

22/00249/FUL

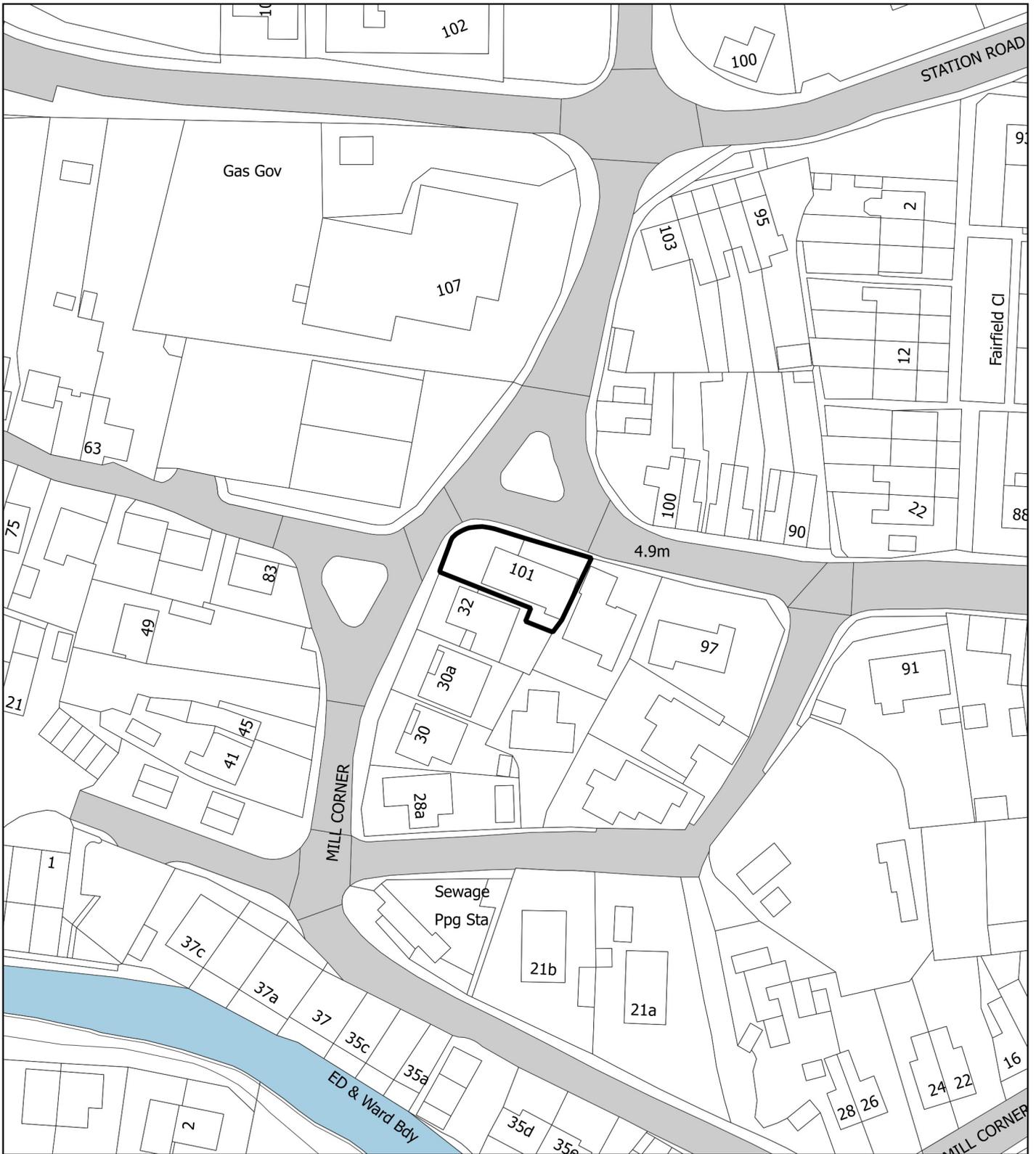
101 Clay Street
Soham
Ely
Cambridgeshire
CB7 5HL

Replace 8ft Conifer hedge with 6ft wooden fence including trellis (retrospective)

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8F7LLGG0CT00>





22/00249/FUL

101 Clay Street
Soham



East Cambridgeshire
District Council

Date: 22/08/2022
Scale: 1:1,000



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MAIN CASE

Reference No: 22/00249/FUL

Proposal: Replace 8ft Conifer hedge with 6ft wooden fence including trellis (retrospective)

Site Address: 101 Clay Street Soham Ely Cambridgeshire CB7 5HL

Applicant: Mrs Tracey Jinks

Case Officer: Isabella Taylor Planning Officer

Parish: Soham

Ward: Soham North
Ward Councillor/s: Alec Jones
Mark Goldsack

Date Received: 20 April 2022 **Expiry Date:** 15th October 2022
Report Number X78

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
- 1.2 The proposed fence, by virtue of its scale, location, design and materials is a discordant feature which is out of keeping within the streetscene. The fence does not create a positive, complementary relationship with the character of the streetscene, but rather causes harm to the visual amenity of area. The development fails to preserve or enhance the character of the conservation area and would have a detrimental impact on that character. The development is therefore contrary to ENV 1, ENV 2 and ENV11 of the East Cambridgeshire Local Plan 2015 and sections 12 and 16 of the National Planning Policy Framework and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks retrospective planning permission for a fence around part of the boundary of the site, adjacent to the highway. The fence is constructed of timber panels on cast concrete gravel boards with concrete posts. The panels are constructed of horizontal boards with trellis above and have a curved top design.
- 2.2 The current application was called into planning committee by Councillor Goldsack on the basis that the fence provides security to the host dwelling and is in keeping with the character of the area.

2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

84/00084/OUT	ERECTION OF 2 DWELLINGS AND DEMOLITION OF EXISTING	Approved	16.03.1984
85/00673/RMA	ERECTION OF 2 BUNGALOWS	Approved	13.09.1985

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises a detached bungalow on a corner plot that is located within the development envelope of Soham. The site is located within the Soham Conservation Area. There are neighbouring dwellings located to the east and south of the site. The site is a prominent corner plot that benefits from garden to the west side and a yard and drive to the north side.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees as summarised below. The full responses are available on the Council's web site.

Local Highways Authority - 10 June 2022

States 'I do not object to the principle of the fencing, as the impact upon highway visibility will be no different to that of the hedging.

However, the fence construction has caused damage to the back edge of the footway which will need to be repaired. The fence bedding appears constructed in concrete, which is overlaid on top of the footway surface, this is both a trip hazard to users of the footway and a breach of the Highways Act 1980 (deposit of material on the highway & works in the highway without highway authority consent).

Until the fence construction is amended (inclusive of footway repairs), I object to this application'.

Soham Parish Council - 1 June 2022

States 'No comment or objection'

Ward Councillors – Councillor Goldsack - 13 July 2022

States 'I would like to confirm my call in of the following retrospective planning application for fencing that has replaced for tree planted hedgerow. The fencing is well installed and looks smart, is supported by the neighbours, offers the family security and privacy and is not out keeping with the local scene. I understand the officer is minded to refuse this subject to a highways concern of the fence finishing. I suggest committee should see for themselves the improved area as a result and determine whether or not in this case highways have misread the situation'.

Conservation Officer - No Comments Received

5.2 A site notice was displayed near the site on 6 May 2022 and a press advert was published in the Cambridge Evening News on 5 May 2022.

5.3 Neighbours – 6 neighbouring properties were notified and the response received from one neighbour is summarised below. A full copy of the response is available on the Council's website.

Supports the application on the basis that it has improved light received and outlook from their windows compared to the hedge.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2 Locational strategy

GROWTH 5 Presumption in favour of sustainable development

ENV 1 Landscape and settlement character

ENV 2 Design

ENV 4 Energy and water efficiency and renewable energy in construction

ENV 7 Biodiversity and geology

COM 8 Parking provision

COM7 Transport impacts

ENV11 Conservation areas

6.2 Supplementary Planning Documents

Design Guide SPD

Natural Environment SPD

Climate Change SPD

6.3 *National Planning Policy Framework 2021*

2 Achieving sustainable development

9 Promoting sustainable transport

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

16 Conserving and enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 The main planning considerations when determining this application are:

- Residential amenity
- Visual impact
- Historic environment
- Highways safety

7.2 **Residential Amenity**

7.3 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Additionally, paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

7.4 The proposal is for a fence to the front of the host dwelling. Given the location of the proposed fence, it is not considered that this would have any significant detrimental impact upon neighbouring amenity. The applicant has advised that the proposed fence would facilitate a safe environment for children to play in without potential danger from cars or passers-by. These comments have been noted as Chapter 8 of the NPPF states that decisions should aim to achieve health and safe places.

7.5 Visual Amenity

7.6 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure they provide a complementary relationship with the existing development. Policy ENV2 states the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area. Design which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning application will be refused. All new development proposals are expected to enhance the public realm.

7.7 The National Planning Policy Framework 2021 section 12 requires the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It also states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes paragraphs 126 and 134.

7.8 The application site forms a prominent corner plot and is accessed from Clay Street, but is also visible from Mill Corner. Clay Street is considered to have a mixed street scene with a variety of housing types with two storey and single storey dwellings. The boundary treatments on frontages within the surrounding area are mostly comprised of low level walls, hedges or low-level picket fences opposite the application site, there is a low wall with fencing above.

7.9 The proposed 1.85 metre (6 ft) high fence introduces a discordant, obtrusive element into the streetscene, which is at odds with the character of the area, and makes a particular contrast with the previous boundary hedging, which was a softer treatment. The applicant cites precedents for similar fences elsewhere in the locality, however these are not directly comparable as they enclose boundaries between buildings and do not impinge so strongly on the streetscene. Within the immediate vicinity of the site, there is only one other example of a higher fence which is opposite the application site however, this is a fence on top of a low wall which has a much simpler character. The fence opposite uses cream bricks which match the dwelling it relates to and a simple close boarded timber fence above. The currently proposed fence uses lower quality materials than those used in the wall and fence opposite which result in a more obtrusive and visually jarring appearance. It is noted that within the wider vicinity there is one other example of a taller fence, however this is less visually prominent in the street scene and set back from the main road by a green grassed area and uses higher quality, simpler materials. The visual impact of the currently proposed fence is exacerbated due to its position back-of-pavement on a prominent corner within the streetscene.

7.10 The host dwelling is a prominent corner plot and the fence is highly visible from various points with the public realm. The proposed fence is not considered to be of high quality in terms of design and build quality. This is at odds with the character of the area and has a harmful impact on the character of the street scene.

- 7.11 The proposed development therefore fails to comply with policies ENV1 and ENV2 of the Local Plan 2015 and section 12 of the NPPF.
- 7.12 Historic Environment**
- 7.13 Policy ENV11 states that development proposals, within, or affecting a Conservation Area should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
- 7.14 The Conservation Officer has been consulted on this application but has not provided any comments. The lack of comments from the conservation officer does not in turn equate to the proposed development causing no harm to the conservation area. Although the conservation officer has not formally commented on the application, it has been verbally confirmed that the consideration of the impact on the conservation area has been left to the case officer.
- 7.15 The application site is a late c20 detached house located within a mixed age residential context on the western side of the Soham Conservation Area. No 101 occupies a prominent corner site and its previous boundary of hedging provided softer screening between the garden and the public realm. As detailed above, the proposed design is considered to be incongruous and the materials are not considered to be of a good quality. It is therefore considered that the fence fails to preserve or enhance the character and appearance of the Conservation Area. The proposal is considered to cause less than substantial harm, with no public benefits being provided, it does not accord with national policy. The proposal is, therefore, contrary to policy ENV11 of the East Cambridgeshire Local Plan, section 16 of the National Planning Policy Framework and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.16 Highways Safety**
- 7.17 Local Plan Policy COM7 requires the proposed new access to provide a safe and convenient access to the public highway.
- 7.18 The Local Highway authority commented that the fence appears to have damaged the edge of the footpath which is a hazard and a breach of the Highways Act 1980. The comments also stated that the impact on visibility would be no different than the hedging.
- 7.19 As the comments refer to a breach of the highways act this is a highways concern and is not a material planning reason to refuse the application. This would be an issue for the Local Highways Authority enforcement to pursue if they consider this to be expedient. As the proposed development location and height is not materially different from the previous hedge, visibility is not a significant concern with this application. Therefore, the proposed development is considered to comply with policies COM7 and COM8.
- 7.20 Planning Balance**
- 7.21 Whilst the application site is within the development envelope of Soham, it fails to comply with policies ENV1, ENV2, ENV11 and COM7 of the East Cambridgeshire local Plan 2015. The proposal would have a detrimental impact upon the character of the Conservation Area and the visual amenity of the street scene and is not considered to preserve the existing highway safety. The desire for the garden to be secure and the benefits cited by the adjacent neighbour have been given some weight and considered in the planning balance. However, it is considered that a safe and useable garden could be provided by enclosing the boundary with a more appropriate boundary treatment and in any case that the benefits cited in support of the application do not outweigh the harm cause to the

visual amenity caused by the fence. It is therefore considered that the application should be refused.

8.0 APPENDICES

8.1 None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00249/FUL	Isabella Taylor Room No. 011 The Grange Ely	Isabella Taylor Planning Officer 01353 665555 isabella.taylor@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>