

Item No: 5.1
Application No: 16/01916/FULH Author: Maxine Ingram
Date valid: 2 December 2016 ☎: 0191 643 6322
Target 27 January 2017 Ward: Northumberland
decision date:

Application type: Householder Full application

Location: Jubilee School House, Mullen Road, Wallsend, Tyne And Wear, NE28 9HA

Proposal: Removal of dilapidated 1.8m and 1.6m fence with 20cm trellis to East and South of property and removal of 7ft high hedge in sections, replaced with 1.8m fence to East and South of property to maintain private and secure enclosed garden and play area. (Retrospective) Resubmission of 16/01083/FULH

Applicant: Mr Richard Brand, Jubilee School House Mullen Road High Farm WALLSEND NE28 9HA

RECOMMENDATION: Minded to refuse on expiry of consult

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider are:

- Impact on character and appearance;
- Impact on residential 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 Jubilee School House. This detached property is located to the north of Mullen Road and to the west of the

access road leading to Wallsend Jubilee Primary School. Several trees are located to the west of the site.

2.2 A new residential development is currently being constructed to the north and west of the application site.

2.3 Members are advised that, the fencing subject of this application is already in place.

3.0 Description of the Proposed Development

3.1 Retrospective planning permission is sought for a 1.8m high timber fence to the eastern and southern boundaries of the property to maintain a private and secure enclosed garden and play area.

3.2 The applicant has advised that the timber fence, subject of this application, replaces a dilapidated 1.8m and 1.6m high fence with 0.2m trellis to the eastern and southern boundaries of the property and the removal of a 7ft high hedge in sections.

3.3 Although the applicants says that the proposed fence is to replace a dilapidated 1.8m and 1.6m high fence with a 0.2m trellis the photographs submitted by the applicant clearly show that the replacement fence is higher than the original fence and it is not the case that it is replacing one fence with another at the same overall height.

4.0 Relevant Planning History

4.1 Application site

16/01083/FULH - Installation of 1.8m high close boarded timber fence to boundary – Refused 23.08.2016

4.2 Reason for refusal

The height and position of the fencing represents a visually intrusive feature in the existing streetscene, out of character with the immediate area. The means of enclosure is considered to be contrary to policy H11 of the North Tyneside Council Unitary Development Plan 2002 and LDD11 'Design Quality' SPD.

4.3 Adjacent residential development

14/00897/FUL - Demolition of existing school and development of 69 residential dwellings (Use Class C3) including associated access and landscaping (Amendments to boundary treatments and changes to some units including windows 18.07.2014) (Amendment to plot 69 05.09.2014) (Amendment to plots 13-17 22.09.2014) – Permitted 27.02.2015

4.4 No. 12 Warkworth Avenue

16/00355/FULH - Removal of boundary wall and hedge to be replaced with a close boarded fence between 1.8m and 2m in height to create an enclosed garden – Permitted 16.05.2016

5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002)

Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP (August 2007)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (March 2012)

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 are:

- Impact on character and appearance;
- Impact on residential amenity; and
- Impact on highway safety.

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

8.0 Impact on the character and appearance of the area

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 H11 of the North Tyneside Council Unitary Development Plan (adopted March 2002) seeks to ensure a high standard of design. Policy H11 stipulates that the local planning authority will take into account (amongst other things) the scale, density, massing, construction, landscaping and materials to be used in any proposal.

8.3 Development Control Policy No.9 'Residential Extensions' states that any decision has to take into account the affect upon the amenity of neighbouring occupiers, eg. Loss of sunlight, daylight, outlook or privacy, or the effect of the proposal on the street scene and the character of the area and the extent to which works have a high quality of design that respects the character and materials of the existing building.

8.4 LDD11 'Design Quality' states that boundary treatments should be carefully considered and should not detract from the public realm. This document 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. Where new boundary walls/fences are required, their design should match those used elsewhere locally and in particular comprise of materials and detailing which relate to the context of the site.

8.5 When travelling along Mullen Road towards the application site, the majority of the front gardens of nearby residential properties fronting onto Mullen Road are enclosed by low level boundary treatments. It is acknowledged that there are a few notable exceptions within the immediate vicinity of the site, including the adjacent school and the junction of Exeter Road and Mullen Road. However, each application must be assessed on its own merits.

8.6 The proposed development has resulted in the loss of a former timber fence and hedgerow and its replacement with a solid 1.8m high timber fencing adjacent to Mullen Road and the eastern access road. It is the view of officers that the previous boundary enclosure was less visually intrusive than the fencing subject of this application. It is considered that this fencing results in a sizeable length of a solid boundary treatment, at a height of approximately 1.8m, part of which is immediately adjacent to Mullen Road, within a street scene that is mainly characterised by low level boundary treatments. When considered in this context of the immediate street scene, particularly when viewed from Mullen Road, the fencing appears as a stark, incongruous and visually intrusive feature. It is the view of officers that the fencing is contrary to Policy H11 of the UDP as well as to policies within the NPPF which require good design. At paragraph 64 of the NPPF it is stated that permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions.

8.7 It is noted that within the submitted correspondence reference has been made to an application approving a fence at No. 12 Warkworth Drive. The case officer considered this development to be acceptable, as it did not project beyond the front building line or continue around the corner. The case officer also gave consideration to the previous boundary treatment and the boundary treatments

within the immediate vicinity. However, Members are advised that every case must be determined based upon its own merits.

8.8 Members need to determine whether the proposed development is acceptable in terms of its impact on the character and appearance of the immediate street scene. It is the view of officers that, the proposed development by virtue of its height and position represents a visually intrusive feature in the existing street scene that is out of character with the immediate surrounding area. Officers consider that this type of boundary treatment is considered to be contrary to policy H11 of the North Tyneside Council Unitary Development Plan 2002 and LDD11 'Design Quality' SPD.

9.0 Impact on Residential Amenity

9.1 Policy H11 of the UDP states that the impact of the proposal on its site, local amenity, the environment and adjoining land uses must be taken into account when considering proposals.

9.2 The application site is separated from the residential properties to the south by an existing public highway, Mullen Road. A separation distance of approximately 17m would exist between the fencing and these residential properties. Albeit, views of the proposed development would be afforded, it is not considered that the proposed development would significantly affect their outlook to such an extent that would sustain a recommendation of refusal.

9.3 It is noted that works have commenced on the adjacent residential development. Plot 69 would be located to the west of the application site. The southern boundary of this plot would be enclosed by a 0.6m high birds mouth timber fence, with an area of informal open space beyond. The eastern boundary treatment is to be a 2m high close boarded timber fence. Views of the proposed fencing would be afforded from this dwelling. However, the impact on outlook is considered minimal and insufficient to sustain a recommendation of refusal.

9.4 Members need to determine whether the proposed development would result in an acceptable impact on the residential amenity of existing and future occupants. It is the view of officers that the proposed development by virtue of its siting is not considered to affect the residential amenity of immediate neighbouring properties.

10.0 Impact on Highway Safety

10.1 The Highways Network Manager has been consulted. He has raised no objection to the proposed development.

10.2 Members need to determine whether the proposed development would result in an acceptable impact on highway safety. On balance, it is the view of officers, that the proposed development would not impact on highway safety.

11.0 Other Issues

11.1 The Contaminated Land Officer has been consulted. He previously raised no objections.

11.2 The Council's Landscape Architect has been consulted. He previously raised no objections.

12. Local Financial Considerations

12.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. It is not considered that the proposal results in any local financial considerations.

12.0 Conclusion

12.1 Members need to determine whether the proposed development is acceptable in terms of its design and its impact on the character and appearance of the area, its impact on residential amenity and its impact on highway safety. It is the view of officers that the benefits to the applicant in terms of privacy and security are not sufficient to overcome the harm caused by this development in terms of its visual impact. It is the view of officers that the proposed development should be refused.

RECOMMENDATION: Minded to refuse on expiry of consult

Conditions/Reasons

1. The height and position of the fencing represents a visually intrusive feature in the existing streetscene, out of character with the immediate area. The means of enclosure is considered to be contrary to policy H11 of the North Tyneside Council Unitary Development Plan 2002 and LDD11 'Design Quality' SPD.

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 Paragraphs 186-187 of the National Planning Policy Framework.

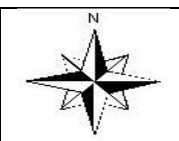


Application reference: 16/01916/FULH

Location: Jubilee School House, Mullen Road, Wallsend, Tyne And Wear
Proposal: Removal of dilapidated 1.8m and 1.6m fence with 20cm trellis to East and South of property and removal of 7ft high hedge in sections, replaced with 1.8m fence to East and South of property to maintain private and secure enclosed garden and play area. (Retrospective) Resubmission of 16/01083/FULH

Not to scale
 Date: 21.12.2016

© Crown Copyright and database right
 2011. Ordnance Survey Licence
 Number 0100016801



Appendix 1 – 16/01916/FULH

Item 1

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Andy Newman has requested that this application is to be presented at Planning Committee and he has also requested speaking rights.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 The proposed fence allows the required visibility splays to be retained and is set back from the adopted highway. Approval is recommended.

2.3 Recommendation - Approval

2.4 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

3.0 Representations

3.1 Eight letters of support have been submitted. The comments are summarised below:

-Support the retention of the fence.

-Public monies have been spent erecting the existing fence, can you justify additional use of public funds to put right what boils down to an administrative error by Kier.

-It is outrageous that this family is penalised by Kier/Council error.

-Everyone has a right to privacy. Would you like school children and parents being able to see your lives?

-They are responsible dog owners who should be allowed to put their dog in the garden without the fear of it flitting or being stolen.

-Does not cause any problems to residents.

-Helps maintain the privacy and security of the current residents.

-An unnecessary waste of public funds to alter boundaries.

-Without the fence there would be a risk that pets and children at the property could come to harm.

-The new fence is the same height as the former fence.

-Your reasons for comment options on public access are all negative. This is unfair for those of us wanting to put forward comments of support. Bias?

-Loss of privacy.

-As a servant of the local community the affected resident surely has the right to some privacy, especially where no losses or adverse conditions would be inflicted on other parties.

-Does the Council not have better things to spend its money on in these hard times?

-Loss of privacy.

-Disgusting it has got this far.

4.0 External Consultees

4.1 None.