

Delegated Report

Planning Ref: 25/00329/HOU
Applicant: Mr Harjinder Dosanjh
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 2 Sycamore Drive Groby Leicester

Proposal: Erection of a 1800mm high fence

1. Recommendations

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

2. Planning application description

- 2.1. The application seeks full planning permission for the erection of a fence at 2 Sycamore Drive, Groby.
- 2.2. The proposed 1.80 metre fence is to be situated to the north, north-west and south-east boundary lines and is proposed to abut the public footpath. It would host a width of 3.65 metres to the north, 15.13 metres to the north-west and 3.40 to the south-east and would be constructed out of close boarded timber panels with 0.10 x 0.10 metre concrete posts.
- 2.3. A privet hedge (*Ligustrum ovalifolium*) is proposed to sit to the east of the proposed fencing.

3. Description of the site and surrounding area

- 3.1. The application site comprises a two-storey detached dwelling situated within the settlement boundary of Groby. The dwelling is comprised by the use of red brick and cream render to the walls, brown tiles to the roof and white uPVC windows and doors. To the front elevation of the dwelling sits an integrated double garage, a large tarmac hardstanding and gravelled area with a mixture of small vegetation. The application site hosts a generous area of off-street parking.
- 3.2. The street scene is relatively uniform in terms of design and finish, however varied in terms of scale to the west.
- 3.3. An application (Reference; 04/01355/FUL) was refused planning permission in January 2005 for the erection of a 2.00 metre high boundary wall, due to its proposed height, construction material and proximity to the adjacent highway.

4. Relevant planning history

04/01355/FUL

- Erection of 2.0 metre high boundary wall
- Refused
- 20.01.2005

24/00168/HHGDO

- Single storey rear extension measuring 5.00m in depth, 3.95m in height to the ridge and 2.50m to the eaves
- Prior Approval Not Required

- 28.03.2024

24/00181/HOU

- Single storey side extension and a new rear garden 2000mm, close-boarded side fence
- Planning Permission
- 23.05.2024

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Two objections have been received following the publication of which the planning matters have been summarised below;
 - The newly proposed fence line running along the property boundary and the Pymm Ley Lane footpath was refused within the application 24/00181/HOU, and an altered proposal was subsequently proposed and accepted;
 - Planning application no 04/01355/FUL to build a 2.00 metre wall enclosing a similar area along the footpath boundary was refused in 2005;
 - Visibility issues;
 - Highway safety;
 - The traffic travelling along Pymm Ley Lane in the 1980's was much lighter than now;
 - The photograph in the corner of drawing 3990/08, showing the area of garden adjacent to the Pymm Ley Lane footpath being fenced in, rather confuses the issue as this fence has not been in existence since before Dec 1985 and was removed in 1986;
 - Possible covenant restricting the position of the fence.

6. Consultation

6.1. Grobby Parish Council;

'Grobby Parish Council's Planning & Development Committee reviewed the application and wish to submit an objection strongly opposing the application due to concerns regarding the visibility splay. In accordance with the Highways Design Manual Section DM 4.1 and 4.2 the minimum visibility splays required are set out and no obstruction should exceed 0.6metres in height within the defined visibility splay triangle. The visibility splay is of particular importance given that the proposal is at a junction and adjacent to a private drive of another property. The proposed erection of a 1800mm high fence is clearly in breach of this stipulation and also breaches the DM Policy on Highway Safety as clear sightlines for drivers and pedestrians would be compromised and there would not be safe and suitable access for all users onto the highway.'

The Committee urge that the application is refused and for the fence be in keeping with the original application, previously approved, as per Diagram 3990/08A.'

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
 - Policy 8: Key Rural Centres Relating to Leicester
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
- 8. Appraisal**
- 8.1. Key Issues
- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Other matters
- Design and impact upon the character of the area
- 8.2 Policy DM10 of the Site Allocations and Development Management Policies DPD requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3 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.
- 8.4 The application seeks full planning permission for the erection of a fence at 2 Sycamore Drive, Groby.
- 8.5 The Councils Good Design Guide seeks to ensure that *'Boundary treatments are key generators of character within the public realm.'*
- 'Fencing is often selected as a cost effective means of creating a boundary treatment and 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.'*
- 'Corner plots play an important role in the street scene, and it is important to recognise that overdevelopment of these plots can create an oppressive quality which can lead to a significant change in the prevailing character of a place.'*
- 8.6 The proposed 1.80 metre fence is to be situated to the north, north-west and south-east boundary lines and is proposed to abut the public footpath. It would host a width of 3.65 metres to the north, 15.13 metres to the north-west and 3.40 to the

south-east due to the proposed fences 135 degrees projection and would be constructed out of close boarded timber panels with 0.10 x 0.10 metre concrete posts.

- 8.7 At present the site features a strong line of existing fencing and vegetation to the north-west of the site which is set back from the adjacent highway by 3.79 metres. A line of trellis fencing approximately 1.80-2.00 metres in height also sits to the north-east of the site which is predominantly screened by existing vegetation. It is noted that prior to 1985 a 2.00 metre high timber fence was positioned to the boundary line directly next to the public footpath, and later removed in 1986, with an application being submitted in 2004 for its reconstruction, however in brick (Reference; 04/01355/FUL). The 2004 application was refused planning permission in January 2005 due to its proposed height, construction material and proximity to the adjacent highway. The proposal (albeit 1.80 metres in height) was re-submitted again in February 2024 and was subsequently amended to be set back from the public footpath by 1.80 metres and screened by a planting scheme in order to be considered acceptable due to the reasons outlined within the 2004 application remaining valid.
- 8.8 There is no similar sense of enclosure within the vicinity of the proposal site or the wider area, other than the timber fencing at 1 Sycamore Drive which is set back from the main highway by a generous grass verge whilst also being set back from the public footpath. Generous wide grass verges and landscaping strips are features of the surrounding development and especially along Pymm Ley Lane, presumably deliberately intended to create an openness to Pymm Ley Lane and the surrounding development. Further afield where high close board fencing does abut footpaths they are mitigated by an associated grass verge or established hedgerow planting, ensuring that the open feel of the development is retained and that harsh boundary treatments are less dominant. In this case, no softening by way of a set-back distance or landscaping is proposed, furthermore the application does not benefit from a wide grass verge to mitigate the dominance of the boundary fence. Therefore, the proposed boundary treatment introduces an incongruous and visually harmful feature into the street scene at a highly prominent location, that does not safeguard the setting of the dwelling and the contribution that the openness currently makes to the street scene.
- 8.9 The previously approved fence line was materially difference to the current proposal in that it was set back from the highway and landscaping was secured to screen and soften the fence line. Neither mitigation factors have been included within this application.
- 8.10 For the above reasons it is considered that the proposal would be harmful to the character and appearance of the area and is contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD, Paragraph 135 and 139 of the NPPF and the general principles of the Good Design Guide.

Impact upon neighbouring residential amenity

- 8.11 Policy DM10 of the Site Allocations and Development Management Policies DPD states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.12 The proposed fence would be erected upon the side boundary of the application site, 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 belonging to neighbouring dwellings.

- 8.13 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 Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon highway safety

- 8.14 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD supports development where there would be no significant adverse impact on highway safety.
- 8.15 Section 116 of the National Planning Policy Framework (NPPF) (2024) states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*
- 8.16 The Leicestershire Highways Design Guide contains the following guidance:

Table 6

Assessed likely vehicle 85th percentile vehicle speed			
Pedestrian visibility splays	Normally 1m x 1m both sides (no planting permitted) unless there are local circumstances which apply e.g. a significant pedestrian traffic generator is located in the vicinity (such as a school, playground or playing fields etc.) in which case 2m x 2m is required		
15	11 to 15	17 (a)	19 (a)
20	16 to 20	25 (a)	27 (a)
Speeds on new residential development roads should normally be controlled to 20mph or less (b)	21 to 25	33 (a)	36 (a)
	26 to 30	43 (a)	47 (a)
	31 to 35	54 (a)	59 (a)
	36 to 40	65 (a)	73 (a)
	41 to 44	120 (b)	120 (b)
	45 to 53	160 (b)	160 (b)
	54 to 62	215 (b)	215 (b)
	63 to 75	295 (b)	295 (b)

Table 13

Pedestrian visibility splays	Normally 1m x 1m both sides (no planting permitted) unless there are local circumstances which apply e.g. a significant pedestrian traffic generator is located in the vicinity (such as a school, playground or playing fields etc.) in which case 2m x 2m is required
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- 8.17 Objections have been received from Groby Parish Council and residents in relations to highway safety and visibility.
- 8.18 The proposed replacement timber fencing would abut to the boundary line. LCC Highways raised no objections to the scheme before amendments on application 24/00181/HOU) and as a sufficient 2.00 x 2.00 metre visibility splay has been submitted it is considered that the proposed fence would not conflict with the visibility splays required at this location. The proposal would therefore have no adverse impacts upon highway safety and would therefore be in accordance with Policy DM17 of the adopted SADMP Section 116 of the National Planning Policy Framework (NPPF) (2024) and the Leicestershire Highways Design Guide.

Other matters

- 8.19 An objection has been received that the land is potentially subject to a covenant restricting the position of the boundary treatments. A land registry search has been conducted and whilst there are three covenants in place none relate to the boundary treatments at the site. In any event this would be a private matter and not a material planning consideration.

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.

10. Conclusion

The application is acceptable in terms of residential amenity and highway safety but would have a significant adverse impact on the character of the area by reason of its height, materials of construction and proximity to the public highway. The proposal therefore fails to comply with Policy DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF (2024).

11. Recommendation

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

11.2 Reasons

- 1. The proposed fence, by virtue of its proposed height, materials of construction and proximity to the public highway, would represent an incongruous and unacceptable visual intrusion into the overall street scene of Pymm Ley Lane. The proposal is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF (2024).

11.3 Notes to applicant

The application has been determined with consideration to the following submitted documents:

- Application Form;
- Site Location & Block Plan, Drg No. 3990/01;
- Fence Details, Drg No. 3990/02;
- Existing Site Plan, Elevations and Hedging, Drg No. 3990/03;
- Proposed Site Plan, Elevations & Fencing, Drg No. 3990/04.