

NEWTON POPPLEFORD
AND HARPFORD
(Newton Poppleford and
Harpford)

07/0625/FUL

Target Date: 30.05.2007

Applicant: Mrs J L Bradbury-Pratt
Location: Marigold Cottage, High Street, Newton Poppleford, Sidmouth,
Devon, EX10 0DU
Proposal: Replacement fence (Retrospective)

CONSULTATIONS

County Highway Authority

Recommends refusal of the application as traffic enters and leaves the site through an existing substandard access which would be made worse by the proposal.

TOWN/PARISH COUNCIL

Recommends approval stating that Members are of the view that the fence is required for privacy and does not have any road safety implications.

WARD MEMBER(S)

The initial comments of Councillor Merritt are -

“The previous fence was in place for many years and was deemed to be acceptable. As this piece of land historically was not within the curtilage of the Listed Building I do not see that there is a valid reason to refuse consent to this retrospective proposal“

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

REPRESENTATIONS

Objections

No letters have been received

Support

No letters have been received

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
03/P3180	Replace top coat thatch with water reed	Approved	10.02.04
02/P2336	Erection of new dwelling	Refused	10.12.02
01/P0960	Internal alterations	Approved	20.07.01

PLANNING POLICIES

Devon Country Structure Plan (2001-2016)

Policy CO3 – Areas of Outstanding Natural Beauty
Policy CO6 – Quality of New Development
Policy CO7 – Historic Settlements and Buildings
Policy CO13 – Protecting Water Resources and Flood Defence

East Devon Local Plan (1995-2011)

Policy S3 – Built-Up Area Boundaries for Villages
Policy S4 – Development within Built-Up Area Boundaries
Policy D1 – Design and Local Distinctiveness
Policy EN1 – Development affecting Areas of Outstanding Natural Beauty
Policy EN9 – Extension, alteration or change of use of buildings of special architectural and historic interest
Policy EN17 – Maintenance of Water Quality and Quantity
Policy EN20 – River and Coastal Flooding

SITE LOCATION AND DESCRIPTION

The fence has already been erected on a parcel of land separate from the host dwelling, Marigold Cottage which is a Grade II Listed Building. The area of garden is separated due to the location of an access serving both Marigold Cottage and other dwellings to the north of the area. The fence is located on the north side of the main road through the village, and the site is within the flood zone and a source protection zone. The whole area is located within the Area of Outstanding Natural Beauty.

PROPOSED DEVELOPMENT

The fence is sited behind an existing wall, which is just over a metre in height. The fence runs for a distance of 20m from the neighbouring property to the east, enclosing a small grassed area.

The proposal is being reported to the Development Control Committee as the Officer's recommendation is contrary to views of the (then) Ward Member.

CONSIDERATIONS AND ASSESSMENT

Background

This is a new fence that has been up since the summer of 2006. Previously there was a fence on site located in the same position of the same close boarded format, but to a lower height. An investigation was carried out in 2004 for a fence of 2.0m in height but set back from the highway, with planting in the gap to the existing wall. Following deliberations between the Enforcement officer, Conservation Officer and Council Solicitor a view was formed that given the circumstances at the time no further action was required.

Highway Issues

The County Highways Officer has objected to the application. A number of properties use this existing access which in his opinion is already severely substandard, and enters on to the main A3052, a main road with high volumes of traffic. In the opinion of the Highways Officer, the erection of a fence exacerbates an already poor situation with limited visibility from and of vehicles in an easterly direction, to such an extent that he has recommended refusal of the

application. The Highways Officer has noted that if the fence was set back from its current position, then the proposal may be looked at more favourably.

Source Protection Zone

Due to the domestic nature of the application it is not considered that there will be any significant harm to the natural water regime in the area.

Flood Zone

Although within the flood zone of the Back Brook, the wall at the base of the fence already exists, and therefore the retention of the fence is not considered to significantly affect the drainage of the area.

Impact on the Landscape and Street Scene

The site is well within the main part of the village and although the location is within the AONB, it is not considered there will be any impact to the wider area outside the village. Within the street scene the fence appears overly tall and intrusive within such close proximity of the highway. The street scene is characterised by stone walls and low fences while the fence in this case stands 1.8 metres high adjacent to the highway thereby appearing overly urban and stark when compared with the boundary treatment of other dwellings within the locality.

Impact on Listed Buildings and Conservation Area

The Conservation Officer has given advice previously on a fence in this location, dating back to 2004, and to a former owner. The view then was that the fence impacted upon both the street scene and the setting of the Listed Building. In the CO's view, this new fence which is considerably higher and has been located closer to the existing wall, is unsightly and detrimental to the immediate surroundings, and therefore a refusal has been recommended, together with action to remove the fence.

Impact on Residential Amenity

The fence abuts at the eastern end, a dwelling known as Cleeve House. Although this dwelling has a window facing into the enclosed piece of land, this is away from the line of the fence. It is not considered that the location of the enclosure, albeit 2m in height, impacts upon the amenity of this neighbour.

CONCLUSIONS

Whilst the circumstances of the applicant are understood and are sympathised with, any fencing in this location must take into account both the setting of the Listed Building and above all the safety of users of the access and public highway adjacent. The applicant has offered to move the fence back from its current position by 18" (7cm); however in discussions with the Highways Officer this is deemed to still be unacceptable in highway safety terms.

Therefore in this instance it is appropriate to recommend refusal on the grounds of highway safety and also due to the impact upon the Listed Building, and the streetscene.

Delegated authority has already been granted to take enforcement action in December 2006 at which point the Parish Council were recommending enforcement action. However, because of their change of stance Members are asked to re-affirm enforcement action.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development would result in traffic entering and leaving the Class 1 County Road (A3052) through an existing substandard access which does not provide adequate visibility from and of emerging vehicles, whereby visibility would be made worse as a result of the development, with a consequent risk of danger to all users of the road. As a consequence, the development would be contrary to Policy TR10 of the Devon County Structure Plan 2001 – 2016.
2. The proposed development, by reason of the location and height of the fence, results in an enclosure unsympathetic to the immediate area, impacting upon both the street scene and the Listed Building, contrary to Policy CO6 – Quality of New Development and Policy CO7 – Historic Settlements and Buildings, of the Devon Country Structure Plan (2001-2016), and Policy D1 – Design and Local Distinctiveness, and Policy EN9 – Extension, alteration of change of use of buildings of special architectural and historic interest of the East Devon Local Plan (1995-2011).

The Head of Legal and Member Services be authorised to instigate such legal action as is necessary to secure the removal of the unauthorised timber fence with a period for compliance of 1 month.

List of Background Papers

Application file, consultations and policy documents referred to in the report.