

Delegated Report

Planning Ref: 25/00686/HOU

Applicant: Mr S Smith

Ward: Hinckley DeMontfort



**Hinckley & Bosworth
Borough Council**

Site: 1 Harwood Drive Hinckley Leicestershire

Proposal: Replacement and relocation of existing fence.

Case Officer: Zahra Jam Rotbeh (Planning Officer)

1. Recommendations

- 1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning Application Description

- 2.1. This householder planning application seeks full planning permission for the replacement and relocation of existing fence at 1 Harwood Drive.
- 2.2. The proposed fence would be 2 metres in height and constructed using feather edge panels, supported by concrete posts at the rear and a concrete gravel board at the base.
- 2.3. This planning application includes the provision of a vehicle access door and one off-street parking space.
- 2.4. The fence is proposed to be moved closer to and immediately adjacent to the pedestrian footpath and aligned with the highway boundary, but it will not extend beyond the highway boundary.

3. Description of the Site and the Surrounding Area

- 3.1. 1 Harwood Drive is a two-storey detached dwelling located on the corner of Harwood Drive with Barwell Lane within the settlement boundary of Hinckley. The property is set back approximately 2 metres from the highway.
- 3.2. The immediate vicinity comprises of 2 storey detached dwellings and the application property is bordered by No.3 Harwood Drive to the Northwest and a public footpath that runs along the southern boundary of the application property. Swallows Green Park is located directly opposite the application property.
- 3.3. There is an existing 1.95m high fence surrounding the south and eastern boundary of the rear garden. This is set back approximately 0.5m from the footway. Boundary treatments in the area are mixed and there are examples of 1.8m high close boarded fencing, hedgerows and low brick walls.

4. Relevant Planning History

00/00744/FUL

- RE-POSITIONING EXISTING FENCE
- PER
- 07.09.2000

04/00017/FUL

- PROPOSED CONSERVATORY
- PER
- 16.02.2004

08/00094/CTPO

- WORKS TO TREE
- APPRET
- 04.02.2008

12/00558/HOU

- EXTENSIONS AND ALTERATIONS TO DWELLING
- PER
- 03.09.2012

16/00595/FUL

- Remove existing fence and erection of new fence
- PER
- 31.08.2016

88/01366/4

- RECEPTION AND BEDROOM EXTENSION AND INTERNAL ALTERATIONS
- PER
- 02.12.1988

84/00845/4

- BEDROOM AND PLAYROOM OVER GARAGE
- PER
- 20.11.1984

82/00569/4

- NEW DOUBLE GARAGE AND CONVERSION OF EXISTING GARAGE TO KITCHEN EXTENSION
- PER
- 20.07.1982

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
5.2 No responses have been received.

6. Consultation

- 6.1 There have been no comments from the LCC Highway department.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and transportation
- Policy DM18: Vehicle Parking Standards

- 7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

- 7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- National Design Guide (2024)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

- 8.1. Alternations to existing domestic properties are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision, highway and pedestrian safety

Design and Impact upon the Character of the Area

- 8.2 Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.3 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 8.4 Paragraph 135 of the NPPF requires developments to function well and to add to the overall quality of the area, be visually attractive as a result of good architecture, layout, and appropriate landscaping, and to be sympathetic to local character and history.
- 8.5 Guidance Point C1 of the NDG confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.6 Guidance Point I1 of the NGD highlights that new developments should consider the composition of street scenes and individual buildings and their elements including the height, scale, massing, roofscapes, and relationship between buildings, as well as views, vistas, landmarks, and landscaping, amongst others.
- 8.7 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.
- 8.8 According to the HBBC Good Design Guide, corner plots play a vital role in shaping the character and appearance of the neighbourhood, and any alterations can have a significant impact on the overall character of the area.
- 8.9 The application property is located on a corner plot, with the proposed fence facing Harwood Drive and partially fronting Barwell Lane. According to the HBBC Good Design Guide for fencing, consideration should be given to the potential negative impact on the wider streetscene, particularly where fencing would completely block views and create dead frontages. The Guide also notes that the use of slimmer vertical fence posts without any relief can increase the sense of oppression. It recommends that low fences, used in combination with soft landscaping, can provide a more sensitive and attractive way to define boundaries.
- 8.10 The proposed fence consists of slim vertical posts with no gaps or relief between them, resulting in a solid and visually impermeable boundary. It is acknowledged that there is an existing fence in situ, however, the fence is proposed to be repositioned immediately adjacent to the pavement, filling the existing gap between the current boundary and the public footpath and removing any relief the existing gap provides.

Although soft landscaping was recommended to mitigate the visual impact previously (as detailed further below), the repositioning of the fence would eliminate the opportunity for planting. In the absence of any soft landscaping the existing fenceline does not make a positive contribution to the character of the area.

- 8.11 According to the HBBC Good Design Guide, boundary treatments are an important element of local character, and their removal or inappropriate alteration can have a significantly detrimental impact on local distinctiveness. The Guide advises that boundary treatments should reflect the character of the surrounding area. While some similar fences are present along Barwell Lane, many are softened by accompanying landscaping, such as hedges or planting. In cases where soft landscaping is absent, there is generally a grass verge in front of the fence, allowing for future planting opportunities. Where soft landscaping/set backs are not found the fences do not present good design and highlight the harm inappropriate boundary treatments can have on the character of an area. In this case, the proposed fence is located on a corner plot with open views from both the highway and Swallows Green park to the north therefore the proposed fencing, in its current form and position, would be highly visible and its prominence highly viewed.
- 8.12 Planning permission was previously granted at this site under application reference 16/00595/FUL for the erection of a new fence, subject to conditions. Condition 3 of that approval states: *“The planting scheme shown on the amended plan received on 18 August 2016 by the Local Planning Authority shall be carried out within 6 months of the development being completed and maintained at a height of no less than 1 metre in perpetuity.”* The permission ensured that the fence was set back from the highway with sufficient gap to provide soft landscaping. This condition clearly indicates that the acceptability of the fence was dependent on the implementation and ongoing maintenance of a planting scheme to soften its visual impact. The condition has not been adhered suggesting that the current fence would be unlawful. The applicant’s agent contends that the current fence line was not erected under this permission but was erected over 4 years ago without planning permission and therefore the aforementioned condition is not relevant.
- 8.13 However, the planning history is a material consideration and clearly highlights that the Council was accepting of a high boundary fence in this location subject to mitigation in the form of the set-back and soft landscaping. The current proposal, due to its repositioning and design, does not allow for the planting required by the previous condition. Nothing has been presented to the Council which leads officers to come to a different view to the previous application and in the absence of the set back and mitigation planting the proposed fence would have an adverse impact on the character of the area and would worsen appearance of the surrounding area through providing a hard, featureless boundary treatment which does not present good design. The proposal is considered to be contrary to Policy DM10 of the Site Allocations and Development Management Policies (SADMP) in that it neither complements nor enhances the character of the area.

- 8.14 To sum up, the proposed fence by virtue of its materials, height, design and siting fails to complement or enhance the character of the area and therefore is contrary to Policy DM10 of the SADMP, the Council's Good Design Guide, paragraph 135 of the NPPF and the National Design Guide.

Impact upon Residential Amenity

- 8.15 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.16 As the property is situated on the corner of Harwood Drive and Barwell Lane it has only one neighbouring property with which it shares a boundary. No. 3 Harwood Drive is located to the Northwest. The proposed fence would be located from East to South of the application property. Furthermore, the screening from mature vegetation on the boundary line will reduce any potential impacts the fence would have in respect to overbearing issues. Furthermore, the proposal will replace the existing fence, therefore will not increase any potential adverse impacts on no. 3 Harwood drive and other neighbouring properties in surrounding area.
- 8.17 By virtue of these factors, the proposal does not result in any adverse overbearing or overshadowing impacts to the neighbouring properties and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.18 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.19 Policy DM18 of the SADMP states that proposals ensure that there is adequate provision for on and off-street parking for residents and visitors.
- 8.20 The proposed development includes the addition of one off-street parking space and a wider entrance door to facilitate vehicle access, achieved by extending the fence further outward. However, no new dropped kerb access is proposed onto Harwood Drive, and the application site does not extend to the highway boundary, and it will remain within the site boundary. As such, the proposal is not considered to have any adverse impact on highway safety or the operation of the local road network. The scheme is therefore considered to be in accordance with Policies DM17 and DM18 of the SADMP.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 10. Conclusion**
 - 10.1 The proposal relates the householder application which includes replacement and relocation of existing fence to the front of 1 Harwood Drive. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.
- 11. Recommendation**
 - 11.1 **Refuse planning permission** subject to the reasons at the end of this report.
 - 11.2 **Reasons**
 1. By virtue of its materials, height, siting and design the proposed fence is considered to be poorly designed and inconsistent with the surrounding area. Its design and position would detract from the appearance of the area and surrounding streetscene and it fails to complement or enhance the character of the area. As such, the proposal is considered to be contrary to Policy DM10 of the Site Allocations and Development Management Policies (2016), the Council's Good Design Guide (2020), paragraph 135 of the NPPF (2024) and the National Design Guide (2019).

Notes to Applicant:

12. This application has been determined with assessment of the submitted Application Form, Existing Site Plan, Drg No. 488 002, Existing, Proposed Fence Elevation, Drg No. 488 004, Proposed Site Plan, Drg No. 488 003 Rev A as received by the Local Planning Authority on the 14th July 2025.