

Recommendation: **GRANT PERMISSION**

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Notes that the fence appears to already be in situ and as such it is rather late in the day for the Council to ask for an AIA for the potential impact on the adjacent trees to the site.

However, it is requested that a tree statement is provided with a professional view as to whether there has been any negative influence from the fence and the adjacent trees. It may be that the fence is at a distance from the trees where they would not be a consideration – the responsibility to demonstrate this lies with the applicant.

Councillor David Jenner

No comments received.

Councillor E Shimbart - Hart Plain

No comments received.

Councillor Gwen Robinson

No comments received.

Councillor Mike Sceal

No comments received.

Councillor P Bains - Hart Plain Ward

No comments received.

Councillor Peter Wade

No comments received.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 6

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
The Application is for a fence of 2.080 & 2.1m in height ,in areas 1, 2 and 3 shown on the application , whereas the actual height of the fence (as shown in photos we are holding) is in excess of 2.5 m , (note picture taken at a 45 degree angle ie 1.8m tall person looking up at over 2.5m high fence). We have photos that show three concrete packers underneath the fence of approximately 300mm each, amounting to 900 mmm. 2 & a bit are visible in the photos and one is two thirds submerged because the original height of the land which was on 223 London Road side, (now part of 8 Queens) was lower than that on 221 London Road. The ground level has been the same for more than 35 years. The back filling , to make the fence on (8 Queens side) , only 2.1m in height , is considerable . Photos available on request . The Tree Protection order on a tree in the garden of 225 London Road also appears to have clauses that have not been respected in the construction of other areas of the fence.	Comments are addressed in this report

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Impact on trees

(i) Principle of development

7.2 The application site is located within the defined urban area; therefore development is considered acceptable in principle subject to development management criteria.

7.3 The extended garden was formerly part of the curtilage of 223 London Road, the property of which is a nursery and not in residential use. An application for a change of use of this parcel of land to become part of a residential curtilage of No. 8 Queens Road is therefore necessary.

(ii) Appropriateness of design and impact on the character of the area

- 7.4 The land, subject of this application, is not visible from any public domain but is visible from nearby residential properties. It is considered that the change of use of this parcel of land to become part of the residential curtilage of No. 8 Queens Road, would not result in any adverse impacts on the character of the area.
- 7.5 The fence element of the proposals would be in keeping with normal boundary fencing and not be out of character in its setting. Whilst the neighbours objection is noted regarding the change in land levels in that the original height of the land which was on the 223 London Road side was lower than that on the 221 London Road side the change in levels is not considered to adversely impact on the character of the locality.
- 7.6 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.7 As noted above, a neighbour objection is that there has been changes in original ground levels and that the fence therefore is higher than shown. Whilst this may be the case, and the submitted photos clearly show some changes in ground levels, due to the distance from adjoining houses it is considered that it has not resulted in any significant adverse impact on the residential amenities of nearby properties. The change of use of the land does not result in any adverse impact on the residential amenities of nearby properties.
- 7.8 Consequently, it is considered that the proposal will not appear overbearing and would have limited and acceptable impact on the properties immediately adjacent to the application site, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Impact on trees

- 7.9 There is a nearby TPO tree that could be affected by the development and trees adjacent. However, the Council's arboriculturist acknowledges that as the works have already been carried out it is too late to ask for an AIA for the potential impact on the adjacent trees to the site. Whilst it is requested that a tree report be requested as to whether there has been any negative influence from the fence and the adjacent trees, it is considered that potential impact has already been carried out. It is considered that any possible adverse impacts would have to be remedied by the TPO legislation in such circumstances. Notwithstanding, an informative can be imposed to remind the applicant that there is a TPO tree in the vicinity and that consent to carry out any works to the tree may be required.

8 Conclusion

- 8.1 The scale, siting and design of the proposal and the change of use of the parcel of land to residential curtilage would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00162 subject to the following conditions:

- 1 The development hereby permitted shall be maintained in accordance with the following approved plans:

LOCATION PLAN

BLOCK PLAN

FENCE HEIGHT SKETCH

Reason: To ensure provision of a satisfactory development.