CASE OFFICER'S REPORT

Application Reference:	PL/2024/00053
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	07 March 2024
Case officer:	Stefan Galyas

Site Address:	1 Perry Green, Charlton, Malmesbury, Wilts, SN16 9DP
Proposal:	Replacement of hedgerow with a fence (Retrospective and Resubmission of PL/2023/05159)
Recommendation:	Approve with Conditions

SITE DESCRIPTION:
The application relates to No.1 Perry Green, a semi-detached two storey property set to the northern side of the highway and within the junction to the southwest between Vicarage Lane and Perry Green. The site is contained within a spacious plot with a driveway to the west and grassed garden amenity space to the east of the dwelling. The site is bordered to the west by an open field and to the north by the site at No.2 Perry Green.

The sites locality is comprised of 'soft', undisturbed boundary treatments abutting either side of the highway such as hedgerow and mature tree plantation. Dwellings and stables are sporadically placed on this eastern segment of Perry Green which leads out to the open countryside from the core of the Charlton village to the west.

The property is located within the settlement of Charlton, identified by the Wiltshire Core Strategy as a small village. There is no defined settlement boundary for the village of Charlton and accordingly is considered to be positioned within the open countryside for planning purposes.

With regard to policy constraints, the site is located within the Charlton Conservation Area. Additionally, there is a public right of way across the road which leads to the south across open land.

PROPOSAL:
The application seeks part-retrospective planning permission for the removal of the existing boundary hedgerow to the south and east of the site with a proposed boundary fence and accompanying planting. The proposed fence would have an overall height of 1.8m and would use closeboard timber for the first 1.2m from natural ground floor level and 0.6m of topping trellis. The fence would be approximately 30m in length and would stretch from the access at No.1 Perry Green to the west, all the way to the junction with Vicarage Lane to the east.

POLICIES:
Wiltshire Core Strategy (WCS) (Adopted January 2015)
Core Policy 1 – Settlement Strategy
Core Policy 2 – Delivery Strategy

Core Policy 13 – Malmesbury Community Area
Core Policy 51 – Landscape
Core Policy 57 – Ensuring High Quality Design and Place Shaping
Core Policy 58 – Impact on Heritage Assets
Core Policy 64 – Demand Management

Wiltshire Design Guide (Adopted March 2024)
4.5.12 Quality of Boundary Detailing

North Wiltshire Local Plan (2006)
NE14 – Trees and the Control of New Development

National Policy:
National Planning Policy Framework (NPPF) December 2023
Paragraphs 2, 8, 11, 12, 38, 47, 88, 89, 114-116, 131, 135, 139 200, 201, 203, 205-208, 212 & 213.

Planning (Listed Buildings and Conservation Areas) Act 1990
Section 72(1) – Special attention to be paid to preserving or enhancing the character or appearance of a conservation area.

National Design Guide (2021)

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 be made in accordance with the Development Plan unless material considerations indicate otherwise.

ISSUES:
The main considerations which are material to the determination of this application are listed below:
• Principle
• Impact on the Character and Appearance, Including Heritage Assets
• Neighbouring Amenities
• Highways Impact

RELEVANT PLANNING HISTORY:
PL/2022/08471 - T1 - Ash tree to be removed. T2 - Ash tree to be removed. T4 - Ash tree to be removed, all suffering from Ash Dieback. T3 - Holly tree to be removed as it is interfering with the electricity wires. No objection 08/12/22.

PL/2023/05159 - Replacement of hedgerow with a fence (retrospective). Refused 19/10/23.

REPRESENTATIONS:

Charlton Parish Council: No objection. The Parish Council considered to application to be acceptable subject the fence being moved in to allow the plantation of a hedge and the reduction of the solid part of the fence.

Wiltshire Council Conservation: Objection. It was considered that the originally submitted plans lacked accuracy as to demonstrate that the proposed fence would allow sufficient room for planting. The fence was again considered to present an intrusive and inappropriate feature when viewed in the context of its surroundings. It was noted that the fence would not provide any additional security, public safety or highway visibility.

Wiltshire Council Highways: No objection.

Letters: There were no letters of representation received in response to the proposed development.

Principle of Development:
The principle of extending or altering an existing dwelling is considered acceptable in principle and in accordance with Core Policies 1, 2, 13 and 57 of the WCS, subject to a range of site-specific considerations and compliance with policies found within the development plan and the NPPF.

It is noted that the proposal would not fall within the remit of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal would exceed the permitted height of 1m and would abut the highway.

Impact on the Character and Appearance, Including Heritage Assets:
Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Residential extensions/alterations such as this are acceptable in principle subject to there being no adverse impacts. Among other matters, it requires proposals to be sympathetic to and conserve historic buildings and historic landscapes (iv). Core Policy 58 (iii) states that designated heritage assets, including buildings and structures of special architectural or historic interest, and their settings, will be conserved and where appropriate enhanced in a manner appropriate to their significance.

Policy NE14 of the North Wiltshire Local Plan requires development to incorporate existing important landscape features, such as trees and hedges, into the development and proposals that will result in the loss of these features will not be granted.

Significance is defined in Annex 2 of the NPPF as: “The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”.
Paragraph 201 of the NPPF requires the local planning authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The Wiltshire Design Guide states in paragraph 4.5.12 that the quality of detailing within a buildings plot be demonstrated within an application, including boundary fences which would be visible from the public realm.

The National Design Guide (2021) states that “to communicate the benefits of a scheme, it is important to explain how the design of a development relates to context and local character” (Paragraph 44). It adds that “well-designed places and buildings are influenced positively by:
• The history and heritage of the site, its surroundings and the wider area, including cultural influences;
• The significance and setting of heritage assets and any other specific features that merit conserving and enhancing;
• The local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of facades, characteristic materials and details”. (Paragraph 46)

The conservation area by virtue of its designation is significant in heritage terms and this significance is likely to arise from its aesthetic (fortuitous) value and historical (illustrative) value.

The sites is located to the east of the Charlton village where the pattern of development becomes more sporadic and rural in appearance. The prevalence of hedgerow and mature tree plantation abutting either side of the highway demonstrates this within the property’s immediate setting.

Under application PL/2022/08471, no objection was raised by Wiltshire Councils Arboriocultural Officer for the removal of three established trees set on the site’s southern boundary. It is noted that the mature hedgerow would have likely remained following this application.

The proposal introduces a 1.8m high timber fence to the locality which would be set in a visually prominent position with regard to both Perry Green and Vicarage Lane. The fence would wrap around the site’s boundary on the corner plot, further increasing the fences visual presence in the area.

The proposed development would be contained to the same height as the previously refused application under PL/2023/05159, however, the use of closeboard timber would be reduced from a the full 1.8m to 1.2m. The revised fence would use 0.6m of trellis to the top of the fence which is considered to soften the overall appearance of the fence. Over time it is considered that the fence would weather and age, turning the ‘orange’ external appearance to a less intrusive ‘grey’. A condition ensuring that the fence is left to weather naturally is considered reasonable and necessary in this instance.

Whilst the revised fence does make some effort to reduce the visual prominence from the original, the proposal would not be of an entirely ‘soft’ appearance when compared to the previously removed boundary hedge. It is noted that continuous hedgerow is a prominent feature within the Conservation Area and previously stretched between the access to the Horse and Groom pub to the west and the junction to Vicarage Lane to the east without any substantial breaks. Thus, abutting hedgerow to the roadside is considered to form a strong character and integrating feature in the street scene as noted by the Conservation Officer.

The proposed fence would be set back approximately 3.1m away from the roadside to the south and would be set behind the existing telegraph pole to the south-east of the site. Further details were submitted regarding planting and landscaping by the Applicant following concerns highlighted by the Case Officer. The hedgerow would encase the proposed fence and grow over time to 'soften' the harsher wooden appearance. The submitted landscaping plan states that the hedge would be planted with a random mix of Hawthorns, Blackthorns, Field Maple, Wayfaring Tree and Field Rose. The planting would be done in two staggered rows. It is noted that there would be a period of time which the hedge would be in its infancy and the fence would remain exposed, however, plant coverage would expand over time. These further details of planting are considered sufficient to overcome previous concerns and would help offset the harsh permanence of the proposed fence and are key to the acceptability of the scheme.

In light of the above, the proposal is considered to result in a neutral impact on the character and appearance of the Charlton Conservation Area. The proposed development is considered to sufficiently reduce the identified harm from the previously refused application through the introduction of 0.6m trellis and proposed planting. The proposal would meet the provisions of Core Policy 57 and 58 of the Wiltshire Core Strategy, The Wiltshire Design Guide, The North Wiltshire Local Plan and the relevant paragraphs of the NPPF.

Impact on Residential Amenities:
Core Policy 57(vii) of the WCS stipulates that new development must regard the compatibility of itself to adjoining buildings. The development must regard the impact on amenities to existing occupants and ensure appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing and pollution.

The proposal is considered to maintain the privacy of the current residential occupiers. Additionally, the fence would be set away from No.2 Perry Green and therefore would not give rise to an unacceptable overshadowing impact.

In summary, the proposal would be limited in scale and therefore would not likely result in significant harm in regard to overshadowing, loss of outlook or noise impact on neighbouring properties.

Highways Impact:
Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. Additionally, Core Policy 62 of the WCS states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

In response to the proposal, Wiltshire Councils Highways Engineer considered the proposal to be set back from the public highway and set in the same area as the previous vegetation. Additionally, the Highways Engineer commented that the fence appeared to be set wholly within the properties residential curtilage and not on Highways land. Thus, it was considered that the proposal would not have an adverse effect on highways safety and no objection was raised.

CONCLUSION:

It is concluded that the proposed development is acceptable in principle and in design and amenity terms, in accordance with Wiltshire Core Strategy Core Policies 1, 2, 13, 51, 57, 58 and 64 and the relevant paragraphs of the NPPF.

RECOMMENDATION:
That planning permission be GRANTED subject to the following conditions:

Conditions: (5)

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

C-JH-101A Elevations of Typical Fence Section
Received 28/03/24

C-JH-300 Site Plan – Proposed
C-JH-400 Landscaping Plan
Location Plan 279385
All received 04/04/24

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

4 The closeboard timber and trellis hereby approved shall be left untreated to weather naturally.

REASON: In the interest of preserving the character and appearance of the Conservation Area.

5 All soft landscaping comprised in the approved landscaping plan C-JH-400 received 4 April 2024 shall be carried out in the first planting and seeding season following the installation of the fence; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Informatives: (3)

6 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

7 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

8 The applicant is requested to note that this 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.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.