



**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER**

**TO: SPECIAL BUDGET POLICY AND RESOURCES
COMMITTEE**

DATE: 10th FEBRUARY, 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

Application Ref: 21/0768/HHO

Proposal: Full: Retrospective application for the erection of a close boarded fence to North elevation (Max. 2.4m in height), erection of close boarded fence to Eastern and Southern boundaries (Max. 2.5m in height) and two sets of entrance gates to Western elevation.

At: 251 Hibson Road, Nelson, BB9 0PS

On behalf of: Mr Mubashar Sarwar

Date Registered: 16th September 2021

Expiry Date: 11th November 2021

Case Officer: Yvonne Smallwood

Site Description and Proposal

This application has been referred to Policy & Resources Committee because Nelson, Brierfield and Reedley Committee's resolution to approve the application would represent a significant departure from policy.

The proposal site is a detached property in a residential area of Nelson.

There is a 1m retaining wall to the rear boundary and leveling along the sides of the property, terracing the garden of the application site to level with the dwelling. There is a sunken patio area to the rear of the property.

The development is for the erection of two 1.53m gates to the front of the property. The gates would be placed in the existing wall to the front of the property which is 1.1m high.

The proposed fencing to the sides of the property along the driveways perpendicular to Hibson Road would be circa 1.2m high.

The fence alongside the dwelling and extending back to the rear garden would reach a maximum height of 2.4m to the north elevation and 2.5m to the east and south boundary.

Relevant Planning History

17/0516/HHO Full: Erection of two storey extension to the front, rear and side (north), alterations to the roof and erection of balcony on front elevation.

17/0713/HHO Full: Erection of two storey extension to the front, rear and side (North), alterations to the roof and erection of balcony on front elevation (Re-Submission).

Consultee Response

Highways LCC –

To alleviate any highway safety concerns a drawing showing the visibility splays at the 2 sets of entrance gates, for the speed limit for Hibson Road ie a 43m splay is required for a 30 mph road. This is to ensure that the proposed fence does not obstruct the visibility of drivers entering and leaving the property.

Providing the visibility splay drawing required is satisfactory there is no objection to this proposal.

Visibility Splays were submitted by the agent on 22nd October 2021 and Highways confirmed they were acceptable on 4th November 2021, therefore Highways raised no objection to this application.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Officer Comments

Policy

ENV2 – requires high standards of quality and design in new development and the need to be in scale and harmony with the surroundings.

SPD 5.24 – the style and materials of gates and fences should match or be in harmony with the existing style of the area. Highway visibility must be preserved.

Design and materials

The materials for the fence would be timber panels with concrete posts. The gates would be electric metal gates with wood paneling. The design of the fence and gates would be in keeping with other examples in the neighbourhood. The proposed materials would be similar in appearance to other examples in the locality and would therefore be acceptable in terms of ENV2 and Design Principles SPD.

Amenity

The proposed fence would be 1.2m high on the north and south elevations which are perpendicular with the road. There is an existing 1.1m wall to the front of the property on Hibson Road with gate posts at a height of 1.53m. The main concern with regard to fencing fronting a highway is that of visibility. Visibility splays for this proposal were submitted to Highways LCC and were acceptable. Therefore the front elevation of this application meets the criteria for Design Principles SPD with regard to highway visibility.

The fence along the north elevation boundary parallel to the application site dwelling and number 249 would be 2.4m in height. The fence panel nearest the front door of number 249 rises to 1.93m in height. The slope of the garden means that the retaining wall with the fence above is 3m high at the rear of the garden, which is overbearing.

The panels on the boundary between the application site dwelling and number 253 are 2.4m in height and the fence extends back to the rear boundary, again the retaining wall with the fence above is over 3m in height.

The fence to the rear elevation of the application site is at a height of 2.5m. There is an existing retaining wall beneath this. There is a slope down towards the properties to the rear on Eckroyd Close with a difference in levels of circa 1m. Between the fence at the application site and the fence to the rear of Eckroyd Close there is a ginnel inbetween where bins are stored. There is a row of established trees along the rear of Eckroyd Close. There is a difference in levels, a line of trees and the ginnel lying between the properties to the rear, however circa 0.75m of the fence is visible from Eckroyd Close.

The fence has a detrimental impact on the amenity of the neighbours to each side of the application site, number 253 and 249. The fence is overbearing at a height of 3m including the retaining wall. The fence is also overbearing to, a lesser degree, to the properties to the rear of the application site on Eckroyd Close. This is contrary to ENV2 as the fence is not in scale and harmony with its surroundings and it is not of good design and therefore contrary to the guidance of the Design Principles SPD.

RECOMMENDATION: Refuse

The proposed fence exceeds the 2m height normally acceptable between neighbouring gardens due to the retaining wall which is not sympathetic to the landscape. The wall with the fence above measures 3m from the rear boundary wall at number 253 and 249, making it overbearing in appearance and poor design, contrary to Pendle Borough Council Policy ENV2 and Design Principles SPD.