

DELEGATED REPORT

Ward: Kentwood

App No.: 210758

Address: 8 The Beeches, Tilehurst, Reading, RG31 6RQ

Proposal: Relocation of Boundary Fence and Removal of Shared Access

Applicant: Mr M & Mrs S Rowe

Deadline: 8 July 2021

1. INTRODUCTION

- 1.1 No 8 The Beeches is a detached two storey dwellinghouse first laid out as one of a group of three houses accessed off The Beeches and arranged around a shared drive.
- 1.2 The case officer visited the site on 4 June 2021 and accessed the garden and grounds of nos 7 and 8 The Beeches.

Site Location Plan



Aerial View - 8 The Beeches



2. PROPOSAL

- 2.1 The proposals are to provide a fence to the north western edge of the site on a new alignment. The original proposal was for a 1.8 metre tall close-boarded fence. The proposals have been amended during the course of the application and now take the form of a 1.3 metre tall post-and-rail fence. Part of the fence would extend across and obstruct the part of the shared driveway area leading to the access gates to no.8.
- 2.2 Permission is required for the proposed fence as Condition 10 of the permission for the original housing development 99/01149/FUL (allowed on appeal) prevents the shared driveway from being obstructed:
"The areas shown on the submitted drawings for the parking, turning and circulation of vehicles shall be constructed and kept available for such use at all times. No development whether or not permitted by the Town & Country Planning (General Permitted Development) Order 1995 shall be carried out on such areas or in such a position to restrict access to such facilities."

Submitted Plans and Documentation (amended proposal):

Drawing No: MA132.01.01/6, *Proposed Plans and Elevations*, received 21 June 2021

Email from Applicant dated 18 June 2021 (18:05hrs) setting out fence materials and specification.

3. PLANNING HISTORY

201694 Relocation of Boundary Fence and Removal of Shared Access. Amended to relocation of boundary with a new hedge and removal of shared access. Approved 5 March 2021.

180690/CLP Certificate of lawful development application for a new 1m high brick pillar, dropped kerb to provide a new access onto The Beeches and associated driveway with gully for drainage within the site. Certificate Granted

00/00619/FUL Demolition of the existing dwelling and the construction of three 5 bedroom houses. Refused 26 May 2020. Allowed on appeal.

99/01149/FUL Demolition of the existing dwelling and the construction of three 5 bedroom houses. Refused 23 November 1999. Allowed on appeal. It is this permission that has been implemented.

4. CONSULTATIONS

- 4.1 A site notice was displayed on the site frontage and a second notice displayed in respect of the revised proposals. Letters were sent to adjoining neighbours.

RBC Natural Environment

- 4.2 Recommend a condition is in order to protect the retained hedge if the new boundary fence is installed) during development.
- 4.3 The site is subject to TPO 137/06 covering valuable trees on the boundary to Elsley Road, the proposed development is restricted to what is existing driveway and small soft landscape areas on either side of the gate to be removed there is therefore no impact on the TPO trees.

Public Consultation Responses

- 4.4 Objections have been received from a single address neighbouring the site 7 The Beeches, Tilehurst, Reading, RG31 6RQ, summarised as follows with the full version available on the Planning Register:
- A ranch fence would ruin the current design and layout.
 - Harm to outlook
 - Loss of security

- Concerned a large hedge will be planted which would be overbearing
 - The fence would obstruct the shared driveway over which no.7 has free access at all times.
 - Obstruction would make vehicle manoeuvring difficult.
 - Planning Condition 10 of 99/01149/FUL prevents any development on the parking, turning and vehicle circulation areas. This still passes the planning tests: necessity, relevance, precision and enforceable.
 - The applicants require the permission of no.7 to build on the boundary line which will not be forthcoming.
 - No permission will be given for any development on our land.
- 4.5 Objections were also received in respect of the original, superseded, design which remain available to view on the Planning Register.
- 4.6 The Applicant has provided a number of written responses to the objections received. These are also available on the Planning Register.

Equalities Impact

- 4.7 When determining an application for planning permission the Council is required to have regard to its obligations under the Equality Act 2010. There is no indication or evidence (including from consultation on the application) that the protected groups as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the proposed development.

5. RELEVANT PLANNING POLICY AND GUIDANCE

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy Framework (NPPF) which states at Paragraph 11 “Plans and decisions should apply a presumption in favour of sustainable development”.
- 5.2 The relevant policies in Reading Borough Local Plan (November 2019) are:
 CC7 Design and the Public Realm
 CC8 Safeguarding Amenity
 EN14 Trees, Hedges and Woodland
 H9 House Extensions and Ancillary Accommodation
 H10 Private and Communal Outdoor Space
 TR3 Access, Traffic and Highway-Related Matters
 TR5 Car and Cycle Parking and Electric Vehicle Charging

Relevant Supplementary Planning Documents (SPD) are:
 House Extensions
 Revised Parking Standards and Design

6. APPRAISAL

Character and Appearance

- 6.1 Policy CC7 (Design and the Public Realm) requires all development to be of high design quality in terms of layout and landscaping and to respond

positively to their local context and to be visually attractive as a result of good quality spaces...and landscaping. This is mirrored by Policy H9 (House Extensions and Ancillary Accommodation) which requires householder development to respect the character and pattern of the street as a whole. Policy H10 requires outdoor spaces to respect the character of other similar spaces in the vicinity.

- 6.2 The existing hedge on its existing alignment provides a pleasant, visually-recessive backdrop to the turning area. Whilst the new hedge arrangement approved under 201694 would be less recessive, given its encroachment onto the shared driveway area, it would nevertheless retain the green, softer, appearance afforded by the hedge.
- 6.3 It is considered that the 1.8m tall closeboarded fence originally proposed under this current application would have appeared stark and visually dominant in the context of the existing shared driveway area. This design would have disrupted the landscaped setting of the group of houses within which it would be situated resulting in visual harm.
- 6.4 It is considered that the revised design, consisting of a lower 1.3m tall open post-and-rail fence, would be more visually recessive and would not dominate the shared driveway area. The open design would also allow views through to landscaped areas behind. It is considered that this would retain the more open landscaped character of the existing group of houses and would not result in visual harm to the area in which it is located.
- 6.5 This assessment is on the basis that the existing hedge would be retained, as shown on the submitted drawings, due to the contribution that it makes to the landscaped character of the development of which it forms a part, to be secured by condition.
- 6.6 The proposals are considered to comply with Policies CC7, H9 and H10 for the reasons set out above.

Residential Amenity

- 6.7 The proposed fence would be relatively low in height and with an open-sided design. It is considered that the design would not harm neighbouring amenity in terms of loss of outlook, loss of light, or overbearing effects. For the avoidance of doubt the loss of, or harm to, an existing view outwards from a property is not a planning matter.

Access

- 6.8 The stopping up of the access with a permanent obstruction was approved under permission reference 201694. In that case a hedge was proposed but on the same alignment as the fence and the effect on the access is the same. This permission is a material consideration in the determination of this current application. The highway impacts of the enclosure of this part of the shared driveway were considered in detail at the time of making that decision. Circumstances have not changed substantially since March 2021 when that decision was made and as such the current proposals are considered to be acceptable for the same reasons as previously, in accordance with Policies TR3 and TR5. As with 201694, a condition requiring that No. 8 uses their existing direct access onto The Beeches and that the access to the shared driveway is permanently closed is recommended if planning permission is granted.

Other Matters

- 6.9 The Objector has raised a number of concerns relating to works on their land. It is apparent that an ownership dispute exists. The Applicant has certified on the application form that they have served notice on their neighbours at no.7 regarding their application for planning permission affecting land in no.7's ownership. This allows the application to be made on land not under the control of the Applicant.
- 6.10 Planning permission is concerned with the use of land and buildings in the Public Interest and is not concerned with private property ownership or other rights to property that might exist. Planning Permission does not confer any right to develop land beyond the scope of the Town and Country Planning Act 1990 (as amended). The grant of planning permission in this case would not affect any existing ownership or other property rights which would remain a civil matter to be resolved between landowners.
- 6.11 Similarly, restrictive covenants are not a relevant consideration when determining planning applications. Equally, planning permission does not quash any restrictive covenants. Enforcing a restrictive covenant would be a civil matter to be settled between the parties.

7. CONCLUSION

- 7.1 It is considered that the proposed fence would not be harmful to the character or appearance of the site or its surroundings and would not have a detrimental impact on the amenity of neighbours, provided that the existing hedge is retained. Matters relating to access are acceptable, consistent with the previous extant permission which is a material consideration. It is recommended that permission is granted on this basis subject to conditions as set out below.

CONDITIONS & REASONS

1. The development hereby permitted shall begin no later than three years from the date of this planning permission.
REASON: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in accordance with the following approved plans and accompanying details:

Drawing No: MA132.01.01/6, *Proposed Plans and Elevations*, received 21 June 2021

Email from Applicant dated 18 June 2021 (18:05hrs) setting out fence materials and specification.

REASON: to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

3. This permission shall not extend to permit any fencing or other boundary treatment except that shown between location 'X' and location 'Y' on

drawing MA132.01.01/6, *Proposed Plans and Elevations*, received 21 June 2021.

REASON: For the avoidance of doubt and to clarify the extent of this permission in the interests of the character of the area in accordance with Policies H9 and CC7 of the Reading Borough Local Plan 2019.

4. The existing access that currently leads to No.8 The Beeches from the shared driveway area across which the approved fence extends as shown on approved drawing 'MA132.01.01/6, *Proposed Plans and Elevations*, received 21 June 2021' shall be stopped up and abandoned the day after the development hereby approved is commenced. Thereafter all vehicular and pedestrian access to No.8 The Beeches shall be via the independent driveway connecting directly to The Beeches adopted highway only.

REASON: In the interests of road safety and maintenance of the highway in accordance with Policy TR1 and TR3 of the Reading Local Plan 2019.

5. The existing hedge shall be retained and maintained at all times in accordance with the elevation and plan view details shown on drawing MA132.01.01/6, *Proposed Plans and Elevations*, received 21 June 2021 unless otherwise approved in writing by the Local Planning Authority.

REASON: in the interests of the landscaped character of the existing development and surrounding area, and to maintain the environmental and wildlife benefits of hedging in accordance with Policies CC7 and EN14 of the Reading Borough Local Plan 2019.

INFORMATIVES

1. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.
2. This permission concerns matters relevant to Planning only. It is not concerned with existing private property rights including any land under separate ownership which may not be under the control of the Developer. The Developer is advised to obtain independent legal advice in respect of such matters. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at: www.communities.gov.uk/publications/planningandbuilding/partywall
3. The decision to grant planning permission follows the positive and proactive consideration of the issues raised by this planning application.

Case Officer: Steve Vigar