

ITEM NO: 8

Application No.
18/00566/FUL
Site Address:

Ward:
Warfield Harvest Ride

Date Registered:
29 May 2018

Target Decision Date:
24 July 2018

**Manor Farm House Binfield Road Binfield Bracknell
Berkshire RG42 4LX**

Proposal: **Erection of 1.8m high timber weave panel boundary fence.**

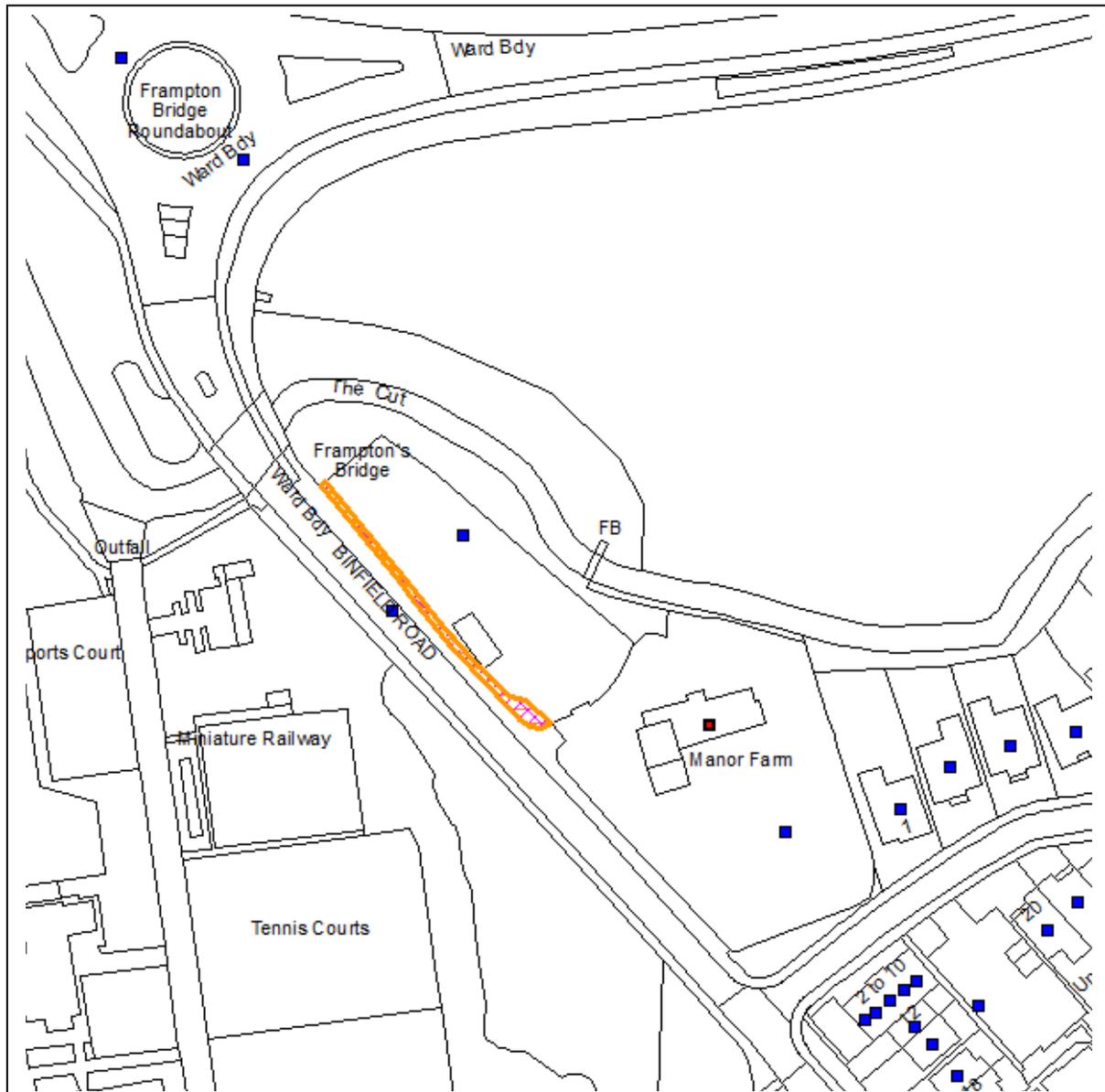
Applicant: Mr B Lewis

Agent: Mr N Griffin

Case Officer: Shannon Kimber, 01344 352000

development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



1. SUMMARY

- 1.1 The proposal is for the erection of a 1.8 metre high timber palisade fence running for 61 meters along the south-western boundary of the application site, fronting Binfield Road.
- 1.2 It is considered that the proposed fence would detract from the setting of the Listed Building of Manor Farm House, it would result in an unduly prominent and urbanising feature that is incongruous in the streetscene and would have a detrimental impact on highway safety.

RECOMMENDATION

Planning permission should be refused.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application is to be considered by the Planning Committee at the request of Cllr Leake for reasons including the changed character of this length of Binfield Road in the light of recent developments and the variety of fencing types in the immediate locality.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary (although the fence would be on the boundary between the extended settlement boundary and land outside of the defined settlement).

- 3.1 Manor Farm House is a Grade II Listed Building originally built in the early 18th Century. It is set in its own extensive grounds with a semi-rural character, towards the northern outskirts of the defined settlement of Bracknell. The property is accessed from Binfield Road, which is an ancient highway and a classified 'B' road (B3018).

4. RELEVANT SITE HISTORY

- 4.1 18/00153/FUL
Erection of 1.8m timber palisade boundary fence.
Refused May 2018
- 4.2 606516
Erection of a front boundary wall. GRADE II LISTED BUILDING
Approved 1982

5. THE PROPOSAL

- 5.1 The proposal is for the erection of a 1.8 metre high timber palisade fence. It would be erected on the south-western boundary of the application site, along a section between the main entrance and running north-west to Frampton's Bridge. The proposed fence would have a length of 61 metres and would front Binfield Road.
- 5.2 The design of the proposed fence has been amended from the originally submitted design. It was proposed to be a weave panel fence, it is now proposed to be a palisade style fence. The height, length and positioning has not been amended. The proposed scheme is now the same as the proposal refused under 18/00153/FUL.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council:

- 6.1 Warfield Parish Council commented on the application and raised no objections.

Other Representations:

- 6.2 An objection comment has been received, which states that the proposed fence should be to the western side of the pipe ditch as this is historically here the fence has been.
- 6.3 No other representations have been received, as yet, although the statutory time period following the posting of the Site Notice expires on the 12th July.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority:

- 7.1 The Highway Authority (HA) has been consulted. They object to the proposed development on highway safety ground and recommend refusal.
- 7.2 **The Heritage and Conservation Officer has also been consulted. No comments have yet been received; the end of the statutory period is the 16th July.**
- 7.3 No other statutory or non-statutory consultations have been required.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

- 8.1 The primary strategic planning considerations applying to the site and associated policies are:

	Development Plan	NPPF
General policies	CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD,	Consistent
Amenity	'Saved' policy EN20 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent - Para. 39 refers to LPAs setting their own parking standards for residential development
Listed Building	CS1 of the CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Design Supplementary Planning Document 2017 Streetscene Supplementary Planning Document 2011		
Other publications		
National Planning Policy Framework (NPPF) Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)		

9. PLANNING CONSIDERATIONS

- 9.1 The key issues for consideration are:
- i. Principle of Development
 - ii. Impact on the setting of the Listed Building
 - iii. Impact on Character and Appearance of Surrounding Area
 - iv. Transport and Highways Considerations
 - v. Impact on Residential Amenity
 - vi. Community Infrastructure Levy

i. Principle of Development

- 9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Polices Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), SC2 (Location Principles) and the NPPF subject to no adverse impacts upon character and

appearance of the host dwellinghouse and surrounding area, residential amenities of neighbouring properties, highway safety, impact on the setting of a listed building etc. These matters are assessed below.

ii. Impact on the setting of the Listed Building

9.3 The section below is subject to change as the comments have yet to be received from Jon Mullis.

9.4 While the fencing is not strictly considered to be within the curtilage of the Listed Building, it does affect the setting of the Listed Building.

9.5 CSDPD Policy CS1 requires development to protect and enhance the historic and cultural features of acknowledged importance. CSDPD Policy CS7 states that development proposals will be permitted which respect the historic environment.

9.6 These policies are considered to be consistent with the objectives set out within the NPPF, which states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

9.7 Section 12 of the NPPF refers to conserving and enhancing the historical environment. Para. 126 of the NPPF states that the local planning authority should take into account the desirability of sustaining and enhancing the significance of heritage assets, and recognise the wider benefits that the conservation of the historic environment can bring.

9.8 Para. 132 of the NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration to the heritage asset, and any harm to a grade II listed building should only be allowed under exceptional circumstances. Para. 133 of the NPPF states that where a proposal would lead to substantial harm to a designated heritage asset, local planning authorities should refuse permission, unless it could be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Para. 137 of the NPPF states that preserve the setting of heritage assets and/or make a positive contribution to or better reveal the significance of the asset should be treated favourably.

9.9 It is clear that the fence is on land historically attached to the Listed Building which contributes to its historic significance as an agricultural estate centre.

9.10 The Principal Heritage Advisor has been consulted on the proposal and considers that the close-boarded fencing does affect the setting of the Listed Building. The fence detracts from the significance of the Listed Farmhouse, which is a historic agricultural estate centre, by introducing a suburban boundary treatment into the setting thereby making the significance of the building less legible. In particular by introducing an incongruous element streetscene it does not preserve the setting of the Listed Building.

9.11 Whether the fence causes substantial harm or less than substantial harm is a matter of judgement. Substantial harm, under paragraph 132 of the NPPF, would be wholly exceptional and should be refused; less than substantial harm would require that the proposal is balanced against public benefits, including any benefits to the heritage asset, under paragraph 134.

9.12 It is considered that the harm is 'less than substantial', however there appear to be no public benefits from the development. As such, and in terms of the statutory duties of the Planning Listed Buildings and Conservation Areas Act 1990, giving considerable importance and

weight to the desirability of preserving the setting of the Listed Building, the Principal Heritage Advisor is of the view that the application be refused.

9.13 This approach is consistent with that taken by the Local Planning Authority in the consideration of the Enforcement Notice, the subsequent dismissed appeal and previously refused planning application (reference 18/00153/FUL). In para.10 of the appeal decision APP/R035/C/17/3176803, the Inspector considered that the 'stark sub-urban character of the fence inevitably causes detriment to the setting of the listed building'.

9.14 It is therefore considered that the development would result in an adverse impact on the setting of the listed building. The development is therefore contrary to CSDPD Policies CS1 and CS7, and the NPPF.

iii. Impact on Character and Appearance of Surrounding Area

9.15 As mentioned in section 3 above, the application site is considered to have a semi-rural character. While it is located in defined settlement, it immediately borders land outside the defined settlement. The proposed fence would be highly visible within the streetscene. The extensive planting fronting the highway makes a major contribution to the semi-rural character of Binfield Road. Before the unauthorised fence (recently taken down) was built there was a significant green buffer between the road and the previous fence line which contributed significantly to the local character. This application does not allow space for any planting to be retained or freshly planted between the road and the fence line which would have a significant impact on the streetscene.

9.16 As such, the siting of 1.8 metre timber fencing without any set-back from the public highway, is considered to result in an appearance that is incongruous to the area. This is supported by para. 5 of appeal decision APP/R035/C/17/3176803, in which the Inspector concluded that the area is influenced by its leafy appearance, and the development has (and would continue to have) a significant detrimental urbanising effect on the character of Binfield Road.

9.17 It has been suggested to the agent that the proposed fence should be sited at least 2 metres from the edge of the property. There is existing mature vegetation which would soften the impact of some of the fencing.

9.18 The Design SPD sets out guidelines of appropriate design scheme. Page 18 of the Design SPD states that boundary treatment should be consistent within each street and reflect the local character. Page 16 of this document further states that frontages should be designed to create a streetscene with a distinctive character that relates to the context of the area. In view of the above, it is considered that the development would be contrary to the aims of the Design SPD.

9.19 The character of an area is informed by a variety of factors including boundary treatments and landscaping. The resulting streetscene should be in keeping with the existing character. The proposed fence would significantly harm the character of the area by its suburbanising impact on the streetscene. The Streetscene SPD states that when designing new streetscenes, consideration needs to be given to the context and character that is to be created. The proposed fence is considered out of keeping with the verdant nature of this section of Binfield Road.

9.20 It is acknowledged that there are examples of timber fences within the surrounding area, most notably at the entrance to Elen Place, a newly built residential road to the south of the application site. However these fences have been set back from the highway and are partially screened by vegetation.

9.21 The applicant has claimed that a fence is required for the security of the property. It is acknowledged that the applicant has a right to some form of boundary enclosure to their property for the purpose of security. However, the previous boundary treatments along this section of the site have been notably set back from the highway, with intervening planting providing visual softening. There is nothing before the Local Planning Authority to suggest why this could not be achieved while still achieving an acceptable level of security.

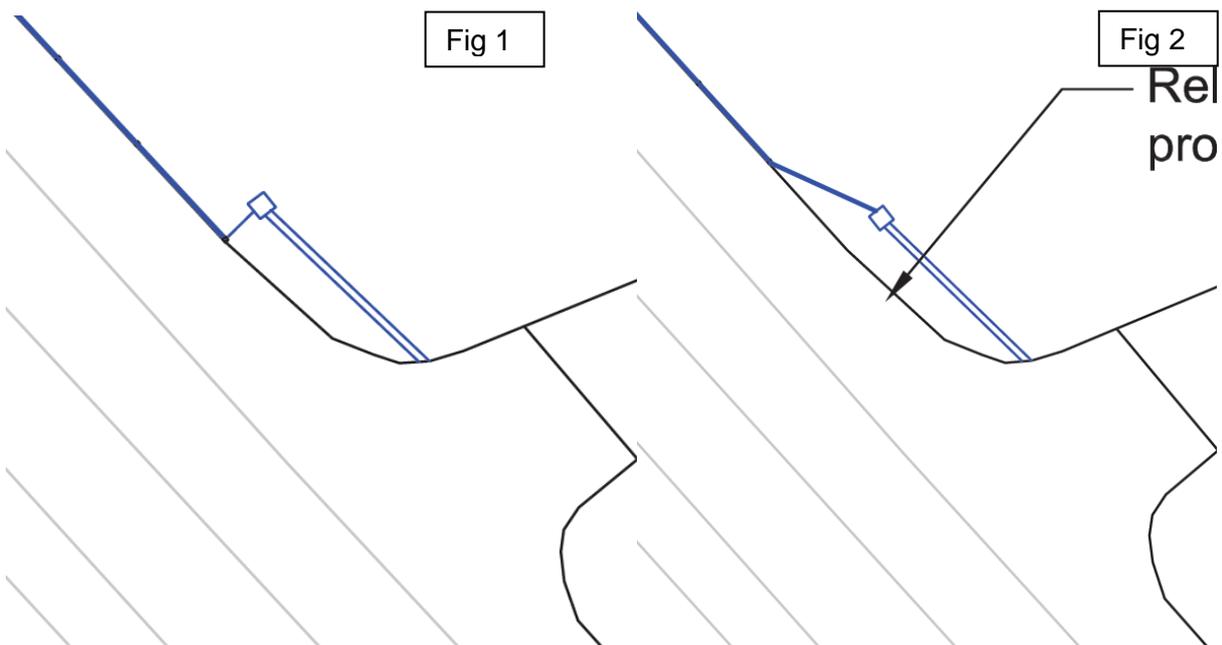
9.22 As such, the proposal is considered to have an adverse impact on the character and appearance of the surrounding area. It would therefore be contrary to 'Saved' policy EN20 of the BFBLP, Policy CS7 of CSDPD, the Design SPD, the Streetscene SPD and the NPPF.

iv. Transport and Highways Considerations

9.23 The fence line as existing is considered to have an adverse impact on highway safety through the restriction to visibility from vehicles egressing the site. In para. 12 of the appeal decision APP/R035/C/17/3176803, the Inspector concluded that while it is not possible to judge what the visibility through the roadside vegetation would have been prior to the installation of the fence, the introduction of the 1.8 metre high solid timber structure would have a detrimental impact on visibility, and therefore on highway safety.

9.24 The proposed fence would have a section (3 metres in length) set at an angle between the existing set back (by 1.2 metres) section of fence immediately to the north-west of the vehicular entrance and the fence directly adjacent to the highway. The Highway Officer has been consulted on the proposed works and advises that the resulting fence line would still restrict visibility to the north for vehicles egressing the property, particularly in respect of cyclists using the shared footway and cycle path. As a consequence, the fence line would need to be splayed over a longer distance to achieve acceptable visibility.

9.25 Fig 1 demonstrates the existing position of the fence, fig 2 demonstrates the extended set-back position of the proposed fence. It is considered that the limited set-back proposed does not address the previous concerns that have been raised, both by the Local Planning Authority and the Inspector for appeal APP/R035/C/17/3176803.



9.26 Binfield Road is ancient highway. Previously the boundary of Manor Farm House included an open-boarded/ranch style fence, which was set-back from the footway/cycle-way behind a line of trees. This intervening land between the footway/cycle-way and the site boundary is taken to be highway land; and therefore this fence directly adjacent to the footway/cycle-way has enclosed highway.

9.27 The position of the existing wall which wraps around the access to Manor Farm House; and is set-back around a metre from the footway/cycle-way, is an indication of the highway boundary. Also, the highway works for the development of Elen Place include highway demarcation of a highway verge behind the footway/cycle-way, within the highway boundary. Following the alignment of the highway verge northwards past Manor Farm House provides further evidence that the fence has enclosed highway land.

9.28 Binfield Road is a local distributor road providing a key route for this part of Bracknell; and the Council is currently investigating cycle improvements along this route. This highway land on the eastern side of Binfield Road, which has been enclosed by the fence, is expected to be required to assist with future cycle schemes.

9.29 It is considered that the proposed development would result in an adverse impact on highway safety. It would therefore be contrary to CSDPD Policy CS23 and the NPPF.

v. Impact on Residential Amenity

9.30 In view of the siting and nature of the proposed development, it is not considered that it would result in any adverse impact on the amenities of neighbouring occupants, in respect of any loss of light or privacy impacts. The nearest residential properties to the application site are those within Elen Place to the south-east, from which the development is not directly visible.

9.31 It is therefore considered that the development does not result in an adverse impact on the amenity of neighbouring properties, in accordance with BFBLP 'Saved' Policy EN20, the Design SPD, and the NPPF.

vi. Community Infrastructure Levy (CIL)

9.32 Following the introduction on the 6th April 2015 of the Community Infrastructure Levy (CIL), all applications for planning permission will be assessed as to whether they are liable. As this development is not for the implementation of a net increase in dwellings, this application will not be liable for a charge.

10. CONCLUSIONS

10.1 It is considered that the proposed development would have a detrimental impact on the setting of the Grade II Listed Building of Manor Farm House. The proposed fence would also be a highly visible and incongruous suburban feature in the streetscene, to the detriment of the character and visual amenities of the area. Furthermore, it is considered that the development would result in an adverse impact on highway safety through restricting visibility for vehicles egressing the site on to a classified 'B' highway.

10.2 The development is therefore contrary to Development Plan Policies CSDPD Policies CS1, CS7 and CS23, BFBLP 'Saved' Policy EN20, the Design SPD, the Streetscene SPD and the NPPF.

10.3 Notwithstanding the above, the development is not considered to result in an adverse impact on the amenities of neighbouring properties, in accordance with BFBLP 'Saved' Policy EN20,

and the NPPF. However this is not considered to outweigh the fact that the development results in the above identified harm.

10.4 The application is therefore recommended for refusal.

11. RECOMMENDATION

11.1 The application is recommended to be **REFUSED** for the following reasons:-

01. The development by way of its urbanising and incongruous appearance detracts from the setting of the Listed Building of Manor Farm House, thereby reducing the significance and desirability of this Heritage Asset. The development is therefore contrary to Policies CS1 and CS7 of the Core Strategy Development Plan Document, the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the National Planning Policy Framework.
02. The development results in an unduly prominent and urbanising feature that is incongruous in the streetscene of Binfield Road, and therefore detracts from the established character of the area. The development is therefore contrary to 'Saved' Policy EN20 of Bracknell Forest Borough Local Plan, Policy CS7 of the Core Strategy Development Plan Document, the Design Supplementary Planning Document, the Streetscene Supplementary Planning Document and the National Planning Policy Framework.
03. The development would result in a reduction in visibility to the north for vehicles egressing the site, particularly in respect of cyclists utilising the shared footway and cycle path. The development therefore results in an adverse impact on highway, particularly as Binfield Road is a classified 'B' highway, and is contrary to Policy CS23 of the Core Strategy Development Plan Document, and the National Planning Policy Framework.

11.2 Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the development and notifying the applicant. However, the issues are so fundamental to the development that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.
02. This refusal is in respect of the following plan:
Site Location Plan, Existing and Proposed Block Plan, and Proposed Elevation, Drawing reference: 18-011 PL-01 Rev F, Received 11.06.2018
03. It is noted that the proposed development would be acceptable if it were to be set back from the south-western boundary of the application site by a minimum of 2 metres and a planting scheme be screening being provided.

Doc. Ref:

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk