

PART A	
Report of: DEVELOPMENT MANAGEMENT SECTION HEAD	
Date of committee	6th August 2015
Site address:	31 Leveret Close
Reference Number :	15/00767/FULH
Description of Development:	Erection of a new fence
Applicant	Mr Gary Wood
Date Received:	26th May 2015
8 week date (minor):	28th July 2015 (extended to 10th August 2015 by agreement)
Ward:	Woodside

SUMMARY

Full planning permission is sought for the erection of a new 1.5m high fence around the side garden of the property at 31 Leveret Close. Planning permission is required because the fence is more than 1m high and runs along the highway.

There is an existing fence in place that is 1.8m high and does not have planning permission, this application seeks to replace that fence with one 1.5m high in a slightly different position. It is considered appropriate to allow the shorter fence to ensure security and privacy to the property therefore the Development Management Section Head recommends that planning permission be granted as set out in the report.

BACKGROUND

Site and surroundings

The subject property is a two storey semi detached dwelling on the bend of the cul-de-sac of Leveret Close. The building is set back from the road behind a front garden. The flank elevation runs alongside Leveret Close with an area of grass between the highway and

the dwelling. The area is a uniformly designed residential estate with building commensurate in height, bulk, scale and design. There is a robust orderly layout.

There is an existing single storey flat roof side extension set back from the principle building line of the property. This application has resulted from an enforcement enquiry into the existing 1.8m fence on site.

The building is not listed nor located in a conservation area.

Proposed development

This proposal seeks full planning permission for the erection of a new 1.5m high close boarded fence around the side garden of the property running along Leveret Close. The proposed fence will finish in line with the front wall of the house.

Planning permission is required because the proposed fence runs along the highway and is higher than 1m.

The application was originally submitted on 26th May and the eight week determination deadline was set at 28th July. Due to the number of objections received, it has been necessary to refer this case to the Development Management Committee for determination (rather than determining it under delegated powers). As such the period for determination has been extended (with the applicant's consent) to 10th August so that it can be considered by the Committee at the meeting on the 6th August 2015.

Planning history

Planning permission has previously been sought for the erection of a new attached dwelling to the side of the property (withdrawn 09/14). Planning permission was refused for a two storey side extension in April 2015 for the following reasons:

1. The proposed two storey side extension would double the size of the original house and would not provide a setback of at least 1m, which is contrary to

the council's Residential Design Guide (RDG), due to the height, scale and bulk the extension would not appear subordinate to the original house, the original front elevation would not be readable. The proposed extension would disrupt the balance and proportions of the semi-detached pair of houses (31 and 33 Leveret Close). As such, the extension would fail to respect the semi-detached character of the house and would be harmful to the character and appearance of the street scene.

2. The proposed boundary treatment of a 1.8m high close boarded fence is contrary to paragraph 7.3.25 of the RDG, it is considered to be out of character with the openness of the area and would appear as overly dominant running alongside the access to Leveret Close.
3. The Highway Authority consider that the proposed close board fence would disrupt the line of sight around the corner of Leveret Close causing unacceptable harm to the users of the highway. This is contrary to the National Planning Policy Framework (paragraph 35) which states that any development should be located and designed, where practical, to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
4. Overall, the development would detract from the character and appearance of the property and would have a detrimental impact on the streetscene, contrary to the provisions of the RDG and Policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31. The scheme represents poor design that fails to take the opportunities available for improving the character and quality of an area, contrary to the aims of Section 7 of the National Planning Policy Framework (NPPF).

The fence in this proposal addresses the issues highlighted in the previous application, the height has been lowered from 1.8m to 1.5m high. The position of the fence has also

been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back from the corner with Leveret Close allowing better sightlines for manoeuvring vehicles.

Relevant policies

Development plan

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

Watford Local Plan Core Strategy 2006-31

WBC1	Presumption in favour of sustainable development
SS1	Spatial Strategy
UD1	Delivering High Quality Design

Watford District Plan 2000

No relevant policies.

Hertfordshire Waste Core Strategy and Development Management Policies Document 2011- 2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Supplementary Planning Documents

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

Residential Design Guide

The Residential Design Guide was adopted in July 2014. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of relevant planning applications.

Watford Character of Area Study

The Watford Character of area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

National Planning Policy Framework

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 7 Requiring good design

CONSULTATIONS

Neighbour consultations

The following properties were notified:

33 Leveret Close Watford WD25 7AX

25 Leveret Close Watford WD25 7AX

29 Leveret Close Watford WD25 7AX

41 Leveret Close Watford WD25 7AX

39 Leveret Close Watford WD25 7AX

33 Leveret Close Watford WD25 7AX

35 Leveret Close Watford WD25 7AX

37 Leveret Close Watford Wd25 7ax

27 Leveret Close Watford WD25 7AX

37 Leveret Close Watford WD25 7AX

Five responses were received. The points that have been raised are summarised and considered in the table below:

Representations	Officer's response
Angela Fisken, 27 Leveret Close	
Concern that a blind spot is caused by the position of the fence.	The position of the fence has been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back further from the corner with Leveret Close allowing better sightlines. <i>Awaiting Highways response.</i>

Deb Mason, 29 Leveret Close	
Concern over existing fence.	The existing fence is 1.8m high and not part of this planning application. This application is to replace the fence with one 1.5m high.
Concern that a blind spot is caused by the position of the fence. Damage has been caused to the property at No. 29 by cars reversing.	The position of the fence has been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back further from the corner with Leveret Close allowing better sightlines. <i>Awaiting Highways response.</i>
Alain Williams, 33 Leveret Close	
Concern over existing fence.	The existing fence is 1.8m high and not part of this planning application. This application is to replace the fence with one 1.5m high.
Concern that a blind spot is caused by the position of the fence.	The position of the fence has been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back further from the corner with Leveret Close allowing better sightlines. <i>Awaiting Highways response.</i>
Redevelopment of the Police Station site may have access along Leveret Close.	This would need to be considered as part of the proposal for redevelopment – it is likely that different arrangements would need to be made which may improve this junction.
There is a large tree within falling distance of the fence.	The tree falling on the fence is unlikely and would not result in significant damage other than to the fence.
A large tree has previously been removed and should be replaced.	There are no protected trees on the site. This is not a material planning consideration.
Personal comments about the	This is not a material planning consideration.

applicant.	
Patricia Heley, 35 Leveret Close	
Concern that a blind spot is caused by the position of the fence which exacerbates the problem with traffic and parking.	The position of the fence has been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back further from the corner with Leveret Close allowing better sightlines. <i>Awaiting Highways response.</i>
Redevelopment of the Police Station site may have access along Leveret Close.	This would need to be considered as part of the proposal for redevelopment – it is likely that different arrangements would need to be made which may improve this junction.
Susan Millican, 37 Leveret Close	
The fence is out of keeping with the rest of the Close, all other front gardens have a low wall/fence and gardens are visible from the street.	It is acknowledged that the other front gardens have low boundary treatments, however this proposal is for enclosure of the side and rear garden. The proposed fence is level with the front wall of the property and therefore does not alter the front garden. It is considered that the residents of the subject property are entitled to privacy in their side and rear garden.
Concern that a blind spot is caused by the position of the fence which exacerbates the problem with traffic and parking.	The position of the fence has been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back further from the corner with Leveret Close allowing better sightlines. <i>Awaiting Highways response.</i>

Statutory publicity

No statutory advertisement was required for this application.

Technical consultations

The following responses have been received from technical consultees:

Hertfordshire County Council (Highway Authority)

Awaiting comments.

APPRAISAL

Main issues

The main issues to be considered in the determination of this application are:

- (a) Privacy for the occupiers of the subject property
- (b) Impact on the streetscene

(a) Privacy for the occupiers of the subject property

The side boundary fence that is proposed requires planning permission because it is adjacent to a highway and it is more than 1m high. Effectively planning permission is only required for the additional 0.5m. A tall structure is justified here because it is needed to protect the privacy of the rear garden. The proposed fence would be 1.5m high, which is less than the height of a standard garden fence.

It is considered appropriate that the occupiers can fence off the rear garden to provide privacy and ensure security and safety for users of the rear garden, particularly children and pets.

(b) Impact on the streetscene

It is considered that the fence proposed will have less impact on the streetscene than the existing taller fence which has raised objections. The proposed fence would be 1.5m high, which is the height of a standard garden fence. It is not considered that the proposed fence will cause any particular harm to the street-scene.

There is no neighbour near the new fence because it runs along the boundary with Leveret Close. No neighbours will have their amenity harmed as a result of this development.

Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. This proposal is not subject to CIL.

Conclusion

The proposed boundary fence requires planning permission because it is adjacent to the highway. It is considered that a 1.5m high fence is appropriate in this location to protect the privacy of the rear garden.

HUMAN RIGHTS IMPLICATIONS

The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

Reason: to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Saved Policy SE22 of the Watford District Plan 2000.

Informatives

1. The existing fence does not have planning permission and must be removed and replaced with a fence in line with these agreed plans.

Drawing numbers

1810-10

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