



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
11 MARCH 2019**

<b>Application Number</b>	<b>HOUSE/MAL/19/00065</b>
<b>Location</b>	Farcroft, Burnham Road, Latchingdon, Essex, CM3 6HA
<b>Proposal</b>	Retention of close boarded fence
<b>Applicant</b>	Mr G Carr
<b>Agent</b>	Sue Bell - Sue Bell Planning Consultant
<b>Target Decision Date</b>	15.03.2019
<b>Case Officer</b>	Nicola Ward
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor M Helm Reason: Public Interest

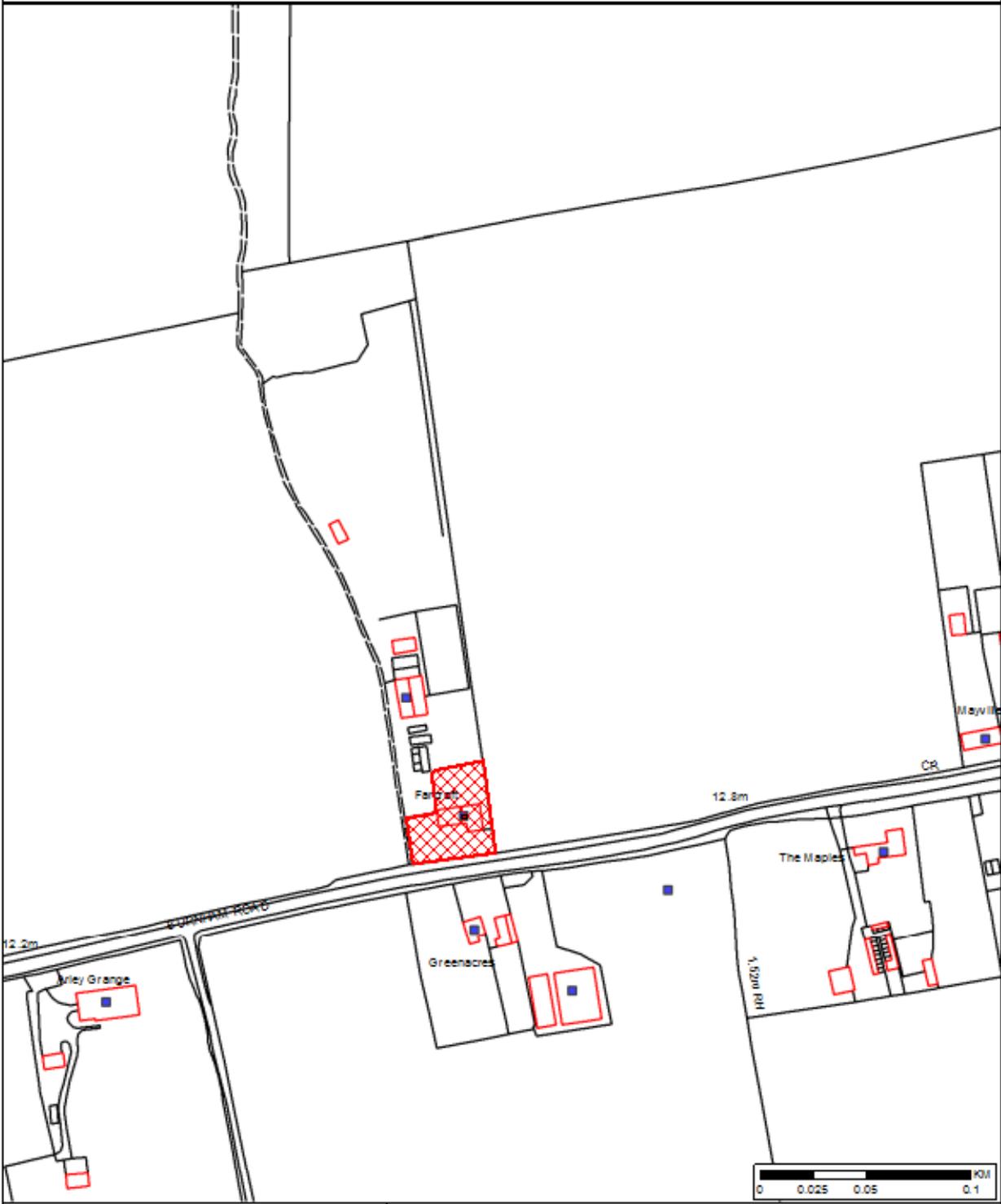
**1. RECOMMENDATION**

**REFUSE** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Farcroft, Burnham Road, Latchingdon**  
 19/00065/HOU SE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	19/00065/ HOUSE
	Date:	2/18/2019
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

3.1.1 Planning permission is sought for a close boarded fence located to the front boundary of the application site, adjacent to Burnham Road. The development has already been carried out and therefore the application is retrospective in nature. The fence, which is the subject of this application, measures 34m long by 1.8m high and is made of timber boards supported by concrete posts that measure 1.9m high, and stand on concrete gravel boards.

#### **3.2 Conclusion**

3.2.1 Whilst it is noted that the development would not be detrimental to the amenity of neighbouring occupiers or the highway safety, it is considered that the erection of the fence, by reason of its height, length, and prominent positioning has resulted in a dominating feature within the site which is causing demonstrable harm to the streetscene. Therefore, the development is contrary to policies S1, S8 and D1 of the approved Maldon District Local Development Plan (MDLDP), and guidance contained in the National Planning Policy Framework (NPPF).

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework 2018 including paragraphs:**

- 2-14 Achieving sustainable development
- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 80 – 84 Building a strong, competitive economy
- 128 – 132 Achieving well-designed places
- 170 - 183 Conserving and enhancing the natural environment

#### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Essex Design Guide
- National Planning Policy Guidance (NPPG)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The principle of providing facilities in association with residential accommodation is considered acceptable in line with policies S1, and H4 of the approved LDP.

### **5.2 Design and Impact on the Character of the Area**

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

*“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.*

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.*

- 5.2.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction method. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

- 5.2.4 In addition, policy H4 requires all development to be design-led and to be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.2.5 The adjacent property 'Greenacres' hosts a low set wooden lattice style fence to the front boundary of the site which provides sufficient visibility when driving into and out of the site. It was noted from a site visit that the property 'Thatch Cottage' hosts a 1.8m high fence along the front boundary. However, it must be noted that the entrance to the site is 8m in width and has tall hedging and trees located behind the fencing. It is considered that due to the height and scale of the hedging and trees, sited behind the fencing at Thatch Cottage, that the harm caused by the fencing in place is mitigated to some degree and therefore, does not have an adverse impact on the amenity of the character and appearance of the area.
- 5.2.6 The close board timber fencing subject of this application is located along the front boundary, only 2m from the carriageway. The fence measures 34.3m in length with a 5.5m gap for the site entrance and has an overall height of 1.9m m in height. It is considered to be of limited architectural merit with rudimentary design. In relation to its size, height and appearance it would be a conspicuous form of development which introduced an incongruous addition to the streetscene and eroded the semi-rural character of the area.
- 5.2.7 In addition, the fencing, due to its extensive length and it being clearly visible from the roadside, results in an overpowering and harsh addition which has a demonstrable impact on the character and appearance of the area and exacerbates the harm of the semi-urban feature in this semi-rural setting. Therefore, it is considered the development is not in keeping with the neighbouring frontages and fails to contribute positively to the streetscene.
- 5.2.8 A comment has been received in relation to the subject fencing being a security aid for the application site, due to the height and size of the previous hedging located to the front boundary and the unaltered 5.6m wide existing access, it is not considered that the subject fencing would provide more security to the site than that of the previous hedging boundary treatment. Furthermore, there is no evidence that this residential dwelling is at particular risk of crime, above any other property in a semi-rural setting, or that this would be the only available option.
- 5.2.9 It is considered that due to the design, height, scale and prominent location of the fence the development results in an inappropriate and harsh form of development that is detrimental to the character and appearance of both the application site and surrounding locality. Therefore, it is considered that the development would not be in accordance with policies D1 and H4 of the LDP.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The development due to its nature and siting does not have any impact upon the amenity of any neighbouring occupiers.

## **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T2 strives to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 It is noted that the road is high speed and is used frequently and therefore, it is particularly important that safe visibility splays are provided. The angle and location of the fence currently compromises the visibility splays in both directions for vehicles emerging from the application site. This has the potential to result in a detrimental impact on highway safety. However, it must be noted that the visibility splays available are similar in nature to those previously on site due to the hedges that have now been removed. Therefore, on balance, the development is acceptable in terms of its impact on highway safety. In this instance the Highways Authority has no objection to the development on the basis of the original arrangements.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MA/95/00055** – Proposed dog boarding kennels – Approved 5<sup>th</sup> April 1995
- **FUL/MAL/97/00085** – Proposed Cattery – Approved 12<sup>th</sup> March 1997
- **FUL/MAL/01/00920** - Change of use of existing goat breeding building to boarding cattery – Approved 28<sup>th</sup> November 2001
- **FUL/MAL/01/00921** - Erection of new boarding kennel building in connection with existing boarding kennel business – Approved 28<sup>th</sup> November 2001
- **FUL/MAL/04/00349** - Amendment of siting and appearance of boarding kennels approved under MAL/01/00921- 28/11/2001 – Approved 27<sup>th</sup> May 2004
- **FUL/MAL/06/00071** - Extensions to form extra storeys, alterations and attached car port. – Refused 1<sup>st</sup> March 2006
- **FUL/MAL/07/00316** - Summerhouse containing canine hydrotherapy pool – Approved 17<sup>th</sup> August 2007
- **FUL/MAL/15/01230** - Erection of new kennel and cattery buildings – Approved 11<sup>th</sup> March 20016
- **LDP/MAL/18/01278** - Claim for lawful development certificate for proposed rear/side single storey extension. – Refused 20<sup>th</sup> December 2018
- **LDP/MAL/19/00033** - Claim for lawful development certificate for proposed rear/side single storey extension. – Pending Consideration

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	Support	Noted

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No Objection	Noted

### 7.3 Representations received from Interested Parties

7.3.1 8 letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
<ul style="list-style-type: none"><li>• The fencing is safer when driving in and out of the site.</li><li>• The road is a dangerous road and it is safer to drive out of the site.</li><li>• Fencing makes it more visible to see in both directions of oncoming traffic</li><li>• Aids security aspects</li><li>• Much better visibility, accessing the property since removal of the hedge and replacing it with the fence.</li><li>• This is quite a fast road and it is essential that you can see clearly to be able to exit safely.</li></ul>	Addressed within sections 5.2.7 and 5.4.2

## 8. REASON FOR REFUSAL:

1 It is considered that the development by reason of its height, length and prominent location has resulted in a dominating feature within the site. The development is considered not to be in keeping with the prevailing boundary treatment within the area and fails to contribute positively to the character and appearance of the area. Therefore, the development is contrary to policies S1, S8 and D1 of the approved Maldon District Local Development Plan, and guidance contained in the National Planning Policy Framework.