
F/YR20/0536/F

Applicant: Mrs D Hall

**Agent : Mr David Broker
David Broker Design Services**

30 Park Lane, Whittlesey, Peterborough, Cambridgeshire

Erect a 1.8m high (max height) close boarded boundary fence involving the demolition of existing 1.6m high fence within a conservation area (retrospective)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for the erection of a 1.8m high close boarded fence and relevant demolition in a conservation area for the removal of the 1.6m high fence, both of which are retrospective.
- 1.2 The pre-existing fence serving 30 Park Lane was 1.6m high hit and miss fencing, behind which was planting which softened the timber construction and ensured that this was in keeping with the character of the area, whilst still providing a level of privacy to the amenity area serving the host property. Its removal is not considered to have a significantly detrimental impact on the visual amenity of the area or surrounding heritage assets, subject to suitable remediation.
- 1.3 The solid close boarded fencing being (retrospectively) applied for is considered to be a harsh and stark contribution, forming an incongruous and prominent feature at odds with the surrounding verdant character and to the significant detriment of the conservation area.
- 1.4 The development is therefore considered contrary to Policies LP2, LP16 (d) and LP18 of the Fenland Local Plan 2014, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, chapters C1, C2, I1 and I2 of the National Design Guide 2019 and para 127 of the NPPF 2019. As such it is recommended to refuse the application.

2 SITE DESCRIPTION

- 2.1 The host property is a detached, 2-storey dwelling finished in pebbledash with a tiled roof, there are solar panels on the front and south facing roof slopes, and to the side is a single storey extension. There is a gravelled area to the front, gated access with parking and gardens to the side. There are a number of trees along the southern boundary.
- 2.2 The site is a prominent corner plot and forms the edge of Whittlesey Conservation Area, it is also adjacent the Grade II Listed building of 7 Horsegate. The

surrounding area is characterised low level front boundary walls and boundaries formed of hedging and vegetation, which contribute to the overall verdant character of the locality.

3 PROPOSAL

The application seeks full planning permission for the erection of a 1.8m high close boarded fence and relevant demolition in a conservation area for the removal of the 1.6m high fence, both of which are retrospective.

4 SITE PLANNING HISTORY

F/YR20/0262/F	Erect a 1.8m high (max height) close boarded boundary fence involving the demolition of existing 1.6m high fence within a conservation area (retrospective)	Refused 26/5/2020
F/YR19/0285/NONMAT	Non-material amendment: Installation of first floor window to front elevation of existing dwelling relating to Planning permission F/YR16/1059/F (Erection of part 2-storey/single storey rear extension to existing dwelling involving demolition of existing kitchen within a Conservation Area)	Approved 08/05/2019
F/YR18/3071/COND	Details reserved by conditions 4 and 6 of Planning permission F/YR16/1059/F (Erection of part 2-storey/single storey rear extension to existing dwelling involving demolition of existing kitchen within a Conservation Area)	Approved 02/10/2018
F/YR18/1072/NONMAT	Non-material amendment: Change window in south elevation to french doors relating to planning permission F/YR16/1059/F (Erection of part 2-storey/single storey rear extension to existing dwelling involving demolition of existing kitchen within a Conservation Area)	Approved 19/12/2018
F/YR16/1059/F	Erection of part 2-storey/single storey rear extension to existing dwelling involving demolition of existing kitchen within a Conservation Area	Granted 28/04/2017

5 CONSULTATIONS

5.1 Town Council

Recommend approve. It was noted that CCC highway have not been consulted on this or the first application in view of its location we feel this should be considered.

5.2 Cambridgeshire County Council Archaeology

Thank you for your consultation. We have reviewed the above referenced planning application and have no objections or requirements for this (retrospective) development.

5.3 Local Residents/Interested Parties

9 letters of support have been received in relation to:

- The fence looks nice
- View has vastly improved, replaces broken fence, transformed overgrown corner
- Improves visibility
- Improves privacy
- Safer crossing the road
- Old fence was in poor repair

1 objection has been received in relation to:

- Original fence removed and new one erected without planning permission
- Not like the previous fence
- Too high
- Not in keeping with the natural surroundings
- Works to/removal of trees

5.4 The issues raised, where they relate to planning matters will be considered in the sections below.

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context – C1, C2
Identity – I1, I2

Fenland Local Plan 2014

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

Delivering and protecting High Quality Environments in Fenland SPD July 2014

DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area

Whittlesey Conservation Area Appraisal 2018

8 KEY ISSUES

- **Principle of Development**
- **Heritage, design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highway Safety/Parking**
- **Biodiversity**
- **Flood Risk**

9 BACKGROUND

9.1 This application is a resubmission following the refusal of F/YR20/0262/F in May 2020. Subsequently discussions were held with the applicant's agent regarding what would be suitable on the site given the need to provide privacy to the garden. Advice was provided that a hit and miss fence (similar to that removed) with planting behind would provide a level of privacy, but also offer a softer appearance much more in keeping with the character of the area.

9.2 Despite this, the submission is identical with no attempts to overcome the reason for refusal.

10 ASSESSMENT

Principle of Development

10.1 The principle of development such as this would be acceptable in a residential location; subject to no adverse issues arising relating to heritage, visual or residential amenity. Consideration should also be given to the provision of parking, highway safety and flood risk.

Heritage, design considerations and visual amenity of area

10.2 The application site forms the edge of Whittlesey Conservation Area and is situated in a prominent corner location opposite the junction with Park Lane/Boyce Close and visible on approach from 3 directions. The Whittlesey Conservation Area Appraisal (WCAA) specifically refers to this property as '*the focus of the view looking west along Park Lane*'. The area is characterised by a row of bungalows on Park Lane to the west which have low level front boundary walls, opposite these is Park Lane Primary School which is enclosed by high hedging which also forms the boundary along the Boyce Close junction. To the

south east of the site boundaries are formed of hedging and vegetation which extends towards Boyce Close, and which contributes to the overall verdant character of the area which is softened by planting and trees. To the north west of the site is the high boundary wall forming the side boundary of 1 Horsegate, the trees and vegetation in the garden of this property are acknowledged in the WCAA as providing a noticeable contribution .

- 10.3 The pre-existing fence serving 30 Park Lane was 1.6m high hit and miss fencing, behind which was planting which softened the timber construction and ensured that this was in keeping with the character of the area, whilst still providing a level of privacy to the amenity area serving the host property. It is acknowledged that in more recent years the vegetation had been overgrown and encroached on the highway verge/footpath; however this could have been sufficiently cut back and maintained, nevertheless the applicant's agent has advised that the pre-existing fence was in a dangerous condition and as such its removal is not considered to have a significantly detrimental impact on the visual amenity of the area or surrounding heritage assets subject to suitable remediation.
- 10.4 However, the solid close boarded fencing being (retrospectively) applied for is considered to be a harsh and stark contribution, forming an incongruous and prominent feature at odds with the surrounding verdant character and to the significant detriment of the conservation area, As such the development is contrary to Policies LP2, LP16 (d) and LP18 of the Fenland Local Plan 2014, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, chapters C1, C2, I1 and I2 of the National Design Guide 2019 and para 127 and of the NPPF 2019. Para 195 of the NPPF advises that where a development would result in substantial harm to a designated heritage asset planning permission should be refused.

Residential Amenity/Health and wellbeing

- 10.5 The 1.8m high close boarded fence abuts the front boundary wall serving 32 Park Lane, but does not extend alongside this, where the existing vegetation remains, hence whilst visible from surrounding properties this is not considered to significantly affect their residential amenity.
- 10.6 It is acknowledged that the side garden to the host property is enclosed by the fence which is the subject of this application and is afforded privacy as a result, however a sufficient level of privacy could be achieved by a boundary treatment which respects the character of the area such as the pre-existing hit and miss fence softened with suitable vegetation.

Highway Safety/Parking

- 10.7 The parking area serving the host property is to the north and as such remains unaffected by the development.
- 10.8 The boundary is located on a tight corner and as such has the potential to restrict visibility; however this is considered no worse than the previous situation and is likely to have been improved in this respect by the cutting back of overgrown vegetation.
- 10.9 It is acknowledged that the Town Council have requested that the LHA are consulted on this application, however for the above reason this is not felt necessary.

Biodiversity

- 10.10 It is acknowledged that the vegetation removed could have provided a habitat for protected species, however this would not constitute development and as such could have been undertaken outside the remit of the planning process. However the provisions of the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 would still apply.

Flood Risk

- 10.11 The area of the proposed development lies within flood zone 1; accordingly there are no issues to address in respect of Policy LP14.

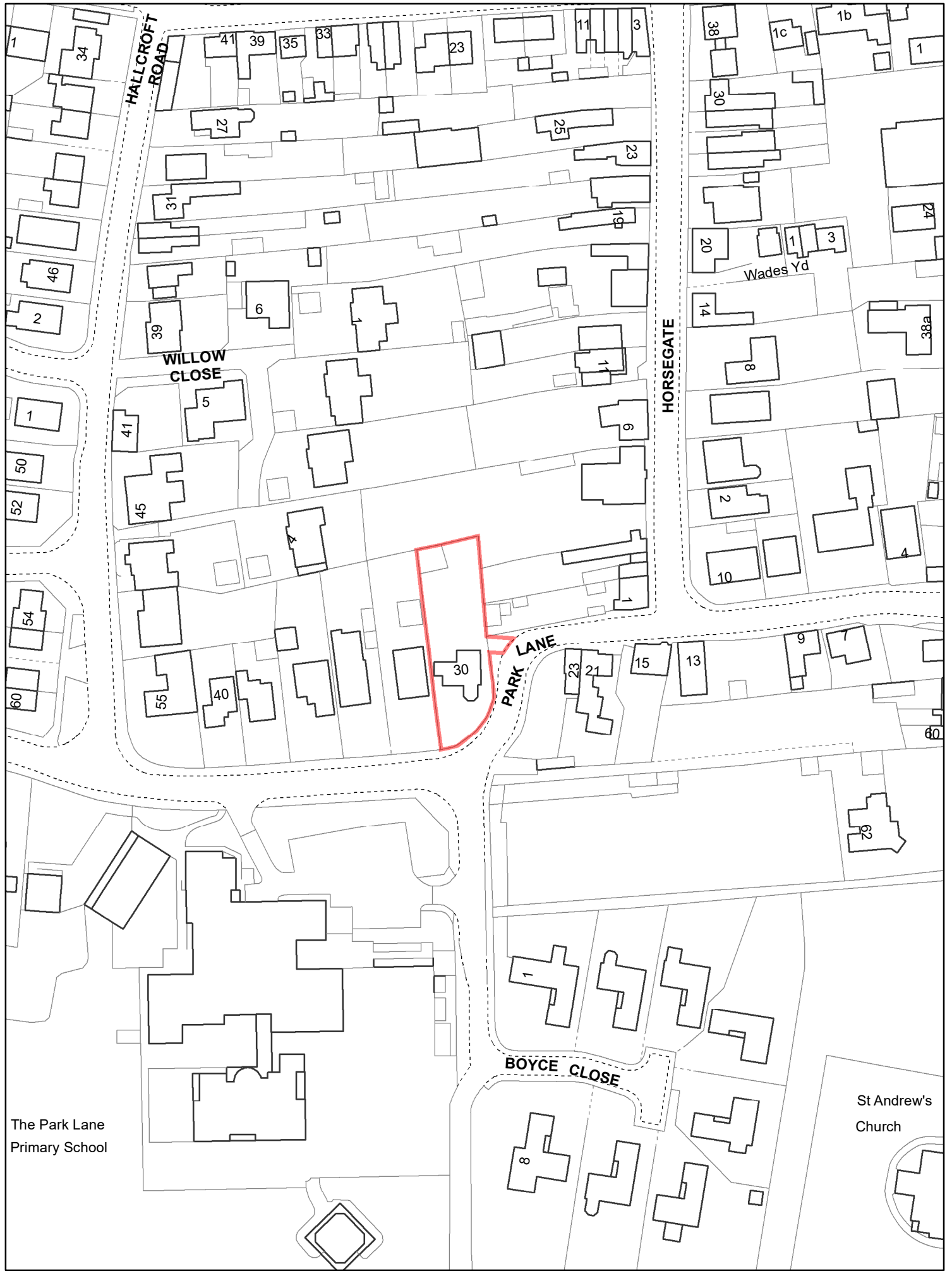
11 CONCLUSIONS

Whilst the proposal is compliant with policies LP14 and LP15 in regard to flood risk and parking as these are unaffected, the development is overall considered unacceptable due to the detrimental impact on the streetscene and visual amenity of the area created by the replacement fence, to the significant detriment of the conservation area in which the site is situated and contrary to Policies LP2, LP16 (d) and LP18 of the Fenland Local Plan 2014, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, chapters C1, C2, I1 and I2 of the National Design Guide 2019 and para 127 of the NPPF 2019.

12 RECOMMENDATION

Refuse for the following reason

Policies LP2, LP16 (d) and LP18 of the Fenland Local Plan 2014, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, chapters C1, C2, I1 and I2 of the National Design Guide 2019 and para 127 of the NPPF 2019 seek to ensure that proposals protect and enhance heritage assets, make a positive contribution to the local distinctiveness and character of the area and that the landscape character and local built environment inform the features of development, which should improve and reinforce positive features of local identity. The fence, by virtue of its location and design, appears incongruous, stark and prominent in the streetscene, at odds with the verdant character of the area and to the significant detriment of Whittlesey Conservation Area, contrary to the aforementioned Policies.

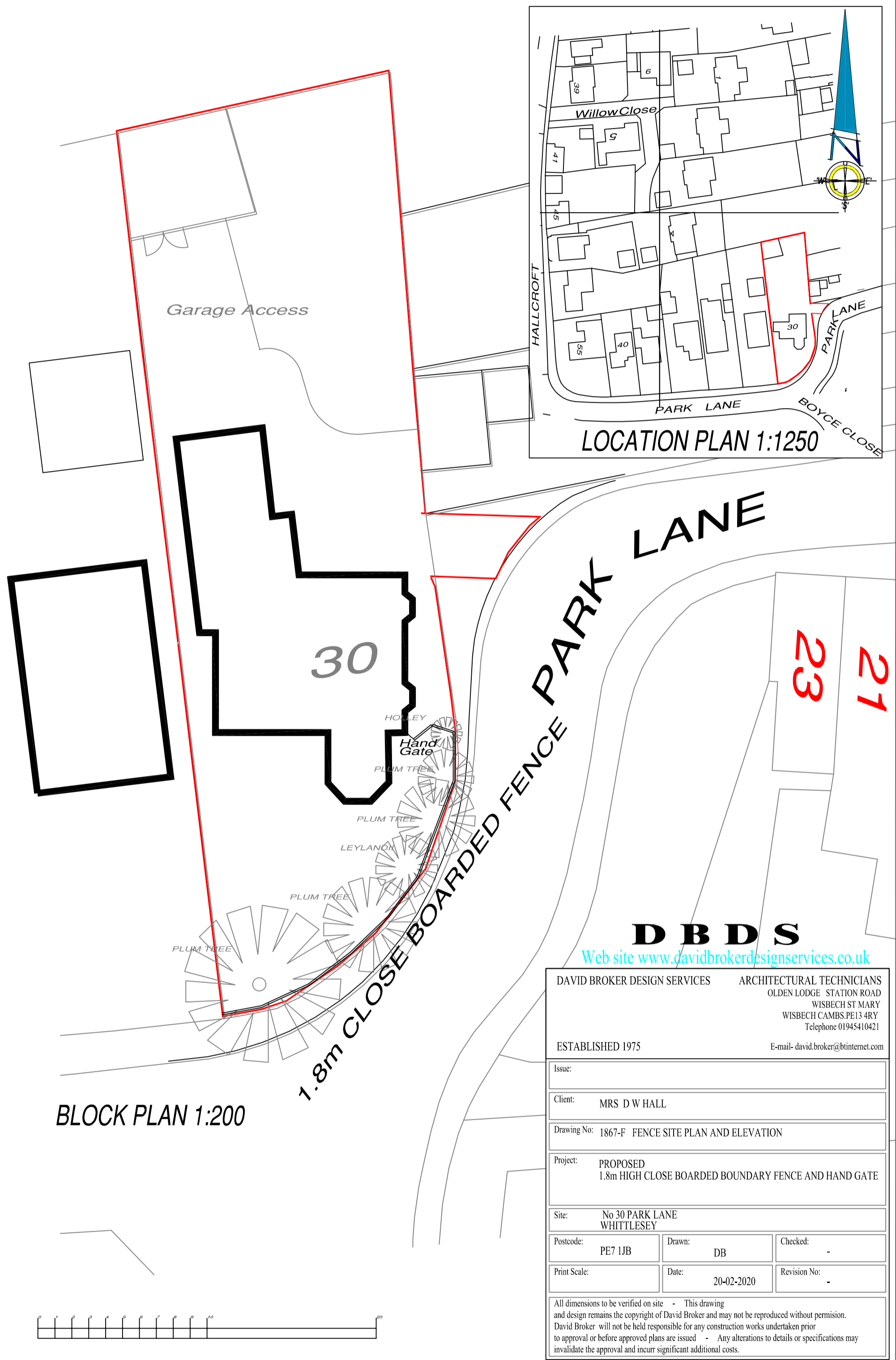


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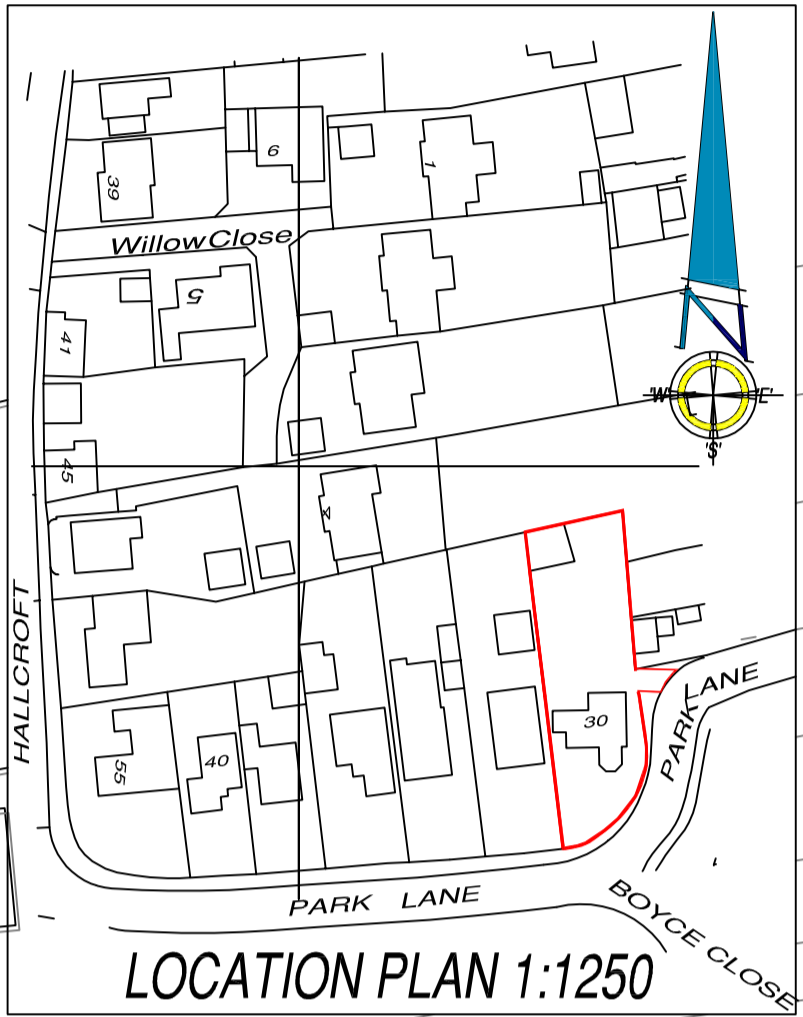
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Garage Access



LOCATION PLAN 1:1250

30

PARK LANE

23

21

HOLEY
Hand Gate
PLUM TREE

LEYLANON

PLUM TREE

PLUM TREE

1.8m CLOSE BOARDED FENCE

DBDS

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ESTABLISHED 1975

Issue:

Client: MRS D W HALL

Drawing No: 1867-F FENCE SITE PLAN AND ELEVATION

Project: PROPOSED
1.8m HIGH CLOSE BOARDED BOUNDARY FENCE AND HAND GATE

Site: No 30 PARK LANE
WHITTLESEY

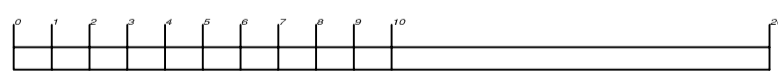
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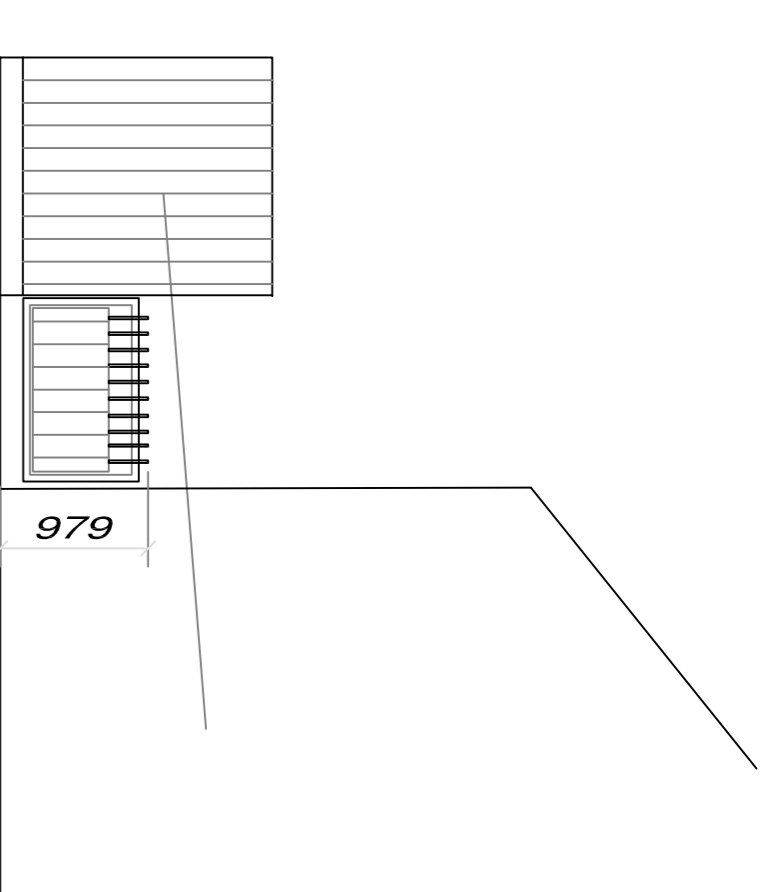
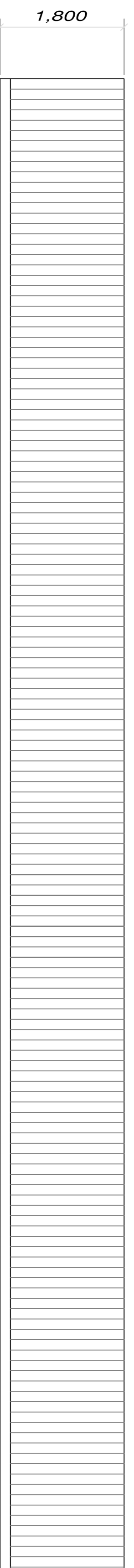
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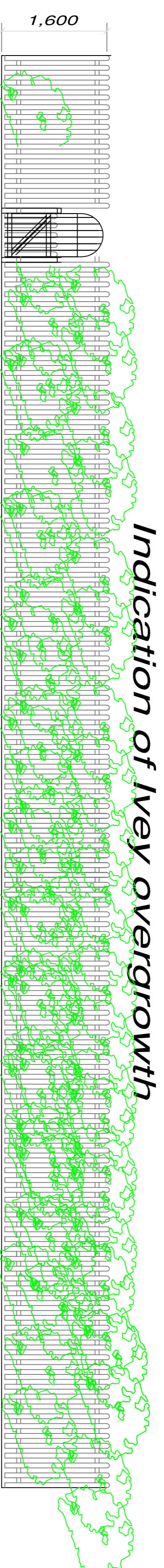
BLOCK PLAN 1:200





**Proposed
External Elevation of Close Boarded Fence**
(see Photograph)
SCALE 1:50

**Hand
Gate**



Indication of Ivy overgrowth

**Existing
External Elevation of approx 1.6m high Fence**
Schematic view, original no longer available as removed

DBDS
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