

Application No: 2009/0237	Application Type: Full
Proposal: Retention of 1.8m high fence/gate to front elevation (retrospective)	Location: 9a Worsley St, Rising Bridge
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 3 August 2009
Applicant: Ms C Winfield	Determination Expiry Date: 13 August 2009
Agent: Trinity Architecture & Design Ltd	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation **x**

Member Call-In **✓**

Name of Member:
Reason for Call-In:

Cllr D Stansfield
I do not consider this height of fence is in keeping with a front fence or the street scene - other properties have either 1m high front fences or no fence. This fence is more in keeping with a back garden fence.

More than 3 objections received **x**

Other (please state)

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

APPLICATION DETAILS

1. The Site

This application relates to a detached house situated off Worsley Street. Planning permission reference 2008/0128 granted a two storey side extension and off street parking facilities, and these works are largely complete. The building has a rendered finish under a stone flag roof and upvc windows and doors. The site also has landscaped gardens to the front and side of the property. The building is set back and sits opposite a traditional two storey stone terrace. A vehicular access with a wide footway runs along the frontage serving the site and the rear gardens of the adjacent terrace. The site has a slight gradient running from the south to the north of the site and it narrows to a single track road leading to neighbouring Underbank Farm. Adjacent to the application site is a further two storey stone terrace of dwellings and a retail shop situated at the junction with Blackburn Rd and Worsley Street.

The site is located within the Urban Boundary as designated in the Rossendale District Local Plan.

2. Relevant Planning History

2003/546 - Change of use from office/police house to residential only use – Approved 22/09/2003

2008/128 - Demolition of the existing single storey part of the detached house and a new two storey extension – Approved 11/04/2008

3. The Current Proposal

The current proposal seeks retrospective permission for a 1.8m high fence on the frontage with Worsley St with a 2.5m wide gated access across the entrance.

The fence has a lightly stained clear finish and has been constructed in interwoven tanalised timber with a decorative arched trellis to the top of each panel.

To address the concerns of the Highway Authority, the proposal has recently been amended to include wrought iron gates to the parking area and a similar form of railing to its west to afford pedestrians a view of any vehicles exiting or entering the site. Similar fencing has been erected down the side boundaries, however this part of the scheme is permitted development by virtue of Town and Country Planning General (Permitted Development) Order 1995 (as amended).

4. Policy Context

National

PPS1 Delivering Sustainable Development
PPS3 Housing

Development Plan

Regional Spatial Strategy for the North West (2008)

DP1-9 Spatial Principles
EM1 Enhancement and Protection of the Region's Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Control

Other Material Considerations

LCC Parking Standards

5. CONSULTATIONS

LCC Highways – Initially objected however comments on the revised gated access/railings to each side. Upon the revised proposal, comments received suggest that the top of the fence should be less than 1m high and all gates should open inwards, away from the road.

6. REPRESENTATIONS

A site notice was posted on 29/06/2009 and 7 neighbours were notified by letter on 19/06/2009 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

No letters of objection have been received.

7. ASSESSMENT

Considerations

The main issues to be considered in the determination of this application are:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbours Amenity
- 4) Access/Parking

1) Principle

The application site is located within the defined Urban Boundary, and, as such, it is acceptable in principle.

2) Impact on Visual Amenity

PPS1 sets out the Government's national policies on different aspects of land use planning, including overarching policies on the delivery of sustainable development through the planning system. Amongst its 'key principles' is that "*planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short-term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted*". Paragraphs 33-39 amplify upon this, indicating that "...*Good design is indivisible from good planning.....High quality and inclusive design should be the aim of all those involved in the development process.....*". In similar vein, Policy DP7 of the RSS and EM1 (amongst other things) seek to promote environmental quality.

The Council's Alterations and Extensions to Residential Properties SPD provides guidance on design aspects of developments. Of particular note, the SPD comments that developments should not detract from the appearance of the street-scene.

It is considered that the fence does not unduly detract from the character or appearance of the area and is acceptable in terms of its design and appearance.

3) Residential Amenity

The fence is situated on the boundary with the footway and the adjacent highway separates the neighbouring dwellings from the application site. Similarly, the neighbour to the north is separated from the site by a single track access. A site visit indicated that there are no similar fences in the vicinity; ones opposite are either a wall or a hedge, approximately 1.5m in height.

It is considered that the fence would not contribute to adverse residential amenity of neighbouring occupiers as it would not give rise to any loss of light, outlook or privacy. The site visit further revealed that adequate bin storage is available to the rear of the property and this aspect is therefore satisfactory.

4) Highway Safety

The Highway Authority objected to the proposal as originally submitted on the basis that the fence appears to remove sightlines from the side street/parking area adjacent to 9 Worsley St; its comments are awaited on the amended proposal.

It is considered that traffic in the area is of relatively low speed and with the existence of wide footways, the proposal is acceptable in highway safety terms.

Summary of Reason for Approval

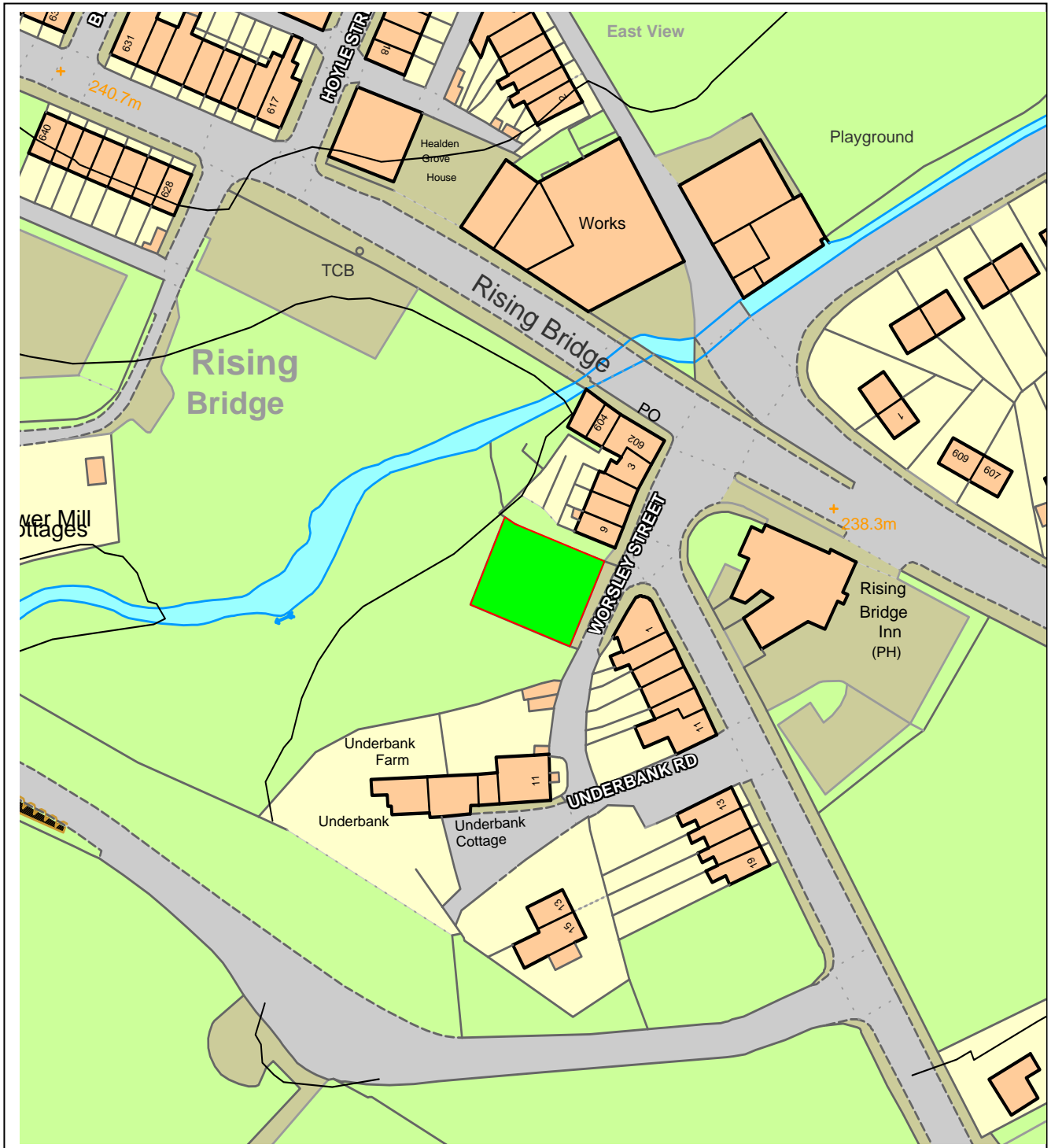
The proposed development is located within the Urban Boundary and will not have a significantly adverse impact upon visual and neighbour amenity or highway safety. The proposed development is in accordance with PPS1/PPS3 and Policy DS1/DC1 of the Adopted Rossendale District Local Plan and the Council's Supplementary Planning Document on Alterations and Extensions to Residential Property.

Recommendation

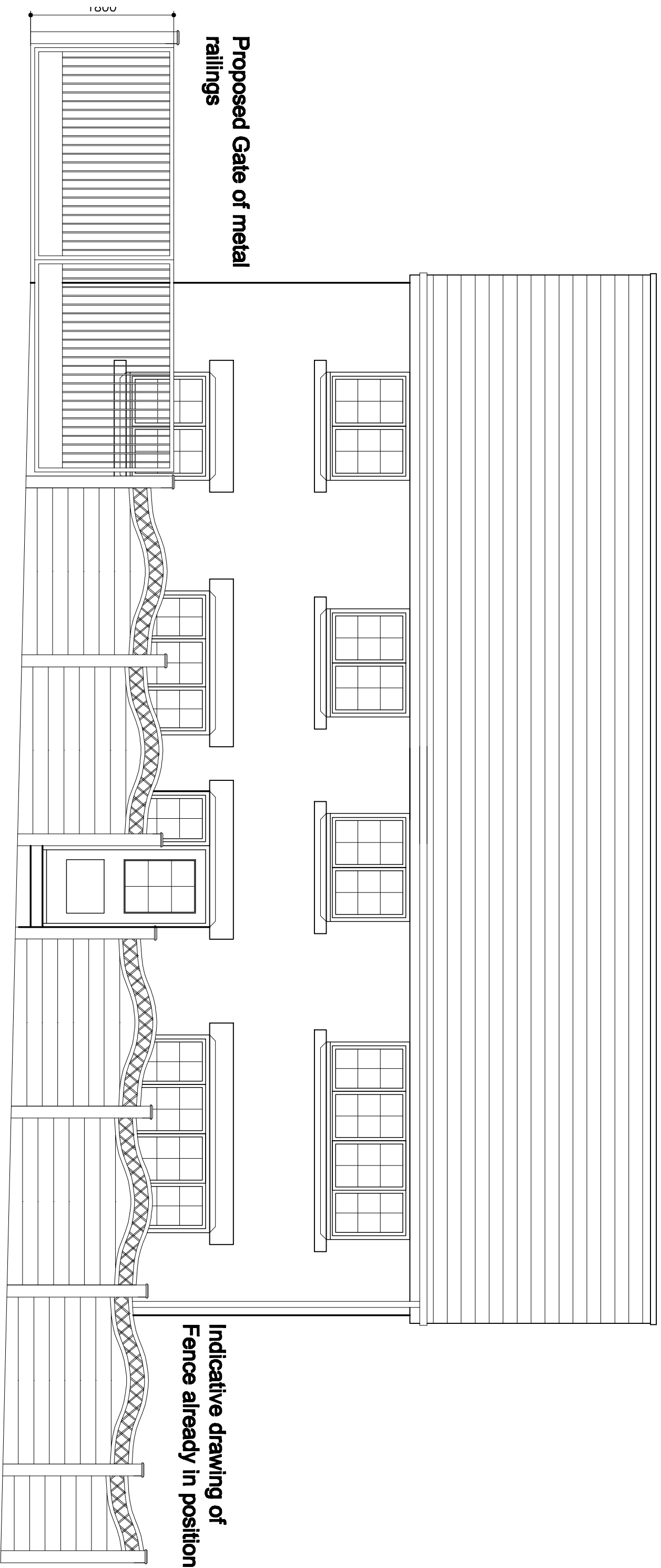
That planning permission is granted.

Contact Officer	
Name	Paul Talbot
Position	Planning Technician
Service / Team	Development Control
Telephone	01706-238637
Email address	planning@rossendalebc.gov.uk

Location Plan – 2009/237



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



Proposed Gate of metal railings

Indicative drawing of Fence already in position

PROPOSED STREET SCENE

Scale	1:500	No.	1
-------	-------	-----	---



Proposed development at: 9a Worley Street, Rising Bridge
 Accrington

Client: Claire Winfield

Drawing title: Proposed Street Scene

Scale: Planning	Date: JULY 2019	Checked: ?
Scale: 1:500	Drawn: PCLA	Revised: .
Job No. T08-07	Drawing No. 08	

This drawing and the building works depicted therein are the copyright of Trinity Architecture and Design Ltd and may not be used, copied or amended except by written permission.