

**19/00636/FUL
NON - MAJOR**

Miss Sara Joyce

**GREAT WYRLEY
Councillor Janet Ann Johnson
Councillor Michael Lawrence
Councillor Kath M Perry MBE**

1 Estridge Lane Great Wyrley WALSALL WS6 6EL

Boundary fence (retrospective)

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 The application site consists of a corner plot three bedroom end of terrace modern dwelling, which has been extended at the side and rear fairly recently. The property is on the corner of Estridge Lane and Broad Meadow Lane. The application site has vehicular access from Estridge Lane and has amenity area at the rear and the side of the property.

1.1.2 Estridge Lane and Broad Meadow Lane have a 30mph speed limit and Broad Meadow Lane benefits from traffic calming measures, with speed bumps before and after the Estridge Lane junction.

1.1.3 To the rear of the application site is number 70 Broad Meadow Lane, which has its drive and rear access path at the rear of the application site.

1.2 Planning history

18/00130/FUL - Two-storey rear extension including internal alterations - approved 01.06.18 - (permission implemented and constructed).

2. APPLICATION DETAILS

2.1 The proposal

2.1.1 This retrospective application seeks planning permission for a boundary fence. The boundary fence is along three sides, on the rear (southern boundary), side (western boundary) and to the front (north) of the property. The fence is approximately 1.8 metres tall and consists of a 1.5-metre-tall timber close boarded panel, 0.3 metres tall base gravel boards with concrete fencing posts. The fencing lowers from 1.8-metre-tall to 1 metre tall at the front of the property via a specifically designed panel which helps maintain an element of openness for the corner plot. The fence has a natural timber fence panel finish.

2.1.2 On the southern boundary, where it borders a private rear access path adjacent to number 70 Broad Meadow Lane, it is approximately 14.3 metres long. On the western boundary where it borders Broad Meadow Lane it is approximately 17 metres long; it then returns back to the dwelling where the fence is approximately 5 metres long.

2.1.3 The fence encloses the side and rear private amenity of the property.

3. POLICY CONTEXT

Within the Great Wyrley Development Boundary.

Adopted Core Strategy

- Core Policy 3: Sustainable Development and Climate Change
- Policy EQ9: Protecting Residential Amenity
- Core Policy 4: Promoting High Quality Design
- Policy EQ11: Wider Design Considerations
- Core Policy 11: Sustainable Transport
- Policy EV12: Parking Provision
- Appendix 5: Car parking standards

South Staffordshire Design Guide 2018

NPPF 2019

4. CONSULTATION RESPONSES

Councillors (Received 05.02.20)

Councillor Michael Lawrence: *Raised no objections relating to the fence appearance although raised concerns regarding highway visibility and wished residents' concerns to be considered.*

Councillor Kath Perry. *'...I disagree with the highways decision on safety grounds. Residents have complained on numerous occasions about their lives being put at risk when exiting Estridge Lane'.*

Parish Council (Received 06.03.20) *objects strongly to this application on highway grounds. It is clear to all that the fence is blocking visibility to motorists onto this junction and should not receive consent under any circumstances.*

Neighbours (expired 26/02/20): Four objections have been received from local residents. Objections received raised the following concerns;

- When pulling out of Estridge lane into Broadmeadow lane you can't see, you have to pull out into the road to get a view of any oncoming traffic.

- Residents have had near misses pulling out of the driveway.
- The fence is a safety problem.
- There are also a lot of children who cross the end of that road who cannot see if there are cars coming.
- The fence is too high its 6 foot & it should only be 3 foot.
- No consideration for the residents of the street using the junction regularly every day has been taken into account.
- The fence is Incongruous, anti-social, selfish, dangerous, and moreover illegal.

Highways (Received 21/02/20) - There are no objections on Highway grounds to this proposal. The fence does not encroach onto any appropriate visibility requirements.

Site Notice (expired 13.01.20) No comments received.

5. APPRAISAL

5.1 The application has been called to Committee by Councillor Kath Perry and Councillor Mike Lawrence on highway safety grounds

5.2 Key issues:

- Principle of development
- Impact on neighbouring properties and residential amenity
- Impact on local character
- Highways/parking

5.3 Principle of development

5.3.1 The property is within the development boundary, where development such as this can be considered to be an acceptable, provided there is no adverse impact on neighbouring properties, the amenity of the area or highway safety.

5.4 Impact on neighbouring properties and residential amenity

5.4.1 Policy EQ9 states that new development "should take into account the amenity of any nearby residents, particularly with regard to [...] noise and disturbance, pollution [...], odours and daylight."

5.4.2 When considering potential impact on residential amenity the height of fencing needs to be considered.

5.4.3 Number 70 Broad Meadow Lane is the closest property and at risk from the development. The property's front access is adjacent to the application site and separated by a path approximately 1.5 metres wide.

5.4.4 Previously a hedge approximately 1.8 metres tall and a taller conifer hedge was present at the rear of the application site and up to the front of number 70, this then led into a low fence around the rest of the site. The current fence is of a similar

height as previous landscaping and away from habitable windows on the adjacent property.

5.4.5 Due to the small scale of the development, its position and separation distance it would not result in a loss of light or be an overbearing development to any adjacent properties. The development would not therefore cause any harm to adjacent residential amenity and complies with Policy EQ9 of the Core Strategy.

5.5 Impact on local character

5.5.1 Policy EQ11 requires that new development respects local character and distinctiveness, including that of the surrounding development and landscape. The policy requires development to contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and building in the local area.

5.5.2 The application site is on a corner plot. Whilst corner plot properties benefit from additional space, they are also prominent and their open character can contribute positively to the street scene.

5.5.3 Concerns have been raised from local residents that the development is incongruous.

5.5.4 In the local area, properties are set back from the highway and frontages are predominately open; a small green in close proximity to the application site further reinforces an open character. Conversely, 1.8-metre-tall close boarded timber fencing is also present in the local area, particularly when entering Broad Meadow Lane from Shaw's Lane. Other corner plot properties have tall hedging on the site boundary where it meets the highway.

5.5.5 Fencing on the application site is closely associated with the adjacent dwelling. It defines the side and rear amenity space in a clear and legible way and naturally follows the sweep of the road. The fencing lowers from 1.8-metre-tall to 1 metre tall at the front of the property via a specifically designed panel which helps maintain an element of openness for the corner plot.

5.5.6 The Council's Design Guide details that

'Buildings which have front doors and windows facing streets and spaces create lively and well-supervised streets. Avoid large gaps between buildings, blank walls and garden fences facing the street'.

5.5.7 Whilst it is acknowledged that the fence would result in a blank elevation, it is also noted that previously, prior to development on the site, the ground floor elevation visible on the dwellings was a predominantly blank elevation, with the exception of a small window.

5.5.8 The fencing does not remove natural surveillance as the street scene maintains significant natural surveillance from properties adjacent and opposite the application site.

5.5.9 Whilst the estate does have a predominately open character, it is considered in this location the development does not erode this characteristic. It respects the scale of spaces and buildings in the area and uses appropriate good quality residential materials. It is therefore considered the fencing does not form an incongruous feature, nor does it harm the character or appearance of the original dwelling or harm the character and appearance of the locality.

5.6 Highways/parking

5.6.1 Estridge Lane is a cul-de-sac which directly serves approximately 20 dwellings. Vehicles leaving the site need to slow down and stop before entering Broad Meadow Lane. To the left land falls away and there is clear visibility for vehicles, a speed bump is present. To the right, land rises, there is bend in the road and a speed bump is present.

5.6.2 County Highways have been consulted on the planning application and have raised no objection to the application and have commented, 'the fence does not encroach onto any appropriate visibility requirements'.

5.6.3 Whilst concerns have been raised local residents and local councillors regarding visibility and highway safety issues, County Highways have raised no objection. It is therefore considered the development has no adverse impact upon highway safety of the local highway network.

5.6.4 The front of the property is already laid to hardstanding and used for the parking of vehicles. There is sufficient space for the parking of cars which conforms with the Councils Parking Standards, detailed in appendix 5 of the Core Strategy.

6. CONCLUSION

6.1 The development is of an appropriate scale, massing and uses materials appropriate for its location. The fence is in good condition and constructed of traditional residential fencing materials. It is considered that the fence does not harm the street scene and appearance of the locality.

6.2 In regard to residential amenity it is considered due to the design, scale and position of the development, the fencing would not result in any harm to the amenity of adjacent residents in terms of loss of light or overbearing development.

6.3 The development retains appropriate visibility and does not compromise highway safety or the local highway network.

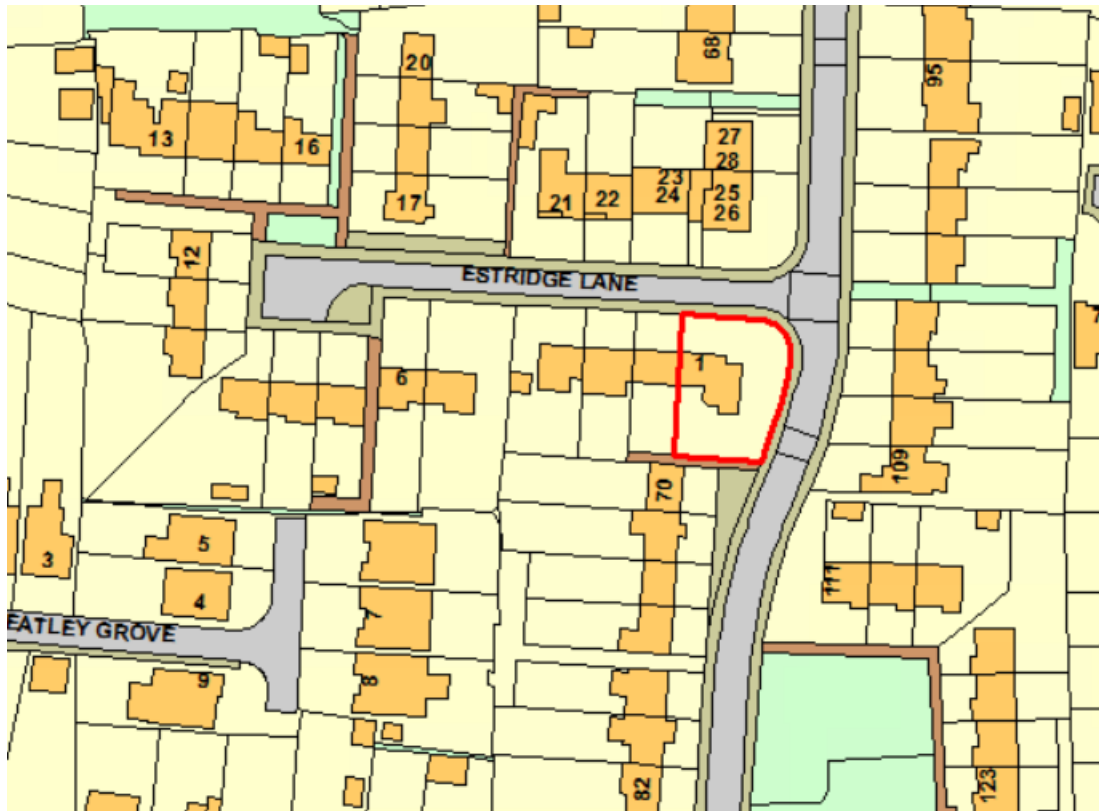
7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development shall be carried out and retained in accordance with the details contained within the application form and drawing submitted with the application.

Reasons

1. To define the permission.
2. Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner in accordance with paragraph 38 of the National Planning Policy Framework 2019.



1 Estridge Lane, Great Wyrley, WALSALL WS6 6EL