the existing occupants of no.12. A simpler method of delineation of the shared boundary could / should be implemented, such as a painted line or the use of soft landscaping.

Concerns were raised in relation to the fencing encroaching on land outside of the applicants control. The applicant is requested to note that permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before such works commence. Works have been carried out in the vicinity of the site boundary; the applicants are also advised that it may be expedient to seek their own advice with regard to the requirements of the Party Wall Act 1996. This matter would be outside of the planning remit and would be a private legal matter between the respective land owners and in this instance, it would not be for consideration under this planning application.

Other Matters

During public consultation concerns were raised in relation to the bin storage area not being in the ownership of the applicant and a shared space for neighbouring bins/waste collection point. This would be outside of the planning remit and would be a private legal matter between the respective land owners and in this instance, it would not be for consideration under this planning application.

CONCLUSION

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal for the construction of a rear single storey extension to the dwelling has merit.

It is considered that the erection of the hard landscaping in the form of slatted fencing to the front, side and driveway is not considered to respect or integrate with the character and appearance of the existing property or those properties which adjoin the application site and would cause unacceptable harm to the visual amenity, character and appearance of the locality. On the basis of the assessment set out above, it is considered that the proposed development would fail to positively integrate into its setting and would not retain or enhance views of the locality.

The proposal overall, therefore, would be contrary to Core Policy 57 of the Wiltshire Core Strategy (Adopted) January 2015 and the provisions of the National Planning Policy Framework, Section 12. It is recommended that planning permission be refused.

RECOMMENDATION

That Planning Permission REFUSED for the following reason:

1. In the context of a locality which is defined by important areas of boundary planting and landscaping, the introduction of the fencing as erected would represent an adverse impact in terms of visual amenity, enclosure and character of the locality, being both incongruous with, and detrimental to, the locality. The proposal would not, therefore, respond positively to the existing townscape and, accordingly, would fail the requirements of Core Policy 57 of the Wiltshire Core Strategy and Section 12, in particular paragraph 131 of the National Planning Policy Framework.