

PLANNING APPLICATION REPORT

Case Officer: Alex Lawrey
Application No: 00578/2015

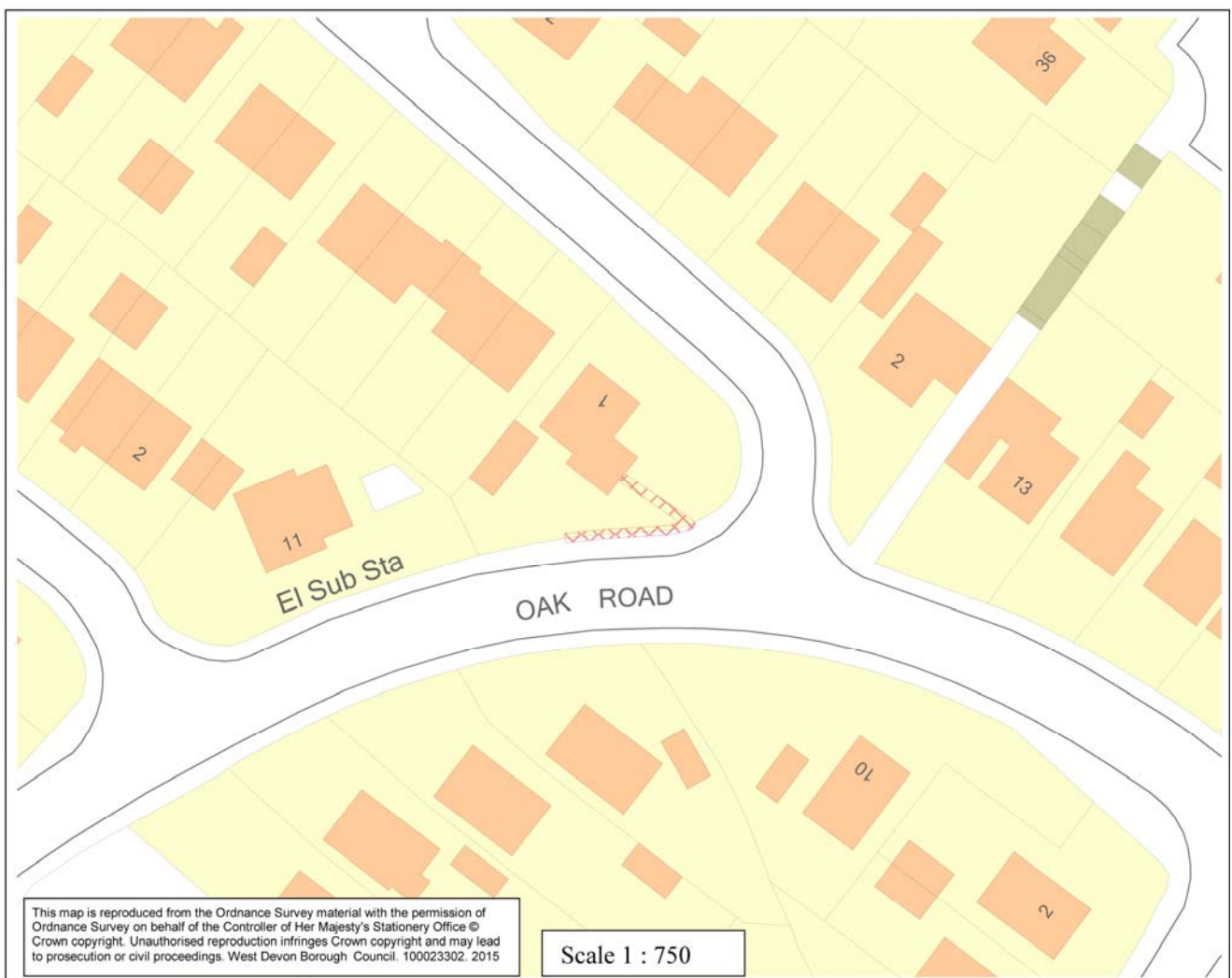
Ward: Tavistock South West

Agent/Applicant:
Mr Michael Gerry
1 Alder Road
Tavistock
Devon, PL19 9LW

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Site Address: 1 Alder Road, Tavistock, Devon, PL19 9LW

Development: Householder retrospective application for erection of boundary wall and fence.



Reason item is being put before Committee:-

The application was brought to committee at the request of Cllr Parker:- in the interests of transparency. The applicant felt that he had been given inconsistent advice by officers -

positive advice lead to the submission of the first application which consequently received a refusal.

Recommendation: Refuse

Reason for refusal: The proposed fence would unduly harm the character and appearance of the streetscene and is thus considered contrary to policy SP1 & SP20 of the Core Strategy and policy BE13 and H40 of the Local Plan Review 2005.

Key issues for consideration:

... Impact upon the character and appearance of the area

Site Description:

1 Alder Road is a two-storey dwelling which forms part of the wider Bishopsmead estate. The property is sited on a corner plot bound on two sides by estate roads (Oak Road and Alder Road. The dwelling is set back from the junction of the two roads with garden area to the side front and rear.

The boundary treatment of the property as originally constructed included a stone wall (with timber trellis above) on part of the southern and western boundary and a mixed hedge on the remaining boundaries.

A stone wall and timber fence with v-shape layout measuring approximately 11.3m on the southern boundary adjacent to the highway (Oak Road) and 9m back towards the dwelling has recently been constructed on part of the southern boundary, with the removal of the mixed hedge. The stone wall element measures approximately 1m in height and is sited on the boundary with the pavement. The fence line is set behind the stone wall and measures up to 1.9m in height.

The Proposal:

The application is for retrospective planning permission for the erection of a dwarf stone wall (approximately 0.9m in height) and timber fence above (up to 1.9m) to the front and side garden areas of the residential property. The application is accompanied by 20 letters of support.

This application follows on from a similar application for retrospective permission under reference 00134/2015 which was refused on 25 March 2015 due to impacts on the character and appearance of the area and streetscene.

Consultations:

... County Highways Authority
No comment

... Environmental Health Section
No response received

... Landscape Officer WDBC: Although in isolation this may appear a broadly sympathetic treatment to a property frontage the present combination of wall and fence is a departure from the landscape character of the Bishopsmead street scene. The estate is

characterised by mature trees, open frontages and hedge boundaries. A solid boundary at the back of footway is a clear departure from this and we need to be careful of approving a detail that, if widely copied, would have an adverse impact upon the green character of the estate. 1 Alder Road is prominently situated affording long views to the front boundary. It is recommended that the wall is acceptable if topped with a managed hedge; for example the planting of Beech at 80-100cm size in a double staggered row, 5-6 plants per linear metre will quickly form the enclosure currently provided by the fence.

... Town/Parish Council – support

Representations

One letter of support was received from 11 Oak Road that the fence is ‘in keeping with the surroundings... and has greatly enhanced the aspect’ and the ‘new fencing, as it weathers, looks completely natural, is not obtrusive and is certainly not a hazard’

Relevant Planning History

- ... U/3/50/795/1981/1081 - Extension to existing kitchen and the addition of a porch – C/A - 18/06/1981
- ... T/3/50/1738/1983/108 - Consent for the felling of tree – consent - 06/01/1984
- ... 00393/2014 - Application to carry out works to trees under Tree Preservation Order for the felling of 1 Acer located in the front garden of 1 Alder Road – refused - 20/05/2014 (appeal dismissed 09/10/2014)
- ... 00134/2015 – (retrospective) erection of wall and fence – refused

ANALYSIS

Principle of Development/Sustainability:

In accordance with Policies BE13 & H40 of the West Devon Borough Local Plan Review 2005 (as amended in 2011), and SP1 and SP20 of the Core Strategy 2011, developments should be sympathetic to their immediate area and the wider area providing an attractive development having regard to the distinctive character of the area (including the local context, design & landscape). Proposals should not cause the loss or prejudice the retention of existing landscape features which enhance the character of the built environment.

Strategic Policy 1 – Sustainable Development

The following considerations should be taken into account in order to ensure that development within West Devon is undertaken in a sustainable manner:

L. The need to ensure high quality and locally distinctive design and sustainable construction of developments in order to protect and enhance the character of the existing built environments and settings of many of the Borough's towns and villages;

Strategic Policy 20 - Promoting High Quality Design

The requirement to achieve high quality design of both buildings and landscaping is a priority for all development proposals. Support will be given for proposals which have regard to the following requirements:

- a. Provide an attractive, accessible, functional and inclusive development;
- b. The distinctive character of the area, including the local context, design, landscape, natural and historic environment and incorporate public art where appropriate;

- c. Take account of the need to reduce the opportunities for crime and fear of crime;
- d. Promote safe and user friendly environments;
- e. Encourage access through sustainable forms of transport;
- f. Provide appropriate public open spaces;
- g. Make efficient use of resources;
- h. The retention and enhancement of biodiversity on the site.

The pre-amble to Policy BE13 states:

Pre-amble to policy BE13 - Landscaping and Boundary Treatment

The Borough Council's overall objectives in terms of the protection and enhancement of the environment will not be achieved unless there is careful attention to detail in the consideration of all planning applications and, in particular, their proposals in terms of landscaping and boundary treatment which will, over a period of time, "soften" the impact of new building. Sites on the edge of settlements have, in the past presented an unacceptable visual break between urban and rural areas. If this is to be avoided, special consideration must be given to boundary treatment at the time of the application. Where the development is adjacent to farmland the boundaries should be treated by the creation of traditional hedge banks or by tree planting of suitable native species.

In addition to the careful treatment of areas of public open space and play space on residential or other new development, areas of new build will be expected to show details of both hard and soft landscaping. Such details should be agreed as part of the original application rather than being addressed as an afterthought when it may be difficult to relate the landscaping to the proposal.

Policy BE13

Developments will be expected to provide appropriate landscaping to minimise the impact of that development, contribute to its wider setting and create a pleasant environment for users of the development. Where appropriate existing landscape material should be retained and protected or replaced.

Policy H40

Permission will be granted for extensions and alterations to buildings provided that:

- (i) The external appearance, scale, massing, size and materials are generally consistent with the character of their surroundings and to the existing building;
- (ii) There is no significant adverse effect on the privacy or amenity of nearby residents;
- (iii) The proposal would not cause the loss or prejudice the retention of any significant landscape or townscape feature;
- (iv) Adequate open space can be provided to meet the reasonable needs of occupiers; and
- (v) Adequate access and parking can be provided.

Design/Landscape:

The proposed featheredge timber fencing measures up to approximately 1.9 metres in height and encloses a garden area, vegetable patch and a mature tree with a Tree Preservation Order.

The proposal site is a prominent site in the streetscene forming a corner plot between Oak Road and Alder Road. It was clearly designed as part of the original layout of the residential

area with mixed hedging on the most prominent corner part of the highway boundary, with the original stone wall/trellis being located further to the south west in a less prominent location within the streetscene.

As was noted in the previous application (00134/2015) the element of the development relating to the dwarf stone wall is acceptable with regard to design and being of a vernacular stone construction in-keeping with the existing stonewall and the surrounding area. The report stated. Given the modest height of the stone wall, under 1m in height, it may actually be permitted development.

The Landscape officer has reiterated previous concerns about the development and noted that the estate is characterised by its open frontages and hedge boundaries to the front aspect and therefore the high fence on top of the low stone wall is out of character. There are no similar fences of this height in the immediate vicinity and the site itself is in a prominent location as it occupies a corner plot.

Seen in context with other properties on the Bishopsmead Estate, which largely feature open fronted gardens or gardens with natural hedging and planted borders, the development is out of character and unacceptable. If the wooden fencing were to be replaced with hedging the development would be acceptable.

Following the refusal of 00134/2015 in March 2015, there has been no material change in circumstances or in planning policy which would point towards recommending approval of this application.

It is considered therefore that the proposal would detrimentally harm the visual amenity of the area contrary to policy SP1 & SP20 of the Core Strategy and policy BE13 and H40 of the Local Plan Review 2005.

Neighbour Amenity:

While there would be local harm to visual amenity, there would be no undue harm to the residential amenity of adjoining residential properties with regard to loss of light, loss of privacy or overbearing impact.

Highways/Access:

Highways access and access into the property is to remain unchanged in its current form. No comment has been received by the highways authority raising concern or objection.

Planning Policy

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, where relevant, with Sections 66 and 72 of the Town and Country Planning Act 1990 (Listed Buildings and Conservation Areas).

Planning Policy

National Planning Policy Framework

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP20 – Promoting High Quality Design

West Devon Borough Council Local Plan Review 2005(as amended 2011)

NE10 – Protection of the Countryside and Other Open Spaces

H40 - Residential Extensions

BE13 - Landscape

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.