

Delegated Application Report

Target Date: 26/08/2020

Address: 6 Abingdon Drive

Application No: 200707/CLP

Proposal: Proposed replacement of existing fence with 1.8m high fence.

Case Officer: Sian Hickey

Introduction and Proposal

The application property is a two storey, pitched roof, link detached property, located on the north side of Abingdon Drive. The property is located centrally in a line of properties of the same design, and the properties have frontages to both Abingdon Drive and Caversham Park Road, although there is a wide grassed area between the properties and Caversham Park Road. The property is not Listed and it doesn't fall within a Conservation Area.

The proposal is for the erection of a 1.8m palisade type fence around the garden of the property which faces Caversham Park Road. The proposed fence would replace the existing low-level picket fence.

Plans Submitted

The applicant supplied the following received 24/05/2020:

Location Plan

Photographs

Subsequently, the applicant supplied the following plans received 01/07/2020:

Block Plan

PL01 - Existing and Proposed Floor Plan

PL02 - Existing Elevations

PL03 - Proposed Elevations

Relevant Planning History

181369 - Erect anthracite grey PVCU conservatory to front of property - Withdrawn

171983 - Single storey rear extension - Permitted

170594 - Single storey rear extension and first floor side extension - Withdrawn

120363 - Single storey front extension - Permitted

071255 - Single storey rear extension - Permitted

Summary of Consultations

No consultations were undertaken as it is not required for an application of this type.

Relevant Planning Policy and Guidance

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Permitted development rights for householders – Technical Guidance September 2019

Assessment

A Certificate of Lawfulness for a proposed development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

The proposed fence must be assessed to ensure that it complies with the conditions of Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to the 'The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure'.

The relevant conditions of the GPDO for a fence, which is not listed or in a conservation area, are as follows:

A.1 Development is not permitted by Class A if—

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons; **N/A**

(ii) in any other case, 1 metre above ground level; **N/A**

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level; **COMPLIES**

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or **N/A**

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building. **N/A**

Recommendation

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted

Development) (England) Order 2015. It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the drawings:

Location Plan (received 24/05/2020)

Block Plan (received 01/07/2020)

PL01 – Existing and Proposed Floor Plan (received 01/07/2020)

PL02 – Existing Elevations (received 01/07/2020)

PL03 - Proposed Elevations (received 01/07/2020)

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed fence. Therefore the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

The applicant should, however, take care to ensure that there is not a covenant restricting such high fences (there may be) but this is not a planning PD consideration. Further, the erection of fences may deprive adjacent owners of light. Again, this is not a planning consideration but a Civil matter.

Informatives

Covenants

Encroachment and Party Wall Act

Construction and Demolition

