DELEGATED REPORT

Recommendation Made: 8 September 2009

Reference:- 09/00541/FUL **Parish:- Newbold Verdon Parish Council**

Applicant:- Kevin Hicklin
3 Laburnum Avenue
Newbold Verdon
Leicestershire
LE9 9LQ

Location:- 3 Laburnum Avenue Newbold Verdon Leicestershire LE9 9LQ

Proposal:- ERECTION OF FENCE

Introduction:-

This application seeks full planning permission for the erection of a 2.13 metres (7 ft) high close boarded timber panel fence with concrete posts and gravel boards adjacent to a highway boundary to enclose a front/side garden curtilage of 3 Laburnum Avenue, Newbold Verdon. The fencing would extend diagonally from the front corner of the dwelling to the highway boundary, follow the highway boundary around to the existing driveway and then return to the front corner of the existing garage.

The dwelling is located on a prominent open corner plot within an established residential estate. The area is currently open to the highway and covered with loose stones. In support of his application the applicant has highlighted that the dwelling currently has a very small private rear garden and that other gardens have been enclosed in a similar manner around the estate.

Consultations:-

No objections have been received from Head of Community Services (Land Drainage)

Director of Highways, Transportation and Waste Management (Highways) does not object but refers to standing advice and to consider the need for pedestrian visibility at the vehicular access.

Neighbours notified, 1 letter received raising the following concerns:-

i) fencing will restrict visibility when turning right into Sycamore Close as does on-street parking
ii) height of fencing is out of character with surroundings.

No response has been received at the time of writing this report from Newbold Verdon Parish Council.

Development Plan Policies:-

BE1 - Design and Siting
T5 - Highway Design and Vehicle Parking Standards.

Appraisal:-

The main issues in respect of this application are the siting and design of the proposed fencing and its impact upon the open character and visual appearance of the street scene and highway safety.

Policy BE1 of the Local Plan seeks to secure attractive development and safeguard the existing environment, by approving development which complements or enhances the character of the surrounding area, avoids the loss of open space and important gaps in development and ensures that there is adequate highway visibility for road users.

The garden area that would be enclosed contributes to the open character of this part of the estate providing a pleasant entrance which is complemented by the open grassed amenity area directly

opposite. The erection of continuous fencing, at a height of 2.13 metres, forward of the dwelling up to the back of the highway boundary and all around this prominent corner plot would be detrimental to the open character of this part of the estate and the general visual amenities of the wider street scene. The siting in this location would also remove the opportunity to provide frontage landscaping that would soften the appearance of the fencing and enhance visual amenity. In addition, the proposed development would remove the pedestrian visibility available to the existing vehicular access to the detriment of general highway safety.

Whilst it is recognised that other gardens within the estate have been enclosed with fencing, these areas are generally not as prominent within the street scene, do not contribute so strongly to the open character of the estate and appear to have fencing of less height than that proposed.

Having carried out a site visit, the issue of restriction of visibility for vehicles turning right into Sycamore Close raised as a concern by a neighbour would not be considered to be reason to refuse the application as, when in the correct position within the highway to perform the manoeuvre, adequate visibility would be available. The Highway Authority does not raise this issue.

Conclusion

Given the prominence of this corner plot within the estate, the siting and design of the proposed fencing would be visually obtrusive and seriously detrimental to the open character, appearance and visual amenities of the street scene and the wider area in general and the application is therefore recommended for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

Reasons:-

1 In the opinion of the Local Planning Authority, by virtue of the height and siting of the fencing immediately adjacent to the highway boundary, and the complete enclosure of land on this prominent corner plot, the proposed development would create a visually obtrusive feature that would be seriously detrimental to the open character, appearance and visual amenities of the street scene and the wider area in general and detrimental to highway safety. The proposed development would, therefore, be contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

2 The approval of this application would set a precedent for the consideration of further applications of a similar nature to which the Local Planning Authority would also object, but would consequently be difficult to resist.

Notes to Applicant:-

1 List of plans used in the determination of this application:- Document references LE99LQA; LE99LQB; LE99LQD.

2 The applicant is advised that a revised proposal that reduces the height of the fencing, relocates the fencing back from the highway boundary, provides adequate pedestrian visibility splay to the vehicular access and provides a landscaping scheme to the site frontage may be considered more favourably.

Contact Officer:- Richard Wright Ext 5894 **Date Printed:** 8 September 2009