

PART A	
Report of: <b>DEVELOPMENT MANAGEMENT SECTION HEAD</b>	
Date of committee	<b>27th August 2015</b>
Site address:	<b>31 Leveret Close</b>
Reference Number :	<b>15/00767/FULH</b>
Description of Development:	<b>Erection of a new fence</b>
Applicant	<b>Mr Gary Wood</b>
Date Received:	<b>26th May 2015</b>
8 week date (minor):	<b>28<sup>th</sup> July 2015 (extended by agreement)</b>
Ward:	<b>Woodside</b>

## **UPDATE**

This application was discussed at the Development Management Committee on the 6<sup>th</sup> August 2015. The application was deferred to allow further discussion and subsequently a more detailed response from the Highways Authority, in relation to their previous recommendation that the application be refused.

The Highway Authority have since confirmed that a more pragmatic approach can be taken to the application given the number of vehicles parked on the verges that obstruct visibility and destroy the open aspect of the estate which objectors refer to. There are no collision (injury accident) records anywhere on the estate so there is no evidence of this situation causing a significant risk to safety.

A formal reappraisal from the Highway Authority is attached at the end of this report.

## **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.

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## **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 26<sup>th</sup> May and the eight week determination deadline was set at 28<sup>th</sup> 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 10<sup>th</sup> August so that it can be considered by the Committee at the meeting on the 6<sup>th</sup> 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

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## 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
<b>Angela Fiskien, 27 Leveret Close</b>	
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.
<b>Deb Mason, 29 Leveret Close</b>	
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.

<b>Alain Williams, 33 Leveret Close</b>	
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.
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 applicant.	This is not a material planning consideration.
<b>Patricia Heley, 35 Leveret Close</b>	
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.
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.
<b>Susan Millican, 37 Leveret Close</b>	
The fence is out of keeping with the rest of the Close, all other front gardens have a low wall/fence and gardens are	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

visible from the street.	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.

### **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)

**Decision** dated 4/8/15, now updated above to reflect subsequent discussions.

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

The revised drawing number 1810-10 shows in highway issues remains essentially the same as 15/00296/FULH submitted. The applicant demonstrates that the proposed boarded fence will be changed from 1.8m height to 1.5m height for the proposed site. The Highway Authority recommends refusing permission for the following reason:

1. Drawing 1810-10 shows the proposed boarded fence is 1.5m height (a standard height shall exceed a height of 600mm) which the visibility splay could not reach a distance of 2.4m x 22m on both directions of the access road. (reference Road in Herts Table 4.2.3.1)

Hertfordshire County Council as the Highway Authority has concerns with the safety of pedestrians and vehicles when vehicles from/to the access road. The Highway Authority recommends refusal due to implications to highway safety and convenience as the proposals are considered prejudicial to the safety of users of the highway.

**Decision** dated 19/8/15. Full response can be found at the end of this report.

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. The proposed fence will be erected in accordance with the alignment shown on drawing number 1810-10 'Proposed New Fence Site Plan'. It will spring from the corner of the house extension and run north west to the property boundary. The corner splay nearest the end garage opposite number 27 should measure a minimum of 2m x 2m to provide for pedestrian sight lines.

Reason: In the interests of highway safety



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## **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.

The proposed fence finishes level with the front of the existing side extension to the property, some distance from away from the corner of the road. The aerial photograph and officer site visits show cars parked along the side of the road adjacent to the proposed fence, it is considered that these parked cars obstruct the visibility along the access road and destroy the open nature of the site and that the proposed fence will not cause further harm.

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.

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### **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.

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### **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.

3. The proposed fence will erected in accordance with the alignment shown on drawing number 1810-10 Proposed New Fence Site Plan. It will spring from the corner of the house extension and run north west to the property boundary. The corner splay nearest the end garage opposite number 27 should measure a minimum of 2m x 2m to provide for pedestrian sight lines.

Reason: In the interests of highway safety

#### 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.

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#### Drawing numbers

1810-10

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Case Officer: Ellen Higginson

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Mike Younghusband  
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Hertfordshire County Council  
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SG13 8DN

**Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)**

**Asst Director of Planning & Engineering**  
Watford Borough Council  
Town Hall  
Watford  
WD1 3EX

District ref: 15/00767/FULH  
HCC ref: WA/127/2015 (Amended)  
HCC received: 18/08/2015  
Area manager: Nick Gough  
Case officer: Nick Gough

**Location**

31 Leveret Close  
Watford

**Application type**

Full application

**Proposal**

Erection of a new fence

**Amendment**

Reappraisal by N Gough

**Decision**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. The proposed fence will be erected in accordance with the alignment shown on drawing number 1810-10 'Proposed New Fence Site Plan'. It will spring from the corner of the house extension and run north west to the property boundary. The corner splay nearest the end garage opposite number 27 should measure a minimum of 2m x 2m to provide for pedestrian sight lines.

Reason: In the interests of highway safety

Drawing number 1810-10 'Proposed New Fence Site Plan' shows the proposed 1.5metre high fence enclosing the garden to the north and west of the dwelling.

Number 31 is one of six houses (odd numbers 27 to 37) served from a cul-de-sac off the main spine road section of Leveret Close in north Watford. The cul-de-sac is 90metres long and is also fronted by a block of 100 and two blocks of 3 garages. As you enter the road number 31 is on the inside of a tight right-hand bend (centre line radius approximately 8metres) which is preceded by a slightly gentler left-hand bend giving an S configuration. Carriageway width is 5metres. Cars and

vans regularly park around the inside of the bend by number 31. All of these features lead me to conclude that vehicle speeds will be very low and that the vast majority of drivers using this short bit of road will be residents well aware of the hazards they are likely to encounter.

I noted very substantial hedges on either side of the entrance to the cul-de-sac fronting numbers 27 to 37 taking a similar form to the proposed fence. I also noted a number of vehicles (including Transit vans) parked on the verges at other bends which must take place more at weekends and evenings and would (a) obstruct visibility and (b) destroy the 'open aspect' neighbours refer to.

I have checked the last 5 years collision (injury accident) records and none are recorded anywhere on the estate so we have no evidence of this situation causing a significant risk to safety.

Although the sight lines around the bend at number 31 would be reduced significantly by the positioning of the fence to below those acceptable on a 30mph road I am of the opinion that by adopting a Manual For Streets approach it can be demonstrated that the proposal would be no more harmful than other features in the area and not likely to give rise to harm to the free and safe operation of the adjacent highway.

I note that the fence alignment shown on drawing number 1810-10 'Proposed New Fence Site Plan' shows a splay across the corner nearest the end garage opposite number 27. This should measure a minimum of 2m x 2m to comply with Manual for Streets and HCC design guidance for pedestrian sight lines.

**Signed**

**Date** 18/08/2015