

## **DEVELOPMENT MANAGEMENT COMMITTEE 26TH JANUARY 2022**

**Application Ref:** 22/0698/HHO

**Proposal:** Full: Erection of a boundary fence.

**At** 35 Clegg Street, Brierfield.

**On behalf of:** Mr Adeel Khalid.

**Date Registered:** 18/10/2022

**Expiry Date:** 13/12/2022

**Case Officer:** Joanne Naylor

This report has been referred from the Nelson, Brierfield & Reedley Committee as Members were minded to approve the application contrary to the officer's recommendation. There would be a significant highway safety impact if the application were approved, which would result in a significant departure from policy.

### **Site Description and Proposal**

The application site is within a traditional residential area with similar semi-detached properties and terraced housing. The site is a two storey dwellinghouse located on a corner plot formed by Clegg Street and Walter Street, with red brick walls to first floor and white render above, there are gardens to all three elevations of the dwelling house. There is a boundary treatment of red brick wall circa 1m high with a wooden fence above the red brick wall laid horizontally around the boundary of the property and there is vehicular access off Walter Street.

The application seeks permission for the erection of a fence to the boundary treatment. At the time of the site visit, the fencing that this application seeks permission for was already in place and had a height of circa 1.9m.

### **Relevant Planning History**

19/0774/NMA: Non-Material Amendment: Change of finishing materials from pebbledash to render for Planning Permission 18/0898/HHO. (31 October 2019)

18/0898/HHO: Full: Erection of two storey side and rear extension. Approved with Conditions (22 March 2019).

18/0418/HHO: Full: Erection of two-storey extension to side (East). Approved with Conditions (8 August 2018).

### **Consultee Response**

LCC Highways:

I have viewed the plans and the highway related documents submitted, I have the following comments to make:

Clegg St (U19723) is an adopted unclassified, single, local road, with a 20 mph speed limit. The property is situated on the gable of Clegg St and Walter St. I note this is a retrospective application. I have visited the site. At the time of my visit parking on street was full to capacity on both Clegg St and Walter St. The vehicular access to the property is constructed on Walter Street, Brierfield and the pedestrian gate is on Clegg Street.

The vehicle access on Walter Street was included on the application 18.0898 and conditioned. The width of the access has changed from 5m to 3.43m. The opening needs widening to 5m as previously approved, because it is heavily parked the extra space is required for manoeuvring and highway safety.

The gates in place are too narrow and must be sliding. In order to retain the two parking spaces required.

Parish/Town Council – no comment.

### **Public Response**

The nearest neighbours have been notified by letter, there has been one response supporting the proposal, and one response relating to:

- No objection to the boundary fence
- That the fence appears to already exist and is it to be replaced already.
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### **Officer Comments**

The main considerations for this application are the policies, design and materials and highways, and residential amenity.

### **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 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.

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

#### **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) sets out the aspects required for good design.

### **Design and Materials and Highways**

The Design Principles SPD provides advice for gates, walls and fences and that design plays an important role in defining the character of residential areas and particularly so on highway frontages. In traditional areas, the character of the area is determined by hedging, sandstone walls or brick walls and these boundaries should be preserved.

Within this area the front boundary treatments are red brick walls with privet hedging to the semi-detached properties and natural stone walls to the terraced properties. This has created the character of the area which is in harmony and reflects the materials and design used in this area.

The application site is on a prominent corner plot and has retained the original red brick wall with a height of circa 1m. The proposal seeks to erect a wooden fence on top of the original red brick wall resulting in an overall height of 1.9m. The material for the proposal would be wooden fencing laid horizontally along the boundary. In this location the material of wooden fencing would not match the existing materials and the design would be alien with the wooden fencing being laid horizontally. The design and material of the fencing would be poor design and an incongruous feature in a traditional setting. It would have a negative impact on the streetscene and on the character of the area.

As part of the boundary treatment, there is a vehicular access to the application site from Walter Street which was approved by planning application 18/0898/HHO. The pillars to the vehicular access have been built with concrete block and are set against the original red brick walling. The use of concrete block would be poor design in this setting and would be an incongruous development in the streetscene and harm the character of the area. A suitable condition could be placed to ensure the material would match the existing red brick wall.

LCC Highways have raised the issue that the vehicular access is not wide enough to ensure that vehicles emerging onto the highway from the application site would have a clear view of on-coming traffic and could cause highways safety issues. The proposed plans show that the vehicular access would be 3.4m wide, which would be inadequate and would result in highways safety issue when emerging from the

curtilage onto the highway. In addition the proposed fence would increase the boundary treatment to a height to 1.9m, this would further limit the visibility of any vehicle emerging onto the highway. The proposed width of the gate and the height of the fencing would result in a highways safety issue.

In this area there is an issue of lack of parking. LCC Highways have identified that the gate needs to be sliding to ensure that two parking spaces can be retained within the curtilage of the application site. Through a condition the gate was approved by planning application 18/0898/HHO. This application is for the proposed fencing, the issue with the gates width would need to be addressed separately.

The proposal would cause a highways safety issue as the height of the fence and the width of the gate would reduce the visibility of any vehicle emerging onto the highway.

The proposed fencing would be poor design and the materials would not be in harmony with the original boundary treatment of the dwellinghouse, it would not preserve the boundary treatment and would impact negatively on the character of the area and the streetscene.

### **Residential Amenity**

The proposed boundary treatment would not result in any unacceptable reduction in privacy or other residential amenity impact. The proposed fence would be acceptable in terms of residential amenity.

### **RECOMMENDATION: Refuse**

1. The design and materials of the proposed fencing would be incongruous and out of character with its surrounding and the street scene. It would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and the Design Principles SPD.
2. The scale of the fencing and the width of the vehicle access would reduce the visibility of a vehicle emerging onto the highway resulting in a highways safety issue.

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