

Delegated Report

Planning Ref: 23/00389/HOU
Applicant: Miss Nicola Elson
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 22 Portland Drive Hinckley Leicestershire LE10 1SE

Proposal: Erection of boundary fence

1. Recommendations

Refuse planning permission for the reasons outlined at the end of this report.

2. Planning application description

- 2.1. This householder planning application seeks full planning permission for the erection of 1.8 metre high wooden fencing and removal existing 1.7 metres high brick wall at 22 Portland Drive, Hinckley. It also includes the provision of soft planting to the north side elevation of the proposed fence. The proposed wooden fence has concrete pole between the wooden panels and concrete gravel board at the ground area. It stretches 3.8 metres from the existing wall to a length of 14.3 metres.

3. Description of the site and surrounding area

- 3.1. The application dwelling is a two storey detached dwelling on Portland Drive within the settlement boundary of Hinckley. The two storey brick built property has a flat roof garage and joined with a wooden fence and brick wall. Adjacent to the brick wall are trees and grass area that stretches from the front of 22 Portland Drive through to the front 20 Portland Drive.
- 3.2. The street scene is characterised with hedges, open green grass area and few fences. 22 Portland Drive is not within a conservation area and is not listed.

4. Relevant planning history

None relevant.

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 None required.

7. Policy

- 7.1 Core Strategy (2009)
- None relevant.
- 7.2 Site Allocations and Development Management Policies (SADMP) DPD 2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF 2021)
 - Planning Practice Guidance (PPG)

- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide

8. Appraisal

- 8.1. Extensions to existing domestic properties within settlement areas are generally considered to be sustainable in principle. The key issues in respect of this application are therefore:
- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity

Design and impact upon the character of the area

- 8.2 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.
- 8.3 The Good Design Guide states that boundary treatment should integrate well into the context of the surrounding area. Consideration should be given to its potential negative impact on the wider street scene, particularly where this would entirely block through views and create dead frontages.
- 8.4 This proposed wooden fence measures 1.8 metres high, stretches 3.8 metres from the existing brick wall to a length of 14.3 metres. The proposed wooden fence has concrete posts between the wooden panels and concrete gravel boards at the base.
- 8.5 The proposed fence mirrors the wooden fence on the opposite side of the street in terms of height and materials. It is 0.1 metre higher than the existing brick wall. The landscape character of the street scene is predominantly characterised by open green space, trees and hedges. The wider area was developed with brick walls set back from the highway on plots such as this. Where these brick walls and grassed areas between the walls and the highway have been retained they are a beneficial feature of the area and they raised the quality of the environment. While there are few wooden fences along the street at the back of the highway they detract from the wider character of the area. The predominant boundary treatment is hedges which establishes a relationship with the existing soft landscape. The proposed fence crosses and encloses a section of the open green grass area to the side of the dwelling. This does not integrate well with the local landscape character and is considered to be harmful to the visual character of the area and wider landscape setting.
- 8.6 By virtue of the above, the proposed fence is considered not to respect and enhance the character of the street scene and surrounding area and is not in accordance with Paragraph 130 of the NPPF, Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property.

- 8.8 The proposed fence crosses to the edge of the public footpath and stretched 14.3 metres in length. This does not impact on the public footpath, however it has the potential to block through views of vehicles emerging from 22 and 24 Portland Drive. The height is considered appropriate however the fence would lead to further loss in the quality of the street scene which would be to the detriment of the wider area.
- 8.9 There is no impact on residential amenity in terms of overlooking, overbearing, or overshadowing effects on adjoining properties.
- 8.10 By virtue of the above, the proposal would not result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties and therefore is considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

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 proposed 1.8 metre high fence by reason of its siting introduces an incongruous form of development that detracts from the visual character of the area and the wider street scene. It does not integrate well with the local landscape character and is considered to be harmful to the visual character of the area and wider landscape setting. It has the potential to block through views of vehicles emerging from 22 and 24 Portland Drive.
- 10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, the proposal is recommended for refusal of planning permission.

11. Recommendation

Refuse planning permission subject to:

The proposed fence by reason of its siting is not considered to respect and enhance the visual character of the street scene and surrounding area. It introduces an incongruous form of development that detracts from the landscape character of the area and the wider street scene and is not in accordance with Paragraph 130 of the NPPF, Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

a. **Notes to applicant**

1. The plans and documents applicable to this decision are:
Site location and block plan (SP43319539)
Proposed fence
All submitted to the LPA on 24.04.2023.