

**Application No:** 20/01073/FUL  
Date valid: 26 August 2020  
Target decision date: 21 October 2020

Author: Julia Dawson  
☎: 0191 643 6314  
Ward: St Marys

Application type: full planning application

**Location: 8 Grenada Place And 7 St Johns Place, Whitley Bay, Tyne And Wear, NE26 1HY**

**Proposal: Erect a 1.8m high fence to land to the rear of 8 Granada Place and 7 St Johns Place in order to create two private garden spaces. (Retrospective Planning Application)**

Applicant: Sharon Cockburn, 8 Grenada Place Whitley Bay Tyne And Wear NE26 1HY

**RECOMMENDATION:** Application Refused

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

- 1.1 The main issues for Members to consider in this case are;
- Whether the principle of the proposed development is acceptable;
  - The impact of the proposal upon the character and appearance of the site and the surrounding area;
  - The impact upon neighbours living conditions with particular regard to outlook;
  - The impact on biodiversity;
  - The highway impact.

#### 2.0 Description of the Site

2.1 The site to which the application relates is the northern most part of a parcel of grassed open space, which is located between dwellings which face in a westerly direction onto Grenada Place and in an easterly direction onto St Johns Place. No's 2, 4, 6 and 8 Grenada Place and No's 1, 3, 5 and 7 St Johns Place are rows of terraced dwellings. All of the properties have small rear gardens, which are largely enclosed by low level boundary treatments, beyond these are a pathway separating the enclosed rear gardens from the area of open space.

2.2 Each resident owns one eighth of the open space (immediately to the rear of their individual dwelling) and it is therefore a privately owned but unenclosed amenity space. It is understood that all of the residents contribute towards a gardener who maintains the trees, shrubs and grass.

2.3 Specifically, the application relates to the area of land immediately to the rear of No.8 Grenada Place and No.7 St Johns Place, which borders the boundary with the Brierdene to the north.

2.4 The Brierdene is a designated local wildlife site, wildlife corridor, open space and green belt (Local Plan 2017).

### 3.0 Description of the proposed development

3.1 The proposal relates to a retrospective planning application for the change of use of an area of grassed land from communal open space to two private gardens for No.8 Grenada Place and No.7 St Johns Place, enclosed by 1.8m high closed boarded timber fencing along the southern boundary (divided internally by a north to south 1.8m high closed boarded timber fencing to separate the individual garden areas).

### 4.0 Relevant Planning History

4.1 Land to the rear of St Johns Place and Grenada Place:

79/01902/FUL - To fence land for use as private gardens at land situated between St. Johns Place and Grenada Place – Refused 15.10.1979 (*Reason: The open space attaching to these small individualistic linked houses is a complimentary feature and an integral part of the overall open space provision and visual amenity of this pleasant modern housing development.*)

4.2 7 St Johns Place:

17/01121/FULH - Proposed conservatory extension to the rear and garage conversion – Approved 27.09.2017

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (February 2019)

National Planning Practice Guidance (NPPG) (As amended)

6.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 The main issues for Members to consider are:

- Whether the principle of the proposed development is acceptable;
- The impact on biodiversity and landscaping;
- The impact of the proposal upon the character and appearance of the site and the surrounding area;
- The impact upon neighbours living conditions with particular regard to outlook;
- The highway impact.

7.1 Consultation responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

## 8.0 Principle of the Development

8.1 Paragraph 91 of the National Planning Policy Framework states that planning decisions should aim to achieve healthy, inclusive and safe places, which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

8.2 Paragraph 96 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

8.3 Policy S1.2 ‘Spatial Strategy for Health and Well-being’ states that the wellbeing and health of communities will be maintained and improved by:

- a. Working in partnership with the health authorities to improve the health and well-being of North Tyneside’s residents.
- b. Requiring development to contribute to creating an age friendly, healthy and equitable living environment, including through the following:
  - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.
- c. Promoting allotments and gardens for exercise, recreation and for healthy locally produced food.

8.4 Policy S7.10 Community Infrastructure states the quantity and quality of open space, sport and recreation provision throughout the Borough will be maintained and enhanced and are accessible to the neighbourhoods that they serve.

8.5 Policy S1.4 General Development Principles states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of the Plan. Amongst other matters this includes ensuring that developments are acceptable in terms of their impact upon local amenity for new or existing residents, adjoining premises and land uses.

8.6 The Council's Design Quality SPD states that areas of open space that are valued by residents provide an important community function and can make a significant contribution to quality of life.

8.7 The application has been submitted by the owner of No.8 Grenada Place on behalf of both herself and the owner of No.7 St Johns Place. Both parties have submitted supporting statements in respect of the land to the rear of their properties. The owners of No.8 have advised that the land is private property and has been maintained as private garden area by the residents/owners of all of the properties which back onto it for over twelve years. It is understood that No.8 was purchased by the current occupiers approximately 5 years ago.

8.8 The owners of No.8 have advised that whilst the garden area is used for normal domestic purposes, i.e. barbecues, hanging out washing, etc. the open nature of area has resulted in them being hesitant to allow their young child to play out without strict supervision due to the danger posed by cars on the nearby road (Grenada Drive), strangers and dog muck (as people who are not resident on either St Johns Place or Grenada Drive allow their dogs to use the grass and do not always clean up after them). There have also been issues with regard to trespass and security. In addition, in recent times the Covid-19 pandemic has brought home how essential it is to have private garden space to enable a safe place where there is no risk of unwittingly coming into contact with others and subsequently contracting and passing the virus on.

8.9 The owners of No.7 have advised that they have lived at the property for approximately 12 years and have reiterated that the shared cost of maintaining the area has been borne by the residents of all eight dwellings. They have also advised that they have use their land as a private garden area for 12 years with trees and shrubs being maintained, washing hung out, to play games, etc. Due to the open nature of the area their children have been unable to play without supervision. Members of the public walk across the area in an attempt to reach the Brierdene (there is no through access) and teenagers have climbed across the fence from the Brierdene to their private yard and then the open space to get access beyond. The owners of No.7 have advised that the Covid-19 pandemic has highlighted the need for private garden space to enable them to socially distance and for their children's mental health, well-being, safety and security.

8.10 Letters of support have been submitted by the occupants of eight separate addresses, only one of these has been submitted by an occupant of one the eight houses which back onto the site. The support, from the occupants of dwellings in the wider surrounding area, is noted. Objections have also been submitted from the occupants of five separate addresses, two of these are from the occupants of dwellings on Grenada Place and one is from the occupant of a dwelling on St Johns Place. It is also noted that two additional letters, one from Grenada Place and one from St Johns Place, have not objected to the specific proposal which is subject of this application, but have raised concerns with regard to the implications if this is approved, in terms future applications for the rest of the communal area, which they would not support.

8.11 The reasoning put forward by the owners of No.8 Grenada Place and No.7 St John Place for the enclosure of the land in question is fully understood. It is

acknowledged that homeowners would prefer a larger private enclosed garden area. However, the area of land which is subject of this planning application was clearly designed to be an attractive open area for the residents of these eight dwellings to use in a communal manner. The open nature of this area positively adds to the character and appearance of the area and towards the residential amenity of the occupants of these dwellings. The loss of part of this open space through enclosure by high level timber fencing will have a negative impact in both respects. Each dwelling has a smaller enclosed rear garden/yard (roughly 25sqm in area excluding any extensions) and there is nothing to prevent these smaller areas from being enclosed with higher level fences if this is considered necessary by each homeowner.

8.12 It is clear that when buying their properties, each of the residents were aware that the open land, although within their ownership, is part of a larger area of shared amenity space. Apart from one planning application to enclose the land with high level fencing in 1979 (which was refused) there have been no formal enquiries or applications to the Local Planning Authority to enclose the land, (up until the current application), which would suggest that the residents have previously been satisfied with the manner in which the land is used and maintained. The 1979 application was refused as it was considered that, "*The open space attaching to these small individualistic linked houses is a complimentary feature and an integral part of the overall open space provision and visual amenity of this pleasant modern housing development*". This reason still stands.

8.13 In a point raised by a number of residents, it is noted that if the current application is approved and planning permission is granted for the proposed fencing, this will make it increasingly difficult for the Local Planning Authority to refuse similar applications to enclose the rest of the land in a similar fashion. Cumulatively, this will lead to the loss of this attractive piece of privately owned open amenity space, which has been well maintained by its owners for numerous years without any known issues, and this will harm the visual amenity of the area. Whilst the current application would undoubtedly benefit the applicants, it will be of limited benefit to the occupants of the remaining dwellings on Grenada Place and St Johns Place, who will simply see the communal garden decrease in overall size reducing the open aspect they have all benefitted from since the properties were constructed.

8.14 It is acknowledged that security and trespassing are very valid and understandable concerns. However, they are not sufficient to outweigh the harm caused to visual and residential amenity by the development as carried out. In addition, there are many other ways to ensure security including lighting; closed circuit television and landscaping (natural planted screening as opposed to solid walls or fencing) which would not require planning permission. Small signs could also be erected to advise passers-by that the land is privately owned, not for the use of the general public and that they have no right of access.

8.13 Members need to determine whether the principle of the proposed change of use the open space to an enclosed garden area, by way of the installation of 1.8m high timber fencing, is acceptable. Officer is advice is that the principle of the proposed development is not acceptable.

## 9.0 Impact on Biodiversity and Landscaping

9.1 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment. Paragraph 175 states that when determining planning applications LPA's should aim to conserve and enhance biodiversity by avoiding significant harm from development. If significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

9.2 Policy S5.4 'Biodiversity and Geodiversity' seeks to protect, create, enhance and manage the Borough's biodiversity and geodiversity sources.

9.3 Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' sets out the policy requirements for development.

9.4 Policy DM5.2 Protection of Green Infrastructure states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or
- d. The proposed development would be ancillary to the use of green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure or improvements to existing should seek net gains for biodiversity, improve accessibility and multi functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

9.5 Policy DM5.7 Wildlife Corridors states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

9.6 The Council's Landscape Architect has noted that the application site itself is not part of a designated wildlife corridor or open space (as defined by the Local Plan). However, she has noted its communal nature and that it offers accessible outdoor space for the benefit of all the properties on Grenada Place and St Johns Place, advising that it provides amenity green space within a suburban environment, providing an outlook to other residential properties, variety in the suburban scene, and that the trees provide a positive element in the landscape.

9.7 She has advised that she is unable to support the current planning application, raising a concern that approval could set a precedent making it difficult to resist similar future development. She notes that the fence is very visible from Grenada Drive and has resulted in a change in character as a result of the addition of this structure. The Landscape Architect has also noted the similar privately owned communal garden area between Grenada Place and St Vincents Place to the east. This area has been personalised by the residents, but the communal nature of the space remains with a hedgerow providing screening along the footpath with Grenada Drive. A similar approach at the application site would be a more appropriate method of providing a safe semi-private useable green space for the benefit of all properties without resulting in harm to the visual amenity of area.

9.8 The Council's Biodiversity Officer has noted that the application site immediately borders a large area of designated open space and a Local Wildlife Site (Brierdene), which is also a designated wildlife corridor. The application site and the wider area of communal open space therefore has the potential to contribute towards the wildlife corridor by facilitating the movement of wildlife. She has also noted the existence of trees and shrubs within the site and is concerned that enclosure of the land will make these vulnerable to removal. The Biodiversity Officer agrees with the suggestion of the Landscape Architect in that a more appropriate way to provide semi-private accessible green space would be via the planting of a hedgerow similar to the one nearby. This would create additional habitat and provide a natural barrier that allows wildlife movement.

9.8 It is acknowledged that the owners of both No.7 and No.8 (the applicant) have stated that they intend to plant flowers, wildflowers, bushes and shrubs so that they can continue to enjoy the variety of birds and wildlife which enter the area from the Brierdene and to maintain a positive environment and habitat for wildlife, but this does not address the fact that the introduction of solid fencing will adversely affect the movement of wildlife to and from the adjoining wildlife corridor, and that the enclosure of the land behind 1.8m high solid timber fencing will make the trees and shrubs more vulnerable to removal.

9.9 Members need to determine whether the proposed change of use the open space to an enclosed garden area, by way of the installation of 1.8m high timber fencing, acceptable in terms of its impact on the adjacent Local Wildlife Site, designated wildlife corridor and green infrastructure. Officer advice is that the proposed works will result in a loss of biodiversity and a harmful impact on the landscape for the reasons set out.

#### 10.0 Impact on Amenity

10.1 NPPF paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. Planning decisions should also limit the impact of light pollution from artificial light on local amenity.

10.2 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

10.3 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

10.4 In terms of the impact of the fencing on neighbouring amenity, the main impact is on the standard of outlook enjoyed by the remaining occupants of Grenada Place and St Johns Place. Most directly affected by the current application are the occupants of the dwellings which immediately adjoin the application site at No's 6 Grenada Place and No.5 St Johns Place. The fence immediately borders the area of land to the rear of their dwellings. An letter of support has been received from the occupant of No.5 and an objection has been received from the occupant of No.6. A summary of these concerns of each of these is set out in the representations and is noted.

10.5 Concerns have been raised in relation to the blocking of the existing path and a potential restriction of access to the rear of the properties if future applications are approved. These points are noted. However, the paths are not adopted by the Council and are within the ownership of the property owners, who it is understood are responsible for their upkeep. Rights of access would be set out in the deeds, which are entirely separate to and cannot be controlled by the planning application.

10.5 Members must determine whether the proposed development is acceptable in terms of its impact on the residential amenity of surrounding occupiers with particular regard to outlook. Officer advice is that the proposed development will result in a harmful impact on the outlook from the rear of the neighbouring properties on Grenada Place and St Johns Place.

#### 11.0 Impact on Character and Appearance

11.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

11.2 Policy DM6.1 'Design of Development' states "Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area." Amongst other matters proposals are expected to demonstrate:

- “a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces; and
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;....”

11.3 The ‘Design Quality’ Supplementary Planning Document (SPD) applies to all planning applications that involve building works. It states, ‘Boundaries are particularly important to the front of properties and should be clearly defined, using appropriate boundary markers, such as gates and gateways, hedges, fences and walls. As a general rule, low walls and/or metal railings are more appropriate in urban areas along higher level streets, while soft planting, hedging and picket fencing is more appropriate in lower density areas which have a more rural character’. It further states that ‘Care should be taken to limit the need for long sections of new walls or high close boarded fences, especially where these bound public areas’.

11.4 Boundary treatments should be carefully considered and should not detract from the public realm. In this case, the application site is sensitive to alteration as it is visible by the public in the wider locality and it is highly visible from all of the rear of the dwellings on Grenada Place and St Johns Place and also from Grenada Drive.

11.5 Enclosing this land would result in a permanent loss of attractive open space and it will create a ‘hard edge’ against the remaining area of shared amenity space for the residents of these dwellings. It is considered the boundary treatment by virtue of its height, length, closed boarded timber construction and siting, including the area it covers, creates a highly incongruous feature in this location. The fencing introduces a hard element to the detriment of the open character of the site and surrounding area, resulting in harm to visual amenity.

11.6 Consequently, the development is contrary to Policies DM5.2 and DM6.1 of the LPA and guidance in the Design Quality SPD. When read together these policies and guidelines only permit development to occur when it harmonises with its surroundings. The development does not result in any benefits that outweigh the visual harm that has been brought to the character and appearance of the area.

11.7 Members must determine whether the proposed fencing is acceptable in terms of its impact on the character and appearance of the area. Officer advice is that the proposed fencing is unacceptable for the reasons set out.

## 12.0 Highway Impact

12.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.2 LDD 12 ‘Transport and Highways SPD’ sets out the Council’s adopted parking standards.

12.3 Policy DM7.4 'New Development and Transport' states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being

12.4 The proposed development would not affect the existing car parking arrangement or vehicular access.

12.5 The Council's Highway Network Manager has been consulted and has raised no objections to the proposal, but he has advised that the applicant should be made aware of two non-adopted footpaths that have been severed by the fence and as such they are advised to seek independent legal advice on whether or not these footpaths require formal closures under Section 247 of the Town and Country Planning Act 1990.

12.6 Members must determine whether the proposal is acceptable in terms of its impact on the highway network. Officer advice is that the proposed development will not result in an unacceptable impact on highway safety or severe residual cumulative impacts. It is therefore in accordance with the NPPF, LDD12 and policy DM7.4.

### 13.0 Local Financial Considerations

13.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

13.2 The proposed works would provide larger privately enclosed gardens for the occupants of two dwellings, but would provide no environmental, economic or social benefits to the wider community.

### 14.0 Conclusion

14.1 Members must determine whether the proposed development is acceptable in terms of its impact on biodiversity, the character and appearance of the application site and surrounding area, neighbouring amenity with particular regard to outlook, and the highway network.

14.2 On balance, and with regard to all of the above, refusal of the application is recommended.

## **RECOMMENDATION:     Application Refused**

### **Reasons**

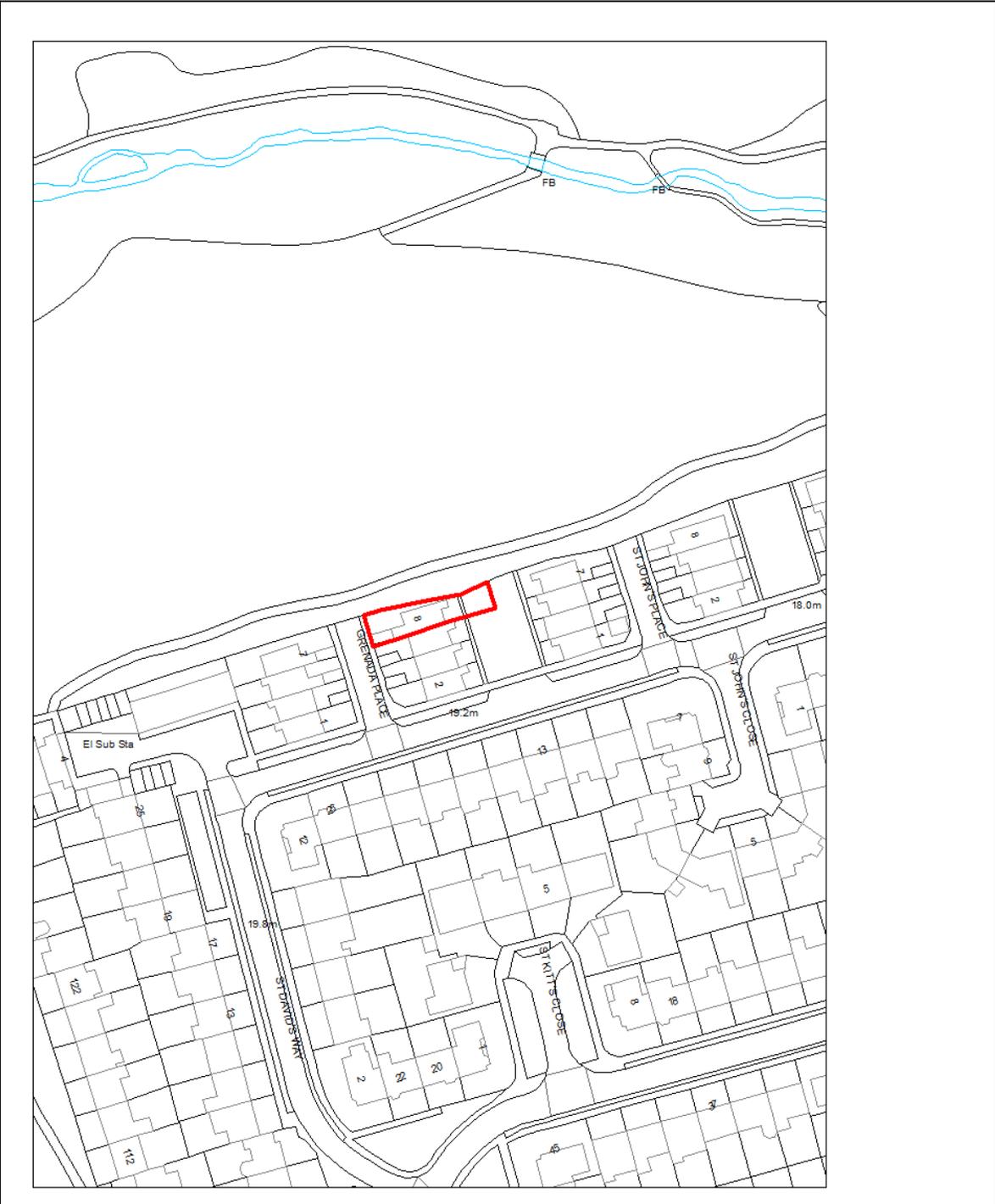
1. The proposed enclosure of the open space by way of the introduction of 1.8m high solid timber fencing would be harmful to the visual amenity of the area and result in the loss of an important area of open space which contributes towards the character and appearance of the surrounding area. This would be contrary to policies DM5.2, DM5.3 and DM6.1 of the North Tyneside Local Plan (2017) and LDD11.

2. The proposed enclosure of the open space by way of the introduction of 1.8m high solid timber fencing will result in a harmful impact on the outlook from the rear of the neighbouring dwellings on St Johns Place and Grenada Place, with particular reference to 6 Grenada Place and 5 St Johns Place. This is contrary to policies S1.4 and DM6.1 of the North Tyneside Local Plan 2017 and the NPPF.

3. The proposed enclosure of the open space by way of the introduction of 1.8m high solid timber fencing will result in a harmful impact on the adjoining Local Wildlife Site (Brierdene) and Wildlife Corridor by adversely impacting on the movement of wildlife. This is contrary to policies DM5.2, DM5.5, DM5.7 and S5.4 of the North Tyneside Local Plan 2017 and the NPPF.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



**Application reference: 20/01073/FUL**  
**Location: 8 Grenada Place And 7 St Johns Place, Whitley Bay, NE26 1HY**  
**Proposal: Erect a 1.8m high fence to land to the rear of 8 Granada Place and 7 St Johns Place in order to create two private garden spaces. (Retrospective Planning Application)**

Not to scale  
 Date: 17.09.2020

© Crown Copyright and database right 2011. Ordnance Survey Licence Number 0100016801



**Appendix 1 – 20/01073/FUL  
Item 4**

**Consultations/representations**

**1.0 Representations**

10no. support (8 addresses); 6no. objections (5 addresses); 2 representations (concerned about precedent it will set). Summarised below:

**1.1 Support:**

- Enhances neighbourhood.
- Improves security in area, I know others are hoping to do the same.
- Provides secure area for children to play, preventing them from running into road.
- Provides privacy for the occupants of the properties as there is currently no privacy.
- Access to secluded gardens will have positive mental and physical impact for the owners during these unprecedented times.
- There is no direct adverse effect to me and I therefore have no objections to this.

Should this have been in the location of my own garden I would however have to give more consideration.

- Makes great use of what was before, an unused area.
- Allowing this fence will encourage families to move and stay in the area of Whitley Lodge.
- Shared use of the land may have been suitable in years gone by but for the safety and well-being of these families and any future families that move into the properties the fence is a much-needed addition.
- I can only imagine the frustration of having ownership of a piece of land that you cannot privately make use of.
- Another block has used planting to make their area private. This can look untidy and sometimes obstructs the public walkway

**1.2 Objections:**

- Whilst the fence does not affect my property my first impression was one of surprise at its height alongside its ugly supports on Grenada Drive side.
- Concerns that approval of the application will set a precedent for others to do the same,  
which in effect would block access to residents property and harm the visual amenity of the area, which was a pretty common space for residents who live there.
- If others follow suit, those that don't could be fenced in through choice of their own with only one access to the house.
- If others do the same it will prevent access in case of emergency for fire services etc. and also for existing residents to the footpath and grassed communal area.
- The changes should be fully acceptable to everyone who at present look out onto the common green space.
- Eyesore and ugly blot on landscape.
- Upright posts should be on inside and not protruding out onto other people's property.

- This has wrecked the peaceful, open plan original design of the area
- Neighbouring wall of one resident has been badly damaged by the construction of this fence.
- Land has always been designated as a play area in the deeds to the area.
- Spoils open plan aspect.
- A tree was removed when constructing the fence.
- Adverse effect on wildlife.
- Area has been enjoyed by children over the years as a communal grassed safe playground. These are our green spaces and events of the past few months have reaffirmed the importance of these spaces for all of us for our physical and mental wellbeing. We do not want to lose them.
- Enclosing the land will make it difficult to maintain.

## 2.0 Internal Consultees

### 2.1 Landscape Architect

2.2 The application refers to two residential terraced rows of housing (Grenada Place and St John Place), which overlook their respective positions across a communal area of grassed land, which also supports a number of mixed-species trees and shrubs; pedestrian access to the respective properties is via 2no walkways, adjoining the Grenada Drive footway. The end-terrace properties also border land associated with Briardene. There is no direct access from the properties onto Briardene with a fence separating the housing from the open space.

2.3 The applicant, and neighbour, have erected a 1.8m height timber fence to enclose the communal land adjacent to their front garden areas, as shown on the submitted documents. This has effectively fenced off the acquired land as a continuation of the applicants, and neighbours, respective front garden areas.

2.4 There are existing trees and shrubs within the overall grassed area which are now enclosed, although it is unclear if any trees have been removed. The land is not designated open space or within a wildlife corridor as defined by the Local Plan but the land is communal and offers accessible outdoor space for the benefit of all the properties. Visually it provides amenity green space within an urban environment, the space provides an outlook to other residential properties, variety in the urban scene, and the trees provide a positive element in the landscape.

2.5 The main concern is the precedent this can set. There is a similar area to the east which is more enclosed giving the appearance of a semi-private space with an established hedgerow along Grenada Drive to the south providing privacy. Many residents have personalised the communal space.

2.6 The new fence between 8 Granada Place and 7 St Johns Place is very visible from Granada Drive. It changes the character of the space and is an addition of a structure that is a visual change. Rather than divide the area up into individual garden areas, a similar solution could be applied at this location with hedgerow planting to the frontage so a safe semi-private useable green space is created for the benefit of all properties.

2.7 Knowing that a more visually pleasing alternative is possible, and to avoid similar application in the future, the installation of the fence at this location is not supported

### 2.8 Biodiversity Officer

2.9 The application is for a change of use from private open amenity land to private residential.

The applicants have erected the fence to enclose communal land to their front gardens and this area consists of trees and shrubs within the grassed area which are now enclosed by the fence. Whilst the land is not designated open space or identified within a wildlife corridor on the Local Plan (2017), the land is communal offering outdoor space for all residents. In addition, the area of communal land which was previously open, borders a large area of open space and Local Wildlife Site (Brierdene) immediately to the north which is within a designated wildlife corridor. The land, therefore, has the potential to contribute to the adjacent wildlife corridor by facilitating the movement of wildlife.

2.10 There are concerns that the trees and shrubs within this area would be vulnerable to removal as a result of a change to garden use and also that a precedent could be set with similar properties wishing to do something similar.

2.11 The Landscape Architect has suggested that rather than dividing the area up into individual garden areas, hedgerow planting to the frontage could be undertaken so a safe semi-private useable green space is created for the benefit of all properties. This measure would be supported, particularly as it creates additional habitat and provides a natural barrier that allows wildlife movement.

2.12 For the reasons outlined above, the application for the installation of fencing in this location is not supported.

### 2.13 Highway Network Manager

2.14 This application is to erect a 1.8m high fence to land to the rear of 8 Granada Place and 7 St Johns Place in order to create two private garden spaces. There are no objections in principle to this proposal, however the applicant should be made aware of two non-adopted footpaths that have been severed by the fence and as such they are advised to seek independent legal advice on whether or not these footpaths require formal closures under Section 247 of the Town and Country Planning Act 1990. Approval is recommended.

2.15 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dv/pt

2.16 The applicant is advised to seek independent legal advice on whether or not the two footpaths to the frontage of the properties require formal closures under Section 247 of the Town and Country Planning Act 1990

2.17 The applicant is advised that they will need to cover any legal costs incurred by the council to stop up the area or remove it from the highway adoption agreement (Section 38 Agreement).