



**COMMITTEE DATE** 14 November 2018      **WARD** Larwood

**APP REF** V/2018/0630

**APPLICANT** J Zadrozny

**PROPOSAL** Fence and Posts

**LOCATION** 74 Sutton Road, Kirkby in Ashfield, Nottingham, NG17 8GZ

**WEB-LINK** <https://www.google.co.uk/maps/@53.1050876,-1.269954,19z>

**BACKGROUND PAPERS** A, C

App Registered 17/09/2018                      Expiry Date 11/11/2018

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*The applicant is a councilor – Jason Zadrozny.*

### **The Application**

This is an application for the erection of timber fencing panels and posts approximately 2.15 in height and which have a total combined length of approximately 154m, to enclose a rear garden.

### **Consultations**

Site Notices have been posted together with individual notification of surrounding residents.

Two objections have been received from local residents, relating to the following:

- Works completed before planning consent granted; and
- Height of fencing considered too high.

### **Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

#### **Ashfield Local Plan Review ALPR (2002)**

ST1 – Development

ST2 – Main urban area

## **National Planning Policy Framework NPPF (2018)**

Part 2 – Achieving sustainable development

Part 12 – Achieving well designed places

### **Relevant Planning History**

None

### **Comment :**

#### **Visual Amenity**

The site is located within the main urban area of Kirkby in Ashfield, where the principle of development is acceptable under policy ST2 of the ALPR (2002).

The application proposes the erection of approximately 2.15m high wooden panel fencing and posts that border the rear gardens of 74 and 72 Sutton Road. The proposed fencing and posts encloses land to the rear of these properties and are bordered by 78 Sutton Road (north) and one property on Wickerwood Drive (south). Due to the siting of the proposed fencing and posts to the rear of several residential rear gardens the site is almost not visible from any nearby street scene.

The most visible public vantage point of the proposal will be off Wickerwood Drive off towards the end of a disused pathway. From this view, approximately 2m of the proposed fencing would be visible.

The proposed fencing and posts are located approximately 55m from Sutton Road and approximately 14m from Wickerwood Drive. Due to this separation distance the proposed fencing and posts are considered not to adversely impact the street scene and therefore will not be detrimental to the visual amenity of the neighbourhood. Taking this into account, it is considered that the overall design of the proposal would not result in significant harm to the character and appearance of the area.

#### **Residential Amenity**

Both written representations received were from local residents who live nearby the site. Some of the proposed fencing and posts have already been erected which has caused concern however, a full application has been submitted which includes all proposed fencing and posts and therefore the application is required to be determined on its own individual planning merits.

Approximately 9m of the proposed fencing and posts are located to the rear of 72 Sutton Road and this will be most visible from the rear of properties of Wickerwood Drive. This particular part of the proposal adjoins the existing rear boundary at 90 degrees of 7 Wickerwood Drive. Where both existing and proposed fencing meet there will be an approximately 0.3m height difference. The height difference alone is considered not to amount to a reason to refuse the application. The proposed

fencing and posts are considered not visually intrusive or to create significant overbearing or overshadowing impact for residents of Wickerwood Drive. As a result, the proposal is not detrimental to the residential amenity of surrounding residential properties and therefore does not warrant refusal of the application.

### **Highway Safety**

There are no highway safety concerns associated with this proposal.

### **Conclusion**

Having reviewed all the submitted information, and assessing this against all relevant policies and material planning considerations, conditional consent is recommended for this application.

**Recommendation:** - Full application conditional consent

### **CONDITIONS**

1. This permission shall be read in accordance with the following plans: 1:1250 location plan, 1:1250 proposed fencing plan. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

### **REASONS**

1. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

### **INFORMATIVE**

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).