

NORTHUMBERLAND

Northumberland County Council

Cramlington, Bedlington and Seaton Valley Local Area Planning Committee 20th February 2018

Application No:	17/04274/FUL		
Proposal:	New timber fence to top existing stone wall to provide additional security to the house, the fence will also provide a much needed buffer between the house and the main road to reduce both road noise and pollution entering the property.		
Site Address	8 St Marys Wynd, Seaton Sluice, NE26 4RU,		
Applicant/ Agent	Mr Peter Deverell 25 Kingswood Avenue, Newcastle Upon Tyne, NE2 3NS,		
Ward	Hartley	Parish	Seaton Valley
Valid Date	24 November 2017	Expiry Date	19 January 2018
Case Officer Details	Name: Mr Ed Harwood-Scorer Job Title: Planning Assistant Tel No: 01670 622691 Email: Ed.Harwood-Scorer@northumberland.gov.uk		



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright (Not to Scale)

1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, where an application receives a valid objection from the Town or Parish Council it is referred to the Head of Service for consideration to be given in conjunction

with the Chair of the Relevant Local Area Committee as to whether the application should be referred to a Planning Committee for determination. The matter was duly considered under these provisions on 20th January 2018 at which time it was confirmed by the Head of Service that, as the application does raise significant neighbour and Local Area Council objections, it is appropriate for determination by members of the Committee.

- 1.2 A similar fence was previously built without planning permission and retrospectively refused consent under application 17/01855/FUL for the following reason:

The scale of the existing fence and brick pillars are not in keeping with the supporting stone wall and are visually unacceptable. The fence and brick pillars visually detract from the open aspect of the entrance to St Mary's Wynd and are unsympathetic to the general appearance of the host property. As such, the proposal to retain the timber fence and brick pillars fails to comply with policies DC1 and DC28 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document, and Policy ENV2 of the Blyth Valley District Local Development Framework: Core Strategy and cannot therefore be granted planning permission.

- 1.3 Alterations to the design and scale of the proposed boundary fence have been made in an effort to gain planning permission while mitigating the previous justifications of refusal.

2. Description of the Proposals

- 2.1 The application seeks permission for the erection of a wooden boundary fence with 4no. stone piers atop an existing random stone wall alongside a dwelling. The fence is located on the western boundary of the site, adjacent to Beresford Road but not directly bordering it considering there is a very wide, 6.5m pavement incorporating a cycle track between the development site and the highway. The site is located at 8 St. Mary's Wynd, Seaton Sluice.
- 2.2 The combined boundary fence and stone wall reaches a maximum height of approximately 2.02m on the western elevation, and 1.65m on the eastern elevation. This is due to a difference in ground levels between the dwelling and the pavement on the opposite side of the boundary. The 2.02m height on the western elevation comprises of the pre-existing stone clad wall which is 1m high, and the wooden fence as proposed in this application which ranges from 60 cm to just over 1m in height (due to its wavy design). The proposed brick piers are 0.8m in height atop of the pre-existing wall, and are 0.3m wide. The overall height of the fence and wall from ground level also varies ever so slightly due to the gradient of the pavement/street being slightly inclined and not level.

- 2.3 The pre-existing wall beneath the proposed wooden fence has red facing brick on the eastern elevation (facing the dwelling) and stone cladding on the western elevation (towards the public highway). The brick piers which are part of this application are facing stone brick to match the existing wall, which contrast the eastern elevation of the wall but matches with the stone cladding seen on the western elevation. Contrast with the east elevation wall will also not be visible from the public realm.
- 2.4 To the south of the proposed boundary fence is a 1.75m high stone clad wall (from which the development continues), which matches the existing 1m high wall beneath the fence in terms of materials. The proposed fence is roughly 20-30 cm higher than this wall. To the north of the fence is a 1.8m high stone clad pillar, which matches the pillar seen on the opposite side of the entrance to the cul-de-sac, beside property no 1. The materials of this pillar match the materials of the pre-existing 1m high wall beneath the fence and the proposed brick piers.
- 2.5 The western elevation of the proposed boundary fence faces toward Beresford Road, and is separated from the highway by a 6.5m pavement which features a designated cycle path which forms part of a National Cycle Route.
- 2.6 Planning permission is sought for works to the boundary treatment of this residential dwelling as described above and as set out in the plans submitted to the local planning authority.

3. Planning History

Reference Number: B/03/00641/RES

Description: Resubmission of application for proposed 2 blocks of 20 apartments (new-build) with associated access and car parking

Status: Refused

Reference Number: B/96/C/0190/P

Description: Residential development (8 No. Detached Houses)

Status: Approved

Reference Number: B/87/C/211

Description: 10 3 bedroomed dwelling houses - 'Court' development with 10 garages and 10 car parking spaces (in addition space for a further 10 car parking). Tree and shrub planting

Status: Refused

Reference Number: B/94/C/0353/P

Description: Residential development - 8 houses and 4 bungalows

Status: Approved

Reference Number: 17/01855/FUL

Description: Building a wooden boundary fence (retrospective)

Status: Refused

Appeals

Reference Number: 83/00004/REFUSE

Description: Use of land for car sales and storage of cars not less than six or more or more than twenty vehicles at Beresford Service Station Beresford Road, Old Hartley

Status: Allowed

4. Consultee Responses

<p>Seaton Valley Parish Council</p>	<p>Whilst the plans show a slightly different design from the original fence that was put up without planning permission and refused retrospectively, it still exceeds 2 metres at its' highest point. It is the Councils understanding that planning policy states that any fence erected adjacent to a highway used by vehicles cannot exceed the maximum height of 1 metre.</p> <p>The proposed fence will impede the sight lines for vehicles exiting St Mary's Wynd onto the very busy Beresford Road and will increase the risk of accidents to pedestrians and cyclists using the cycle path, which forms part of the National Cycle Route.</p> <p>The proposed fence would be unattractive and overbearing and detrimental to the visual appearance of the area. When the estate was originally planned and built, the stone boundary wall was integral to the development, as it was in keeping with the local architecture, namely the neighbouring wall of Beresford Lodge and the stone built Delaval Arms Public House. This is an area of some historical and conservation importance and this fence would be an eyesore in this context. The materials and colour proposed are not sympathetic to the surroundings. It would also be at odds with the wall at the other side of the entrance to the estate, who have used soft landscaping in the form of hedging to provide the buffer sought by the applicant.</p> <p>The previous owner, who lived in the property since it was built and indeed the original developers and planners did not see the need to provide a hard barrier against noise and pollution and a high fence at the front of the property would reduce, rather than increase security, as intruders could not be seen from the road or by neighbours.</p> <p>Consequently, the Council requests that this application is refused and the original stone wall is maintained.</p>
-------------------------------------	--

Highways Development Management (HDM)	<p>It is considered that the proposed development is in accordance with the National Planning Policy Framework in highways terms, and the principle of development acceptable.</p> <p>The proposed development can be accessed from the A193 on to the St. Mary's Wynd which has a speed limit of 30 miles per hour. There are existing pedestrian and transport links in place and the cyclist are able to utilize the highways carriageway.</p> <p>The boundary of the property is set back approximately 2.0 metres back from the rear of the footway and the proposed fence is located behind a pier located on the end of the existing wall, and the existing visibility for the vehicles, cycles and pedestrian from the Junction of St. Marys Wynd is not impeded. Hence the proposal is acceptable in terms of highway safety.</p>
---------------------------------------	--

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

- 5.1 Within the three public responses received, all of them mention the scale of development and the proposed 2m height of the fence bordering a public highway. One specifies policy restrictions limit such fences to 1m in height adjacent to a highway.
- 5.2 Following consultation with NCC's Highways Authority Team, these concerns have been disregarded. The Highway Authority's expertise have concluded that although the development site is adjacent to a public highway, it is not directly bordering it due to a 2m separation between the front boundary and footpath, as well as a 6m wide footpath before the highway.
- 5.3 Two of the objectors also made comment in regard to the development site's security by design. Both state that since the fence does not enclose the property, it would reduce security as light levels are decreased and the high fence level prevents neighbours, road users and pedestrians from overseeing possible intruders.

- 5.4 Finally, two objections also referenced the visual impact resulting from development. They state it is not in keeping with the design or character of the area, it is overbearing and will result in an eyesore. Comments submitted in relation to the area as of some historical and conservation importance are noted, however the site *is not* situated within a conservation area.

6. Planning Policy

6.1 Development Plan Policy

Blyth Valley District Local Development Framework : Core Strategy 2007

- ENV2 Historic and Built Environment

Blyth Valley District Local Development Framework : Development Control Policies Development Plan Document 2007

- DC1 General Development
- DC28 Extensions and Alterations of Residential Properties

6.2 National Planning Policy

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014, as updated)

6.3 Other Documents

Town and Country Planning (General Permitted Development)(England) Order 2015

7. Appraisal

7.1 The main issues for consideration in the determination of this application are:

- Principle of Development
- Design and Visual Impact
- Impact on Residential Amenity & Public Safety

Principle of Development

7.2 The adopted Development Plan for the area within which the application site is located comprises the saved policies of the Blyth Valley Core Strategy 2007 and the Blyth Valley Development Control Policies 2007. The principle of development will therefore be assessed in line with these policies.

7.3 The Wynd is located on the east side of Beresford Road, which is the main road running north to south through Seaton Sluice linking Blyth and Whitley Bay. The application site itself is located at the entrance of Beresford Road.

- 7.4 Notwithstanding the previous refusal of planning permission, the case officer has worked with the applicant in establishing a suitable way forward in progressing matters. The fence subject to this planning application is situated on the western elevation of the site which faces towards the highway and, as such, is in a prominent and visible setting when viewed from Beresford Road.
- 7.5 The principle of the proposal never has been an area of concern. Boundary treatments to residential dwellings in the form of fences, wall, hedging and decorative landscaping are common enclosures and are widely accepted, whether requiring planning permission or erected under permitted development rights. The application proposes works that are domestic in nature within a residential curtilage. The principle of development is therefore acceptable in accordance with Policy DC28 of the Blyth Valley Local Development Framework Development Control Policies DPD and the NPPF.

Permitted Development

- 7.4 It is considered prudent at this point to address permitted development rights in respect of the erection of boundary treatments, which will also help to address the areas of concern in respect of the height of the fence raised by the objectors and the Parish Council.
- 7.5 The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 2 Class A (a.1) Minor Operations states the following:

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) *the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—*
- (i) *for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;*
- (ii) *in any other case, 1 metre above ground level;*

- 7.6 Whilst the height of this wall and fence combination varies from below 2m in some parts to very slightly over 2m in others, this is acceptable provided that a planning application is submitted, in line with (ii) of the above Order given that no part of the fence/wall falls to 1m or below above ground level. The

considerations then fall to the design and use of materials, and if they are acceptable, which is addressed in the remainder of the report.

Design

- 7.4 Policy ENV2 of the Blyth Valley District Local Development Framework: Core Strategy states that developments which in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused. Whilst the principle of the boundary fence has always been considered to be acceptable, within the original 17/01855/FUL application it was considered to be visually out of keeping with the appearance and use of materials of the original stone boundary wall, upon which the fence sits.
- 7.5 Since this refusal, it is the case officer's opinion that significant design alterations have been made in order to alleviate both the public and Parish Council objections based on the impact to visual amenity, as well as the stipulations of policy. The formerly proposed red-facing bricks have been replaced in this application by stone piers with coping to match the existing boundary wall below and adjacent boundary wall in front of the neighbouring property.
- 7.6 Furthermore, a more aesthetically pleasing style of fence is proposed, incorporating a waved board design as opposed to a harsh, flat-top fence. Considering this alongside its overall reduction in size, the applicant has made clear efforts to respond to the objections within the original application. The alternate design also means at the fence's lowest point, it is now only 1.6m in height.
- 7.7 As mentioned earlier, it is the case officer's opinion that the proposed hedge green colour of the fence is in fact in keeping with the design of the surrounding area. While matching fences can not be found nearby, the dark green hedge compliments the colour of the existing stone wall below and therefore the proposed stone piers. Furthermore, arguably the hedge green fence is complementary of vegetative screening on neighbouring properties and nearby, matching it in colour. Finally, in terms of planning, there is little to no restriction in regards to colour that can be imposed on a fence within this context.
- 7.8 Policy DC1 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document states that development proposals will be expected to be of a high standard of design which takes into account of existing natural and built features, the surrounding area and adjacent land uses. The scale of the fence is considered to be in keeping with the scale of the pre-existing wall upon which it sits and the matching stone piers are in keeping with the stone clad wall on the western elevation. It is therefore considered that the boundary fence subject to this application is acceptable in terms of Policy DC1.

- 7.9 Policy DC28 of the Blyth Valley Development Framework: Development Control Policies Development Plan Document states that proposals to extend or otherwise alter existing dwellings will be permitted if the proposal is well related to the existing building in terms of design, massing and the use of materials. The scale and use of materials of the wooden fence and stone piers are in keeping with the pre-existing stone wall beneath the fence and they visually complement each other as a whole in colour or scale. As such, the proposal is considered acceptable in terms of Policy DC28.
- 7.7 The proposed works would not have a significant adverse impact on the visual amenity of the dwellinghouse or street scene. Therefore, the proposal is considered acceptable in terms of design in accordance with Policy ENV2 of the Blyth Valley District Local Development Framework : Core Strategy, Policies DC1 and DC28 of the Blyth Valley Local Development Framework Development Control Policies DPD, and the NPPF,

Impact on Amenity and Public Safety

- 7.8 The boundary fence is located beside the entrance to a residential cul-de-sac from a main road. There is a footpath and a designated cycle path between the fence and the highway. The cycle path is identified in Figure 10.1 of the emerging Core Strategy as a National Cycle Route. Concerns were raised by a local resident on the grounds of the effect that the fence would have in terms of the visual splays for motorists existing the cul-de-sac, and the subsequent impact on the safety of cyclists who cross the junction. After consultation with the Highways Authority, this has been considered and no objections or concerns are raised.
- 7.9 Considering the nature of the proposals there is no other resultant impact on residential amenity resulting from development other than the potential impact on visual amenity, which has been mitigated by an alternative and enhanced design, which is considered to be satisfactory from a planning perspective.

8. Other Matters

- 8.1 The application has been assessed under the Equality Act, Crime and Disorder, and the Human Rights Act. A short assessment of these is provided below.

Equality Duty

- 8.2 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the

proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 8.3 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 8.4 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic well-being of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 8.5 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

9. Conclusion

- 9.1 The proposal has been assessed and is not considered to have a significant impact on residential amenity. The concerns with the scale, massing and design of the previous application have been addressed and appropriately mitigated. As such the proposals are considered acceptable in this respect, in accordance with Policies DC1 and DC28 of the Blyth Valley Local Development Framework Development Control Policies DPD and the NPPF.

10. Recommendation

That this application be GRANTED planning permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be installed and completed on site within 6 months of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out other than in complete accordance with the approved plans. The approved plans for this development are:

1. Existing and Proposed Street Elevations including site plans and locations plan, Dwg. No. 01, Dated 17th November 2017

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. The facing stone-brick cladding to be used for the piers in the construction of the hereby approved development shall match the corresponding materials of the existing boundary wall below and adjacent in respect of colour, size, shape and texture.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Policies DC1 and DC28 of the Blyth Valley District Local Development Framework: Development Control Policies (2007) and the NPPF (2012).

Informatives

EIA

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

Date of Report: 2nd February 2018

Background Papers: Planning application file(s)