

SEATON
(Seaton) 05/2573/FUL
(Full) 21/11/05

Applicant: Mr and Mrs Fifer

Location: 35 Ash Grove
Seaton
(Grid Ref: 32425891626)

Proposal: Retention of close boarded boundary fence.

Consultations

County Highway Authority
Does not wish to comment.

South West Water
No comments.

Environment Agency
No comments.

Planning History

App. No.	Year	Proposal	Date and Decision
P1356	1979	Residential development for 51 dwellings (OUTLINE)	24/08/79 Approved
P0787	1982	Erection of six dwellings (FULL)	26.07.82 Approved
P1370	1991	Erection of extension	30.09.91 Approved
P1105	2003	Sun lobby and front porch	02.06.03 Approved

Parish Council

“Members recommend refusal on the grounds of being completely out of keeping with the area, and being in contravention of the requirement that the development remain unenclosed.”

Ward Member

Cllr. Knight is in support of the application, he has commented, “With some tweaking and compromise I see this application as viable.” Cllr. Knight has also submitted a letter addressed to members, this is attached to the report.

Representations

No letters of representation have been received.

Location

This property is a semi-detached, white rendered, bungalow with a tiled roof. The property is situated in a quiet residential cul-de-sac of similar properties, with some detached houses, within the Built-up Area Boundary of Seaton. The residential estate in which the property is located is open plan in nature.

To the side (south) and front (east) of the property the boundaries are currently marked by a close boarded fence the subject of this application. The fence is approximately 21 metres in length, 1.9 metres in height and is set back approximately 150 millimetres from the pavement edge.

The Proposed Development

The proposal seeks planning permission for the retention of the close boarded fence on the south and east boundaries of the property.

Planning Policy

East Devon Local Plan (Revised deposit – 2003);

- Policy D1 (Design and Local Distinctiveness).
- Policy S3 (Development within Built-up Area Boundaries).

Observations

It is advised that one of the applicants is an employee of the Council.

It is considered that the main issues in the determination of the application are the appearance of the fence and its effect on the surrounding street scene.

The surrounding area is characterised by detached and semi-detached houses and bungalows set in a relatively modern, open-plan residential estate. There is some fencing along the rear boundaries of properties to the east, on the opposite side of the cul-de-sac, although this is not considered to be immediately adjacent to the highway.

The original outline planning permission for the whole of the estate withdrew permitted development rights for gates, fences, walls and other means of enclosure forward of the buildings. However, No. 35 and five neighbouring properties appear to have been constructed under a separate full planning permission which did not include this condition. Therefore it is not considered that the site is affected by the removal of permitted development rights.

However, the fence is located adjacent to the pavement and is more than one metre in height thereby exceeding the height permissible for fences erected as permitted development.

The applicant's solicitors have also advised that their clients accept that the fence is somewhat austere in nature and in order to ameliorate the fences appearance they would be prepared to paint or stain the fence and add a simple planting scheme to break up its appearance. Although this would go some way to reducing the appearance of the fence it is considered that this is unlikely to significantly reduce its overall impact or make its retention acceptable.

The ward member has also commented that he considers that the appearance of the fence could be ameliorated, by lowering and painting it. Furthermore as previous extensions to the property have effectively rendered the area enclosed by the fence as the only garden to the property he considers it appropriate to allow some form of enclosure to afford privacy to the applicants. He has also commented that due to the conflicting advice given to the applicants, regarding whether planning permission was required or not, that were the application to be refused the applicants should be compensated in some way. On this last point although it is considered unfortunate if conflicting advice has been given, it is understood that this was informal verbal advice only and therefore is not considered binding on the Council.

Conclusion/Summary

Officer view is that as the application stands the fencing is austere in nature and conflicts with the open plan nature of the surrounding estate and should therefore be refused. The applicants have signified that they would be willing to accept conditions requiring the painting/staining of the fence and the provision of a planting scheme. However, it is considered that this is unlikely to reduce the visual impact of the fence to such an extent as to make it acceptable. Where there is evidence of other fencing within the immediate vicinity, this is to the rear of properties and not immediately adjacent to the highway. It is considered that it would be preferable to see the fence removed and replaced with some form of hedgerow. It is nevertheless recognised that were the applicant to reduce the height of the fence to no more than one metre in height it would then be classed as permitted development and would not require an application for planning permission.

As the application stands it is recommended for refusal with the further recommendation that enforcement action be authorised to ensure its reduction in height to no more than one metre.

Recommendation

Refuse for the following reason.

1. The development by reason of its length, height and in particular its position adjacent to the pavement edge at the front of the property would be out of character with the generally open plan nature of the surrounding area and would therefore be contrary to the provisions of policies D1 (Design and Local Distinctiveness) and S3 (Development within Built-up Area Boundaries) of the East Devon District Local Plan, Revised Deposit, September 2003.

Further Recommendation

That enforcement action be authorised to ensure the lowering in height of the fence to no more than one metre.

List of Background Papers

The file containing all letters, consultations and documents referred to in the report.