

DELEGATED APPLICATION REPORT

Application No: 200315/HOU

Address: 5 Eastern Avenue

Proposal: Fencing adjoining the highway and on the return in towards the garden for 1m with new fencing. Install gates in front of garage

Case officer: Connie Davis

EOT: 29/04/20

Site Description and Surrounding Area:

The application site is a two-storey semi-detached dwelling located on the eastern side of Eastern Avenue. The site is located within the South Park Conservation Area. The property does not have a rear garden and the rear elevation of the property is directly along the rear boundary. The property has a side garden with a detached side garage. The property has single storey rear and side extensions.

The surrounding area is predominantly residential. Front boundary treatments in the immediate vicinity of the property are generally low level or are bushes/ vegetation.

Proposal

The application is to replace the previous wooden fencing adjoining the highway. It is largely retrospective, although some alterations are now proposed. The original and new fencing both measure 2m in height, although the previous had a bush above. The fencing then returns inwards towards the property (see pictures below). New gates have also been installed in front of the existing garage. The newly erected fence is made of timber panels are separated by concrete posts and at the bottom are fixed to gravel boards. The fence has been erected to help maintain privacy of the garden.

The application is a result of an enforcement investigation. Previously refused application (191828) sought planning permission for what has been constructed, and to install trellis above. This application, if approved, would mean that what has been constructed will have to be altered (reduced in height from 2.4m to 2m) and no trellis installed.



Original Fence and hedge



Current Situation



Surrounding street scene

Plans/ Documents Considered

JJM/003 - Location and Block Plan

JJM/001 - Plans, Elevations & Sections as Previously

JJM/002 A - Plans, Elevations & Sections as Proposed

Planning Statement - Householder - Replacement Fencing (in a conservation area)

Photographs of original fence

Photographs of other nearby fences

Received 2nd March 2020

The applicant provided a series of documents in response to the case officer's email stating that the application will be refused if not withdrawn or extensive re-design. These were not formally revised plans, but nevertheless were:

Letter dated 21st April 2020

2 x letters of support

Photos in South Park Conservation Area
Secured by Design Homes Brochure
Protect your home by protecting your garden - Thames Valley Police
Lincolnshire Police Fence and Gate Security

Received 21st April 2020

Letter dated 27th April 2020
Photos of Abbey School Boundary
Crime and Disorder Act
Photos of 90 Eastern Avenue

Received 27th April 2020

However, for the purposes of this application, the plans formally being considered are those submitted as part of the application, although the subsequent documentation has been noted.

Relevant Planning History:

191828 - To replace previous fencing adjoining the highway with new fencing to same height plus trellis above and on the return in towards the garden for 1m. Also to install gates in front of garage - Application Refused

181361 - Single storey side extension and first floor extension over existing structure - Application Permitted

Consultation Responses:

Internal Consultees

Heritage Consultant - Objection - *Both the height and the materials proposed are out of character with the surrounding conservation area.*

Conservation Area Advisory Committee (CAAC)- *No response received.*

Transport

The Transport department's comments from the previous application (191828) are still considered applicable in this instance due the degree of similarity between the proposals:

RBC Transport had concerns regarding the lack of visibility splays from the driveways: The proposed development consists of the provision of a gate to the frontage of the existing garage and the widening of the dropped kerb to facilitate the parking on the illustrated driveway. The widened driveway would facilitate the provision of 2 cars and therefore would comply with Policy however to facilitate that the existing dropped kerb would need to also be widened to ensure vehicles can utilise a legal vehicle access. None of the submitted plans have been submitted illustrating this and therefore this would need to be illustrated on an amended plan, I would however be happy for this to be dealt with by way of a condition.

The proposed gates would be located at the back of the footway but given that the use of this driveway would be used on limited occasions this has been deemed acceptable in this instance.

The parking spaces would be located adjacent to fences which will reduce visibility along the footway for on coming pedestrians but the proposed would not worsen the existing situation and therefore has been deemed acceptable.

In the circumstances there are no transport objections to the proposal subject to the following conditions.

DC1 VEHICLE PARKING (AS SPECIFIED)

DC4 VEHICULAR ACCESS (TO BE APPROVED)

External Consultation

The following addresses were formally consulted via letter on 10/03/20:

1, 32 Eastern Avenue, Reading, RG1 5RY
2, 32 Eastern Avenue, Reading, RG1 5RY
3, 32 Eastern Avenue, Reading, RG1 5RY
4, 32 Eastern Avenue, Reading, RG1 5RY
30 Eastern Avenue, Reading, RG1 5RY
30A Eastern Avenue, Reading, RG1 5RY
3a Eastern Avenue, Reading, Berkshire, RG1 5RU
4 Hamilton Road, Reading, RG1 5RD
6 Hamilton Road, Reading
7 Eastern Avenue, Reading, Berkshire, RG1 5RU

In addition a site notice was displayed between 11th March - 1st April 2020.

No responses were received during the consultation period. However, three letters of support were received (two directly to the case officer, and one from a neighbour sent via the applicant) following the case officer's email to the applicant advising them of the refusal.

In summary, the application is supported for the following reasons:

- It will not have an adverse impact on the conservation area
- It will create privacy for the applicants and neighbours which face on to the site
- The materials used are a natural resource and made to last
- Knocking down the fence would not be environmentally friendly
- The applicants make a positive contribution to their local community

Summary of discussions with applicant/agent:

The applicant was advised that the proposal would be refused if not withdrawn or re-designed. The applicant provided a number of documents to support their case, however it was not considered that the justifications provided outweighed the harm the fence is having to the appearance of the South Park Conservation Area.

The applicant did not wish to withdraw the application, hence this recommendation of refusal.

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular 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 development.

Relevant Planning Policy and Guidance

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) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

Reading Borough Local Plan (2019)

CC1: Presumption in Favour of Sustainable Development

CC7: Design and the Public Realm

EN1: Protection and Enhancement of the Historic Environment

EN3: Enhancement of Conservation Area

H10: Private and Communal Outdoor Space

TR3: Access, Traffic and Highway Related Matters

South Park Conservation Area Appraisal (2008)

Appraisal

The main issues are considered to be:

- Design and impact on the Conservation Area
- Highways Safety
- Other Matters

Design, impact on the host dwelling, character of the area and street scene

Policy CC7 states: *All development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located. It should make a positive contribution to the character of an area.*

Policy EN3 states: *The special interest, character and architecture of Conservation Areas will be conserved and enhanced. Development proposals within Conservation Areas must make a positive contribution to local character and distinctiveness'. In addition, 'where a Conservation Area Appraisal and Management Plan has been adopted for a particular Conservation Area, this will be a material consideration in determining applications for development.*

The South Park Conservation Area Appraisal states *'Features that have a negative impact on the historic character and appearance of the conservation area:...some replacement of wall/ railings with brick walls and/or timber fencing'*. Although this instance is slightly

different in that a fence and hedge were in place prior, it is not considered that this necessarily means that a poor-quality timber boundary treatment is acceptable. It is acknowledged that the height of the fence has been reduced since the last application (in large part due to omitting the proposed trellis above), however a height of 2m is still considered an overbearing addition within the street scene when compared to boundary treatment in the immediate vicinity. Applications being presented to the LPA are required to be assessed under the Council's most recent planning policies and Conservation Area Appraisals. A more favoured boundary treatment in this Conservation Area, as specified in the appraisal, is that which is low level, such as a wall with railings. The fence erected is considered of a low-quality solution in comparison, particularly with the addition of the concrete posts separating panels. It is considered that the fence is out of keeping with the open character of the immediate vicinity and therefore has an adverse impact on the street scene. During the application, the applicant provided photographs of where similar fencing exists (on Eastern Avenue/ Junction Road). However, no records were found to support these having been granted permission, and therefore may be subject to an enforcement action.

It is not considered that the design in its current form is acceptable for the reasons given above, although the letters of support have been acknowledged. The situation of the applicant is also noted, and understandable that they would wish to retain privacy of their garden. The applicant was advised that all year-round vegetation could be used to help screen their amenity space and would contribute to making the area more verdant. Vegetation could be used on its own or in combination with a low wall and railings. In this instance, it is not considered that a poor-quality design, in terms of scale (height) and materials, can be justified within the South Park Conservation Area when it is considered that other options are available.

This application is not considered to overcome the fundamental issues expressed in the previously refused application.

As such, the proposal is considered contrary to Policy CC7 and EN3 of the Reading Borough Local Plan (2019) and the South Park Conservation Area Appraisal (2008)

Highway Safety

There is no objection in principle to the use of double gates in front of the garage adjoining the highway to provide a more secure and safe area within the private garden. The positioning of the gateposts are set forward of the boundary wall and further restrict visibility for the adjacent driveway, although as there is not a highway objection, this is not considered to warrant a reason for refusal. However, the plans are not showing the provision of a widened drop-kerb. This could have been conditioned were the proposal otherwise acceptable.

Other Matters

Sustainability

The applicant notes that the fence is more sustainable than a brick wall and thus more in line with Policy CC1. However, it is not considered this is a justification to accept the proposal due to its identified harm to the Conservation Area, and thus in contrary to policy EN3. An alternative boundary treatment would be a hedge/ vegetation. This would be welcomed by the Local Planning Authority and would not require planning permission.

Privacy/ Overlooking & Crime and Safety

The applicants have noted that the proposal will create a more enclosed amenity space and will also help reduce anti-social behaviour by their property. This is supported by neighbour letters. However, these matters are not considered to weigh against the detrimental effect that the fencing has on the Conservation Area and there are other boundary measures, which could have been used, which would have achieved the same result with respect to such matters.

Conclusion:

The proposal is considered of detrimental impact to the street scene and Conservation Area. Although the motivation of the proposal is acknowledged, this cannot be a reason to accept the proposal in its current form when contrary to design and conservation policies.

RECOMMENDATION: REFUSE

- 1) The proposed development, by way of its height and materials, represents a poor-quality boundary treatment and unsympathetic addition to the street scene and wider South Park Conservation Area. The proposed development is therefore considered contrary to Policy CC7 and EN3 of the Reading Borough Local Plan (2019) and the South Park Conservation Area Appraisal (2008).

Informatives

1. The plans/ documents considered in this planning application are as follows:

JJM/003 - Location and Block Plan
JJM/001 - Plans, Elevations & Sections as Previously
JJM/002 A - Plans, Elevations & Sections as Proposed
Planning Statement - Householder - Replacement Fencing (in a conservation area)
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2. The Local Planning Authority has worked with the applicant in a positive and proactive manner and within an agreed time period. The applicant was made aware of the issues relating to this proposal but decided to allow the Local Planning Authority to proceed with the refusal of this application.
3. This planning application was submitted without first having sought pre-application advice, which can often avoid the need to refuse planning permission. The Council's pre-application advice service is here:

http://www.reading.gov.uk/media/1190/Pre-Application-Enquiry-Form/pdf/Pre-app_1_Revised_Nov_2015.pdf