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**F/YR21/1164/F**

**Applicant: Mr & Mrs Gray-Esson**

**Agent :**

**17 Thornham Way, Eastrea, Peterborough, Cambridgeshire PE7 2AS**

**Erect a 2.0m (approx) high boundary fence to existing dwelling involving the demolition of existing boundary wall**

**Officer recommendation: Grant**

**Reason for Committee: Number of representations contrary to Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The site is located within the settlement of Eastrea on a corner plot within Thornham Way.
- 1.2 The application seeks full planning permission for the erection of a 2.0m high (approx) boundary fence to the existing dwelling involving the demolition of the existing side wall to the rear garden.
- 1.3 Thornham Way is characterised by open frontages adjacent to the public highway. The proposed fence would move the side wall of the rear garden towards the public highway by at most one metre at the eastern end of the garden and envelop a small amount of the current landscaped area into the rear garden.
- 1.4 The proposed fence would not cause significant demonstrable harm to the character of the area, residential amenity or highway safety due to its location and materials, and therefore the recommendation is to grant planning permission.

## **2 SITE DESCRIPTION**

- 2.1 The site is located within the settlement of Eastrea on a corner plot within Thornham Way. The host property is a single storey detached bungalow with a shallow wrap around front garden and rear garden enclosed to the south and east by approximately 1.8 metre high wall. The property has a detached garage located behind the rear wall of the property. The area is characterised by single storey and 2-storey detached and semi-detached properties, with generally open frontages.

## **3 PROPOSAL**

- 3.1 The application seeks full planning permission for the erection of a 2.0m (approx) high close boarded fence to the side of the rear garden, involving the demolition of the existing wall. The fence would be positioned with the eastern most point 1 metre closer to the highway than the existing wall and the western most point butting up against the south east corner of the host property.

#### 4 SITE PLANNING HISTORY

Pertinent planning history for the site is listed below:

Application	Description	Decision	Date
F/YR21/0543/F	Erect a 2.0m (approx) high boundary fence to existing dwelling involving the demolition of existing boundary wall	Refused	27 Jul 2021

#### 5 CONSULTATIONS

##### 5.1 CCC Highways

*The proposals include a reposition of the boundary to number 17 making it slightly closer to the highway boundary.*

*I have looked through the plans and adequate visibility splays are still achievable for both pedestrians and vehicles. As such the repositioned fence will not have a detrimental impact on road safety and I have no objections to planning permission being granted.*

##### 5.2 Local Residents/Interested Parties

###### Objectors

**7 Objections received**, 5 from residents of Eastrea (4 from Thornham Way) and 2 from residents of Whittlesey. Objecting to the following:

- Design and Appearance
- Out of Character/not in keeping with the area
- Residential Amenity
- Noise
- Light pollution
- Shadowing loss of light
- Traffic and Highways
- Visual Impact
- View and outlook
- Would set a precedent
- Does not comply with policy

###### Representations

**1 representation** received neither objecting or supporting the application from a resident of Thornham Way Eastrea.

#### 6 STATUTORY DUTY

- 6.1 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).

#### 7 POLICY FRAMEWORK

##### National Planning Policy Framework (NPPF)

Paragraph 2 Application to be determined in accordance with the development plan unless material considerations indicate otherwise

Paragraph 11 Sustainable development  
Paragraph 127 Achieving well-designed places  
Paragraph 158 Flood Risk

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2019**

Context – C1 – How well does the proposal relate to the site and its wider context  
Identity – I1, 2 & 3 – Well designed, high quality places that fit with local character

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP15 – Sustainable transport

LP16 – Delivering and Protecting High Quality Environments across the District

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and Street Scene**
- **Residential Amenity**
- **Highways**

## **9 BACKGROUND**

9.1 Advice was sought prior to the original application being submitted (F/YR21/0543/F). Informal advice was given that the replacement of the wall with a fence, whilst not being ideal, was not against policy but that the replacement fence should be installed as close to the position of the existing wall as possible. The advice was not heeded, and the fence was proposed to be moved closer to the footpath and highway by approximately 2 metres at the eastern end of the boundary and 1.5 metres projecting out from the existing southern wall of the host dwelling. The original application was refused owing to the significant demonstrable harm on the character and visual amenity of the area. It was also considered to pose a danger to pedestrian and vehicular safety contrary to policy LP15 of the Fenland Local Plan 2014.

9.2 After the refusal was issued the applicant came back for further advice regarding what might be acceptable, and the same advice was given that the fence should be installed as close to the position of the existing wall as possible. This application is the result.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 Policy LP16 (d) states the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light.

- 10.2 The proposal is to move the rear garden southern boundary towards the footpath and public highway therefore Highways and policy LP15 of the Fenland Local Plan will be considered below.
- 10.3 The principle of the development is therefore acceptable subject to these policy considerations considered below.

#### **Character and Street Scene**

- 10.4 The estate is characterised by open frontages adjacent to the public highway. The revised proposal would move the rear garden south wall towards the public highway by approximately 1 metre at the eastern end of the garden and meet the host property at the south east corner. Therefore, enveloping a small amount of the current open land into the rear garden. This approach has been taken to allow the fence to be erected and then the wall to be demolished whilst keeping the privacy and security of the residents. The proposal would mean a significant amount (approximately 2 metres by 16 metres) of landscaped area would remain to the side of the dwelling maintaining the generally open character of the area.
- 10.5 Objections received stated that a fence would be out of character. The area is mainly characterised by brick walls marking the boundary of a property next to the highway. However, some fences are visible on the estate. Therefore, a 2-metre-high close boarded fence, whilst not ideal, is not considered significantly out of character in the area.
- 10.6 Therefore, no significant harm to the character of the area is anticipated and the proposal is considered acceptable under Policy LP16 of the Fenland Local Plan 2014.

#### **Residential Amenity**

- 10.7 A number of objections were received some stating they were objecting due to harm to residential amenity and overshadowing loss of light, noise, light pollution. The closest neighbour to the proposed fence would be the property to the east No. 19 and that property is located more than 10 metres away with existing garages in between. The site has an existing high wall along its southern boundary and the replacement of the wall with a fence is not considered to result in significant harm to neighbouring amenity and therefore is acceptable under policy LP16 of the Fenland Local Plan 2014.

#### **Highways**

- 10.8 Several of the objections received raised concern about the impact on road safety. The Highways Authority have considered the application and are of the view that the proposal allows adequate visibility splays for both pedestrians and vehicles. As such the fence would not be considered to have a detrimental impact on road safety. Therefore, the proposal is considered acceptable under policy LP15 of the Fenland Local Plan 2014.

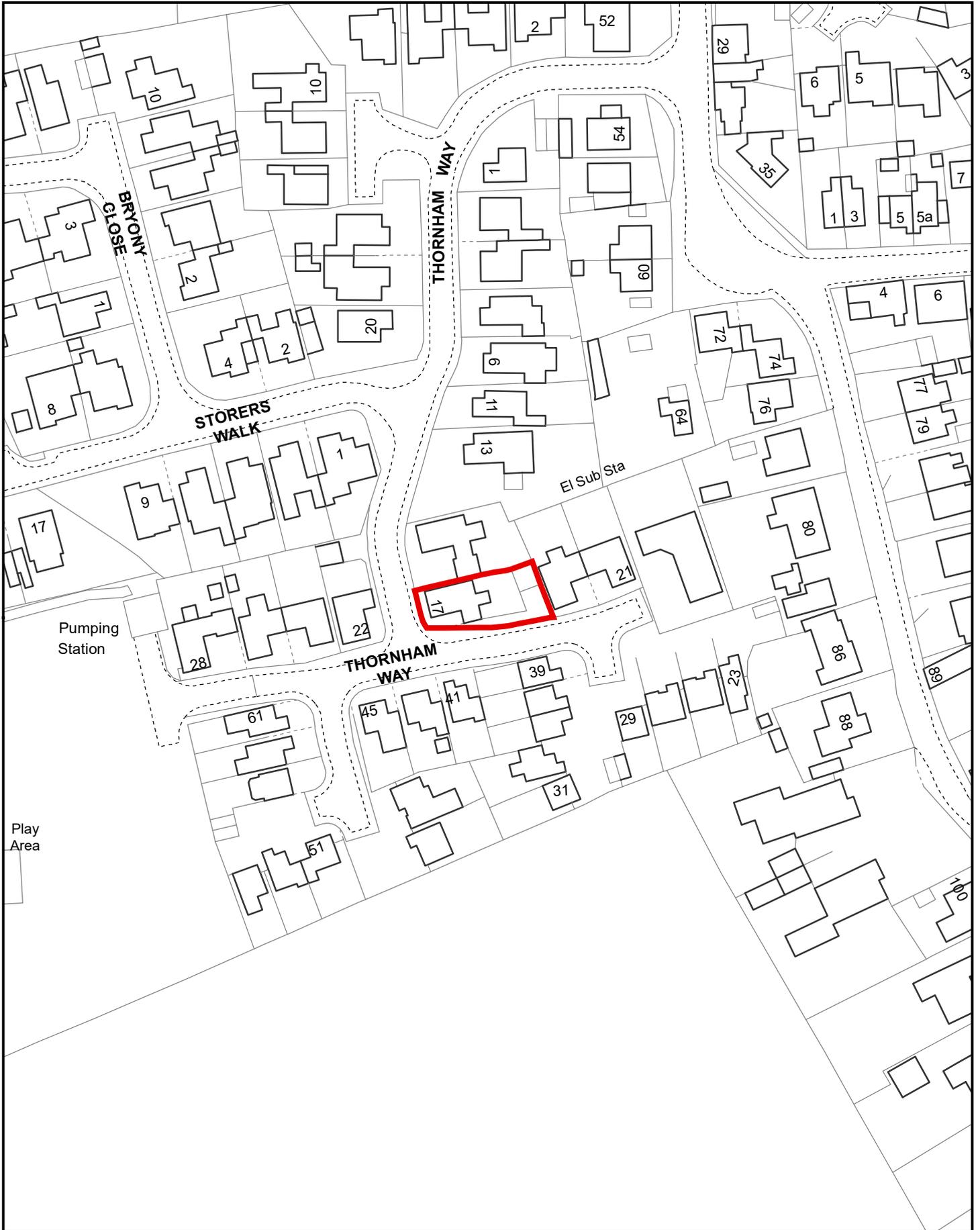
### **11 CONCLUSIONS**

- 11.1 The proposed development is considered acceptable as it would not cause significant harm in respect of the character of the area and street scene, residential amenity or highway safety, overcoming the reasons for refusal of the previous application. As such, the application complies with Policies LP15 and LP16 of the Fenland Local Plan 2014.

## 12 RECOMMENDATION

GRANT subject to the following conditions:

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development shall be carried out in accordance with the following approved plans and documents.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>



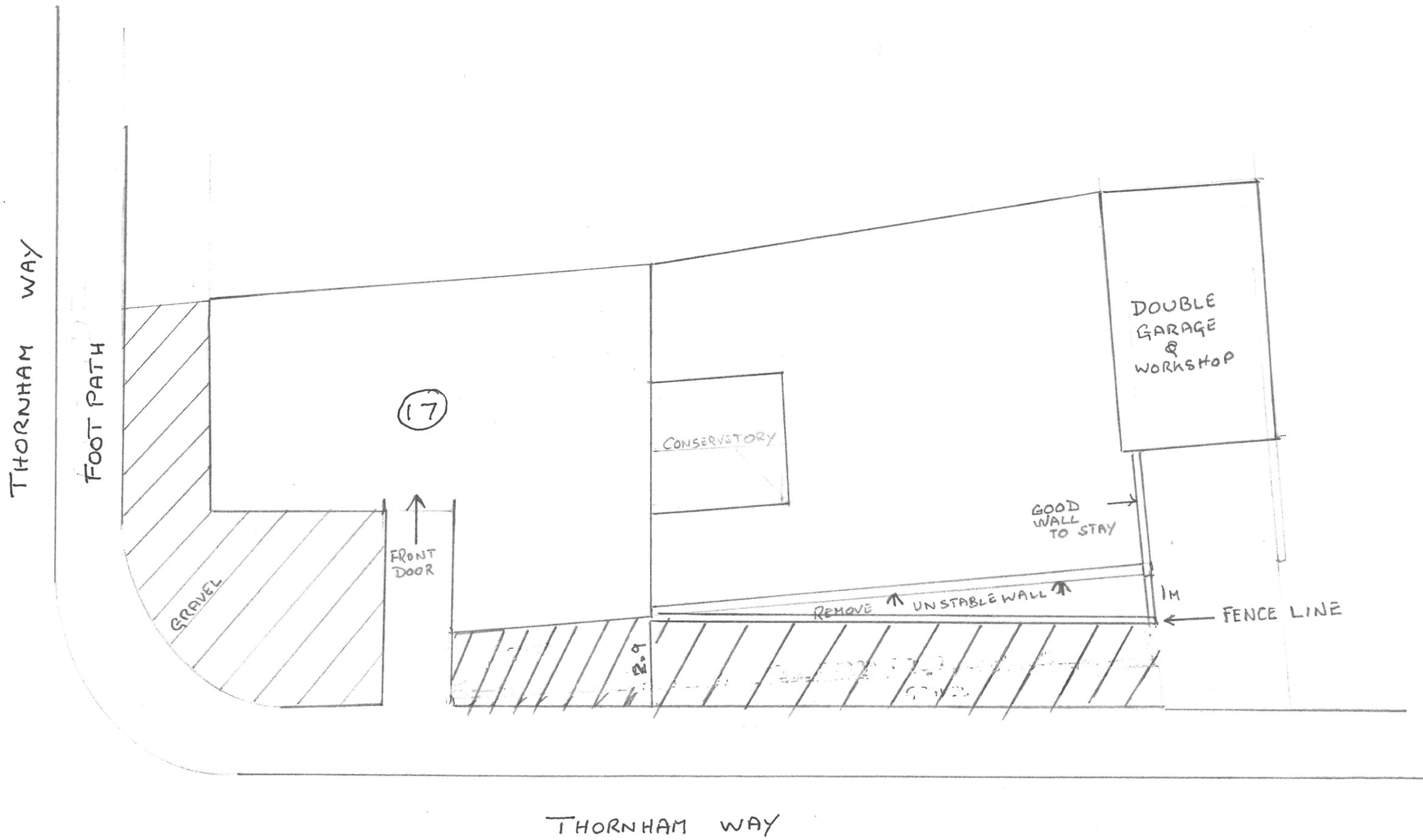
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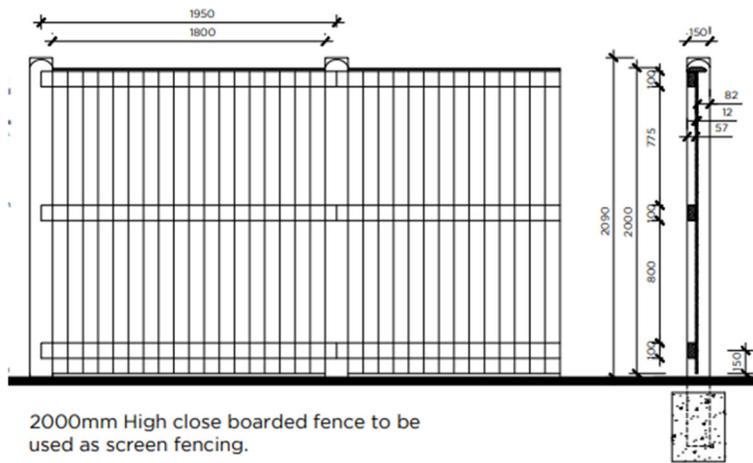
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