

Delegated Report

Planning Ref: 24/00125/HOU

Applicant: Mr Mark Lester

Ward: Burbage St Catherines & Lash Hill

Site: 69 Burbage Road Burbage Hinckley



Hinckley & Bosworth
Borough Council

Proposal: Erection of a timber fence to front of the property.

1. Recommendations

1.1. Refusal of planning permission

2. Planning application description

- 2.1 This application seeks planning permission to retain a timber fence upon the proposal site's boundary that is located to the front (south west) of the host dwelling's principle elevation and also adjoins the back of the adjacent pedestrian highway.
- 2.2 The proposal measures approximately 28 metres in length and spans the majority of the host dwelling's front boundary. A gap of approximately 8 metres is formed between the southern end of the fence and the front edge of the neighbouring dwelling's front boundary treatment which allows unrestricted vehicular/pedestrian access from the adjoining highway (Burbage Road).
- 2.3 The fence measures 1.95 metres in height. The proposed fence can be described as a "hit and miss" type timber fence, whereby 50mm timber slats are fixed horizontally upon timber fence posts between approx. 30mm gaps.

3. Description of the site and surrounding area

- 3.1 The host dwelling is a modern (brick built) 1.5 storey (chalet type design) detached dwelling, under a duo-pitch (concrete) tiled roof. Dormer type (flat roof) windows are inserted within dwelling's front roof slope. A stone built chimney stack, built from ground level and protruding above the main roof ridgeline, is sited within the centre of the front (highway facing) roof slope and the dormer windows abut either side.
- 3.2 The site is located in a prominent position at the southern end of a linear row of dwellings (Burbage Road) and contains properties of a similar age and architectural style (modern suburban: 60s-70s) and a mix of dwelling types (detached bungalow and 1.5 storey chalet bungalows). The site's front (south west) boundary adjoins an (adopted) service road - which runs parallel to the main highway, Burbage Road, the B4669, that runs through Burbage. A grass highway verge (containing established trees), which is approximately 3 metres in width, runs parallel to the service road separating it from the main road. The highway serves as the main route from the northern edge of Burbage and northwards towards Hinckley Town Centre. A highway junction (intersection of Burbage Rd and Hinckley Rd) is sited opposite the proposal site, and provides access toward the southern side of Burbage and its village centre. Furthermore a two storey residential development terrace of properties is currently under construction and is sited immediately to the east of the highway junction. This current development replaces a previous two storey property occupied by commercial/light industrial businesses that has recently been demolished.

3.3 The row of properties which are located to the north of the proposal site, are characterised by the large plots, containing relatively deep amenity spaces and adjoining hardstandings sited to the front of their principle elevations. Moreover, the curtilages of these dwellings are characterised by open frontages (adjoining the back of the pedestrian highway) or otherwise some properties have erected low (below one metre) front boundary treatments. Two detached dwellings (nos.7 & 9 Sapcote Road) are located immediately to the east of the proposal site, however their principal elevations are sited behind the rear of the proposal site's rear elevation.

3.4 No.9 Sapcote Road has a brick-built front boundary wall approximately 1.8 metres in height. This boundary treatment also serves as a feature which marks the southern end of the service road at the point where it adjoins the main highway.

4. Planning History

4.1 None relevant

5. Publicity

5.1 The application has been publicised by sending out letters to local residents.

5.2 No comments received.

6. Consultation

6.1 Burbage Parish Council – The Parish Council considered the retrospective application and resolved to object. It was felt that the fencing erected to the front of the property was not in line with DM10 design guide and is incongruous in the street scene. Additionally, it is not in accordance with the recommendations of the Burbage NP - Development Layout and Scale 14.5.

7. Policy

7.1 Burbage Neighbourhood Plan (2021)

- Policy 2: Design and Layout

7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)

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

7.3 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)

7.4 Other relevant guidance

- HBBC Good Design Guide (2020)
- National Design Guide (2019)
- Design Guide

8. Appraisals

8.1. The key issues in respect of this application are:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area

8.2 Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. Also, the proposed development would not adversely affect activity in the vicinity of the site.

8.3 The Good Design Guide, at page 34, states that fencing is often selected as a cost effective means of creating a boundary treatment and states that consideration should be given to the potential negative impact on the wider street scene, particularly where this would entirely block through views and create dead frontages. The guide goes on to say that low fences, used in partnership with soft landscape, provide a more sensitive form of delineation of boundaries. Page 47 of the Good Design Guide confirms that boundary treatments are key generators of character within the public realm.

8.4 The Burbage Neighbourhood Plan, Policy 2 (Development Layout and Scale) states that any future residential development within Burbage must respect its surroundings and, where appropriate, should retain existing important natural features on the site, such as hedgerows. Paragraph 14.5 of the Neighbourhood Plan states that *“Panelled and closed boarded timber fences should be avoided wherever possible on street frontages”*.

8.5 Paragraph 135 of the NPPF states that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment, and maintain a strong sense of place. Paragraph 139 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 taking into account any local design guidance and supplementary planning documents such as design guides and codes.

8.6 The residential plots located in close proximity to the proposal site and also those located in the wider area are characterised by relatively deep front amenity spaces and adjoining hardstandings. Moreover, the row of properties which are located immediately northwards of the proposal site and are adjoined by the service road that fronts the proposal site are generally open in character or otherwise contains some low (below 1 metre height) boundary treatments (brick-built or timber) that are sited at the back of the highway. Moreover, such boundary treatments are ordinarily allowed as permitted development and do not introduce any significant visual impact within the surrounding streetscene.

8.7 The boundary treatment that is the subject of the application is a tall ‘hit and miss’ type timber fence, which introduces a jarring and uncharacteristic feature into the streetscene.

8.8 Considering the open character of the boundaries/front amenity spaces belonging to dwellings located in close proximity to the proposal site, and conversely, there is

no similar sense of enclosure within the vicinity of the proposal site or the wider area, other than the brick wall at 9 Sapcote Road which serves as a harmonious terminating feature to the service road at its junction with the main highway. Therefore, the 1.95 timber fencing introduces an incongruous and visually harmful feature into the streetscene at a highly prominent location opposite the junction of two main roads.

- 8.9 The proposal does not accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document, with Policy 2 of the Burbage Neighbourhood Plan or with the guidance on design provided in the Council's Good Design Guide.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the adopted SADMP and the adopted Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.11 The proposed fence (retrospective) is erected upon the front boundary of No 69 Burbage Road, given its scale and siting (in relation to adjoining dwellings) the proposal would not introduce an overshadowing or overbearing feature upon the windows serving habitable rooms or amenity space (most enjoyed by their occupants) belonging to neighbouring dwellings.
- 8.12 There would therefore be no adverse impact on amenity afforded to neighbouring dwellings. Furthermore, no objections have been received from neighbouring properties regarding the potential impact on their property's amenity the proposed boundary treatment. Therefore, in this respect the proposal accords with SADMP policy DM10.

Impact upon highway safety

- 8.13 Policy DM17 states that. Development proposals will be supported where they demonstrate that there is not a significant adverse impact upon highway safety;
- 8.14 Policy DM18 of the SADMP requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.15 The host dwelling contains 4 bedrooms and in accordance with the Leicestershire Highway Design Guide (LHDG) three off-street parking spaces should be provided. The proposed fence does not create the loss of existing off-street parking provision. Furthermore, in accordance with LHDG guidance for residential parking sufficient width (approx. 8 metres) will be retained to accommodate the parking of up-to three motor vehicles. Moreover, despite the siting of the proposed 1.95 metre fence adjacent to the front edge (north) of the existing hardstanding, in accordance with the LHDG, 1 metre by 1 metre pedestrian visibility splays (located upon the back of the adjoining pedestrian highway) can be retained (without obstruction from structures over 1 metre in height) either side of the proposal site's hardstanding/access to the adjoining highway.
- 8.16 Therefore, the will provide/retain sufficient off-street parking provision. Furthermore, the proposal will not introduce a feature that will harm the safety of the users of the adjoining highway or the wider highway network. Therefore, the proposal accords with national design guidance, The LCC Highway Design Guide and 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 clear aim of Policies DM10 of the SADMP, Policy 2 of the Burbage Neighbourhood Plan and the Council's Good Design Guide is to promote good design and to require developments to complement or enhance the character of the surrounding area.

10.2. Given its siting and scale, the fence introduces a sense of enclosure and is a visually imposing feature within the surrounding streetscene. This is considered contrary to the character of the surrounding area which features no such similar fences. The proposal is prominent in the streetscene and forms an obtrusive and incongruous feature which is at odds with the prevailing character of the area. The fence does not accord with SADMP Policy DM10 and the associated design guidance contained in the Good Design Guide SPD and the associated Policy 2 of the Burbage Neighbourhood Plan. The application should therefore be refused in accordance with Paragraph 139 of the National Planning Policy Framework

10.3. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be refused.

11. Recommendation

11.1 Refusal of planning permission

Reason:

As a result of its siting and scale, the timber fence introduces an obtrusive and incongruous feature into the streetscene which is significantly at odds with the

prevailing character of the area. The fencing fails to complement or enhance the character of the surrounding area and therefore represents poor design. The application therefore fails to accord with the requirements of Policy DM10 of the Site Allocations and Development Management Policies Development Plan and paragraph 135 of the National Planning Policy Framework and is considered contrary to the requirement of Policy 2 of the Burbage Neighbourhood Plan and the guidance contained in the Council's Good Design Guide Supplementary Planning Document.