CASE OFFICER'S REPORT

Application Reference:	PL/2023/10509
Application Type:	Householder planning permission
Site Inspection:	19 January 2024
Consultation ends:	30 January 2024
Case officer:	Joe Leesam

Site Address:	9 Ermin Close, Baydon, Marlborough, Wilts, SN8 2JQ
Proposal:	Erection of closed board fence that sits on top of existing wall
Recommendation:	Refuse

POLICIES

Wiltshire Core Strategy (adopted January 2015):
Core Policy 51 - Landscape
Core Policy 57 - Ensuring High Quality Design & Place Shaping

The National Planning Policy Framework (NPPF) 2023

Planning Practice Guidance (PPG)

The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024

REPRESENTATIONS

Baydon Parish Council – No Objections.

Highways – No Objection subject to condition.

Third party representations – One response received.

Summary of response:

- It is untrue to say the Hedge was overgrown – it had been beautifully manicured over many years and the property was only empty for a short period of time.
- Ermin Close is very quiet with little traffic, so visibility was not really an issue.
- No objection in principle to a fence replacing the hedge. However, this fence is quite imposing being approximately 7 ft tall.
- It has always been the commenters understanding that fences facing a road should be no higher than 4 ft tall.

ASSESSMENT

The application relates to 9 Ermin Close in Baydon, Marlborough. It is a two-storey detached house located within a residential cul-de-sac. The site is washed over by the North Wessex Downs National Landscape.

Proposals:
The application seeks consent for the erection of a closed board fence that sits on top of an existing wall. The fence is already in-situ and therefore is retrospective planning permission.

Impact upon the amenity of occupiers of neighbouring properties:
Due to the application's nature as a fence, the proposal does not pose any concerns regarding overlooking.

While the fence is relatively tall, it is located upon the front elevation of the property, so it is adequately separated from any neighbouring houses so as not to pose any risk of creating any unacceptable levels of light blocking, or be considered to create an oppressive environment.

In regard to the above, the proposed plans are considered acceptable on residential amenity grounds.

Scale, design and materials:
Core Policy 57 of the Wiltshire Core Strategy outlines that 'A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality." One of the ways in which this is supposed to be achieved is through "responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting."

There is a mixture of boundary treatments to the front of the properties throughout Ermin Close, but generally they are either at a low level or consist of hedging. The height of the proposed fence appears to be based off the height of the hedge which has been cut down on the same boundary. Hedges have a softer appearance than fences and can be considered to contribute positively to the visual amenity of the street scene due to the addition of greenery, so the height of the hedge was not problematic for visual amenity. However, a two-metre-tall fence has a very different visual impact which can be detrimental to the character of the wider street scene.

The application site is visible from the road and given the position of the fence to the front of the dwelling, it is highly prominent within the street scene. The fence is overbearing in height, being the tallest fence within the street scene where there is more commonly hedging or low-level walls/fences and would result in a harsh boundary fronting Ermin Close . The fence is therefore visually prominent and represents an incongruous structure within the street scene.

While there is an existing fence at the neighbouring 10 Ermin Close, this is shorter than the proposed fence for this application and in any case, the planning authority has no record of a planning application for a fence at No 73 and unless it can be proved that the fence has been there for more than four years the fence is considered to be unauthorised. The fence at No.10 cannot therefore be used as a comparison or justification for this application. Furthermore, this fence in conjunction with the neighbouring fencing results in a harsh boundary for a considerable

length along the cul-de-sac of Ermin, and would be detrimental to its character and appearance. Looking at the wider street scene, most of the front boundary treatments are either low level walls, low level fences, or hedges. Besides 10 Ermin Close, the only other comparable boundary treatment within the close is at no. 21 which has a relatively tall fence with hedging above. Again, this has no planning history to indicate this was an authorised instillation and we do not have exact measurements, but the fence does appear shorter than the fence proposed in this application. Also, this boundary treatment is for the side of the property, and the front boundary treatment for this property is a relatively low-level fence. Therefore, while this boundary treatment is taller overall than what is proposed here, and the fence is of a similar size, the circumstances are different and the visual effect is not the same due to the softening effect of the hedging.

In light of the above assessment, officers conclude that the introduction of a c.2m high fence to the front of 9 Ermin Close does not respond positively to the “existing townscape and landscape features” to ‘effectively integrate’ with the existing street-scene as required by part iii of CP57 of the WCS. The fence is not in-keeping with the existing boundary treatments found along Ermin Close and fails to respect the general open character of the street. The fence therefore appears visually obtrusive within the street-scene and conflicts with Core Policy 57 of the WCS and Paragraph 135 of the NPPF which requires development to be “sympathetic to local character.”

Highways:

The proposed fence is the same height as the previously removed hedge and the fence is thinner than the previously existing hedge, with the access being the same width. Therefore, the new boundary treatment will have either a neutral or positive impact upon the visibility splays of the access. Highways have been consulted on the application and have responded, stating "I note that previously the applicant had a well established hedge above the wall which has been replaced with the fence. Though the fence takes up the same extent as the hedgerow I am mindful that the change does allow an opportunity to improve the visibility at the access. As such I am minded to ask the applicant to amend the extent of the fence line slightly to provide a pedestrian visibility splay, to enable exiting vehicles to have better sight of pedestrians. In conclusion I am happy to offer no highway objection subject to the following condition : Within 3 months of approval of the access, subject to the approval, will be provided with splays measured at each side of the access from the edge of carriageway 2m back and 2m to the nearside carriageway on the outside of the access. The splays shall always be kept free of obstruction above a height of 600mm."

Therefore, with the proposed condition imposed, the proposed plans would be considered acceptable on highways grounds.

Impact upon the North Wessex Downs National Landscape:

The proposed extension will be read in context with the host dwelling and as there will be no encroachment into the open countryside, no harm would therefore be caused to the special qualities of the National Landscape, albeit it that the proposal is considered harmful to the character and appearance of the street scene.

Conclusion:

The unauthorised fence that is constructed to the front of 9 Ermin Close constitutes a visually obtrusive structure, which fails to positively integrate with the surrounding area and streetscape and does not respect the open character of Ermin Close. The proposal is therefore contrary to

part iii of Core Policy 57 of the adopted Wiltshire Core Strategy 2015 and conflicts with guidance of the NPPF, which makes it clear that developments should be sympathetic to local character.

RECOMMENDATION:
Refuse.

Refusal Reason(s): (1)

1 The unauthorised fence that is constructed to the front of 9 Ermin Close constitutes a visually obtrusive structure, which fails to positively integrate with the surrounding area and streetscape and does not respect the open character of Ermin Close. The proposal is therefore contrary to part iii of Core Policy 57 of the adopted Wiltshire Core Strategy 2015 and conflicts with Section 12 of the NPPF, which makes it clear that developments should be sympathetic to local character.