

Application No: 21/00809/FUL

Author: Maxine Ingram

Date valid: 21 April 2021

☎: 0191 643 6322

Target decision date: 16 June 2021

Ward: Camperdown

Application type: full planning application

Location: 7 Greenhills, Killingworth, NEWCASTLE UPON TYNE, NE12 5BA

Proposal: Remove old fence which only covered part of the property, and erect new fence enclosing existing open space, close boarded timber 1800mm high installed. (Retrospective)

Applicant: Mr Mick Trett, 7 Greenhills Killingworth Newcastle Upon Tyne NE12 5BR

Agent: Dr Jafar Mojtabavi, Persepolis Architecture Ltd 73 High Street Gosforth Newcastle Upon Tyne NE3 4AA

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider in this case are:

- The impact on visual amenity; and,
- Impact on highway safety.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site to which the application relates is a north east facing, semi-detached property located in an established residential area of Killingworth. The property is sited close to the entrance to this estate. It is bound to the north and west by the estate road. The garden to front is open plan.

2.2 It is noted that the fencing, subject of this application, is already in situ. However, the Local Planning Authority's (LPA's) aerial photographs and images available via Google Maps clearly show that the majority of land to the side of the application site up to the footpath was an open grassed area. The former boundary treatment that separated the rear garden from this land was splayed

from the gate towards the adjacent visitor parking bay. This former boundary treatment comprised of brick piers with timber infills.

3.0 Description of the Proposed Development

3.1 Retrospective planning permission is sought to remove the old fence which only covered part of the property, and erect a new fence enclosing existing open space. The new fence is a close boarded timber fence 1800mm high.

3.2 The applicant has requested that this application is presented to Members of Planning Committee.

4.0 Relevant Planning History

04/02564/FUL - Alter existing garage to form lounge and construct attached garage to side of property – Permitted 20.09.2004

00/01732/FUL - En-suite bedroom above existing garage – Permitted 12.01.2001

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

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

6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 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 Main Issues

7.1 The main issues for Members to consider in this case are:

- The impact on visual amenity; and,
- Impact on highway safety.

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

8.0 Impact on amenity

8.1 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.

8.2 Policy S1.4 sets out general development principles. Amongst other matters, this states that development should be acceptable in terms of its impacts on local amenity for existing residents and adjoining premises.

8.3 Policy DM6.1 sets out guidance on the design of development. This policy states that:

“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 of the characteristics of the site, its wider context and the surrounding area.”

8.4 Policy DM6.1 states, amongst other matters, that proposals are expected to demonstrate:

- b. A positive relationship to neighbouring buildings and spaces;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.5 LDD11 ‘Design Quality’ 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’.

8.6 The entrance to the estate retains an open feel. There is a mature tree belt closest to the roundabout which then opens onto the front gardens serving the properties as you immediately enter the estate. To the northside of the road is an open grassed area that is designated as Green Belt.

8.7 The site, subject of this application, was previously open. The gate providing access to the rear garden was set back from the front of the property and the boundary treatment splayed from this point towards the adjacent visitor parking bay (approximately the centre of this visitor parking bay) before returning southwards to follow the line of the footpath. This section of boundary treatment comprised of three brick piers and timber infill panels. Open grassed areas such as these make important contributions to the design of residential estates as they provide visual relief and soften the surrounding built form.

8.8 It is noted that there are expanses of timber fencing that exist adjacent to footpaths throughout this estate. These existing expanses of timber fencing were designed as part of the wider estate. Such boundary treatments, adjacent to footpaths, would not be supported today as they result in poor design that detracts from the public realm. However, the site, subject of this application, was not enclosed by a solid timber fence when this estate was originally designed.

8.9 Boundary treatments should be carefully considered and should not detract from the public realm. Generally, the front of any building will be the most sensitive to alteration as it is the elevation which is invariably visible by the public in the wider locality. In this case, due to the location of the application site it is highly visible within the immediate street scene and therefore the side of this property is also highly sensitive to alteration.

8.10 It is considered that enclosing this parcel of land significantly alters the visual appearance of this part of the estate and reduces the sense of openness. This is further exacerbated by the enclosure of this land with a high timber fence. 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 into this part of the street scene to the detriment of visual amenity.

8.11 Consequently, the development is contrary to Policy DM6.1 of the Local Plan 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 significant benefits that outweigh the visual harm that has been brought to the character and appearance of the area.

8.12 One letter of support has been received. The points raised are noted. However, it is not considered that the development results in any significant benefits that outweigh the visual harm caused.

8.13 Members need to determine whether the proposed development is acceptable in terms of its impact on visual amenity. It is officer advice that the visual impacts of this development are not acceptable. As such the proposed development does not accord with the NPPF or Local Plan policies DM6.1 or LDD11.

9.0 Impact on highway safety

9.1 Policy DM6.1 states, amongst other matters that, proposals are expected to demonstrate:

e. Sufficient car parking that is well integrated into the layout.

9.2 One objection has been received regarding the impact on poor traffic and pedestrian safety.

9.3 The applicant has provided a response to the highway points raised.

9.4 The Highways Network Manager has been consulted. He has raised no objection to this application.

9.5 The Greenhills estate is a substantially sized development with only one access serving it. This access road is of a significantly curved design. When entering the site from the A1056, vehicles are travelling in a north direction then turn sharply to a south-westerly direction when they reach the site boundary, then via another curve to a westerly direction when they have passed the site, continuing into the rest of the development. The estate was originally designed to 30mph and has since been designated as a 20mph zone and traffic calming has been introduced. Whilst the fence reduces the forward visibility, it does not encroach onto the required visibility splay designed to 20mph. On this basis, there are no significant impacts on highway safety.

9.6 Members need to determine whether the proposed development is acceptable in terms of its impacts on highway safety. It is officer advice that it is.

10.0 Conclusions

10.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

10.2 Members need to determine whether the proposed development is acceptable in terms of its impact on visual amenity. It is officer advice that the visual impacts of this development area not acceptable. As such the proposed development does not accord with the NPPF or Local Plan policies DM6.1 or LDD11.

10.3 Refusal is recommended.

RECOMMENDATION: Application Refused

Conditions/Reasons

1. The application site occupies a prominent position within a residential estate. The construction of 1.8m high fencing, by virtue of its design, length, height and material, and reduction in soft landscaping to the side of the property would be harmful to the visual amenity of the immediate surrounding area. This would be contrary to policies S1.4, DM6.1 and DM6.2 of the North Tyneside Local Plan (2017), the Design Quality Supplementary Planning Document (SPD) (2018) and the advice in National Planning Policy Framework (NPPF) 2019.

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.



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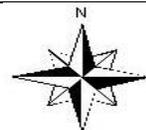
Location: 7 Greenhills, Killingworth, NEWCASTLE UPON TYNE, NE12 5BA

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Not to scale

Date: 24.06.2021

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**Appendix 1 – 21/00809/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This is a retrospective application to remove the old fence which only covered part of the property and erect a new close boarded timber 1800mm high fence enclosing the existing open space. Greenhills is a substantially sized development and the site is close to the only access to the site. This access road is of a significantly curved design - when entering the site from the A1056, vehicles are travelling in a north direction then turn sharply to a south-westerly direction when they reach the site boundary, then via another curve to westerly direction when they have passed the site, continuing into the rest of the development. Whilst the fence reduces the forward visibility, it does not encroach onto the required visibility splay designed to 20mph.

1.3 Approval is recommended.

2.0 Representations

2.1 Support

2.2 Two letters of support have been received from the same property.

-The new fence looks nicer and an improvement on the older one, the grassy verge that was previously accessible was typically littered and more often than not used for dog fouling.

-I support the proposal; the fence is modern and looks significantly better than the previous, the height also allows for privacy in the garden including my own which is a house over from the public walk.

-The grassy verge that was previously exposed typically had dog mess and often litter, where the car park bay is there it unfortunately has sometimes just been used for this.

2.3 Objection

2.4 One objection has been received. This objection is set out below:

Poor traffic/pedestrian safety.

As a resident on the estate, it was clear very quickly when the fence was erected, that it obstructs the line of sight of the road on the bend when entering and leaving the estate.

You are unable to see when traffic is approaching the bend on entry or exit. This is made worse when people are also parked on the road. A resident from the property, pulled off their drive-in front of me as I was exiting the estate - I only saw them once coming around the bend due to the restricted view, and they were unable to see my vehicle approaching due to the new fence blocking their line of sight for vehicles approaching the bend.

This new fence presents a health and safety hazard for all residents of the estate.

2.5 Comments from applicant

2.6 The applicant has considered the comments against the fence. They have advised:

As the resident of the property I have no problem when exiting my drive. As the estate has a 20mph speed limit and the Highway Code states that the stopping distance is 12 metres for this speed, there is plenty of distance to be able to stop if I exit my drive and the approaching traffic is within the speed limit. Therefore, no health and safety concerns are valid. There is a bus route (K2) that services the estate, so the carriage way is sufficiently wide enough to accommodate large vehicles on this bend.

2.7 I have spoken to numerous residents on the estate and not one person I have spoken to has any problem with the new fence being erected

3.0 External Consultees

3.1 None