

Unrestricted Report

ITEM NO: 7

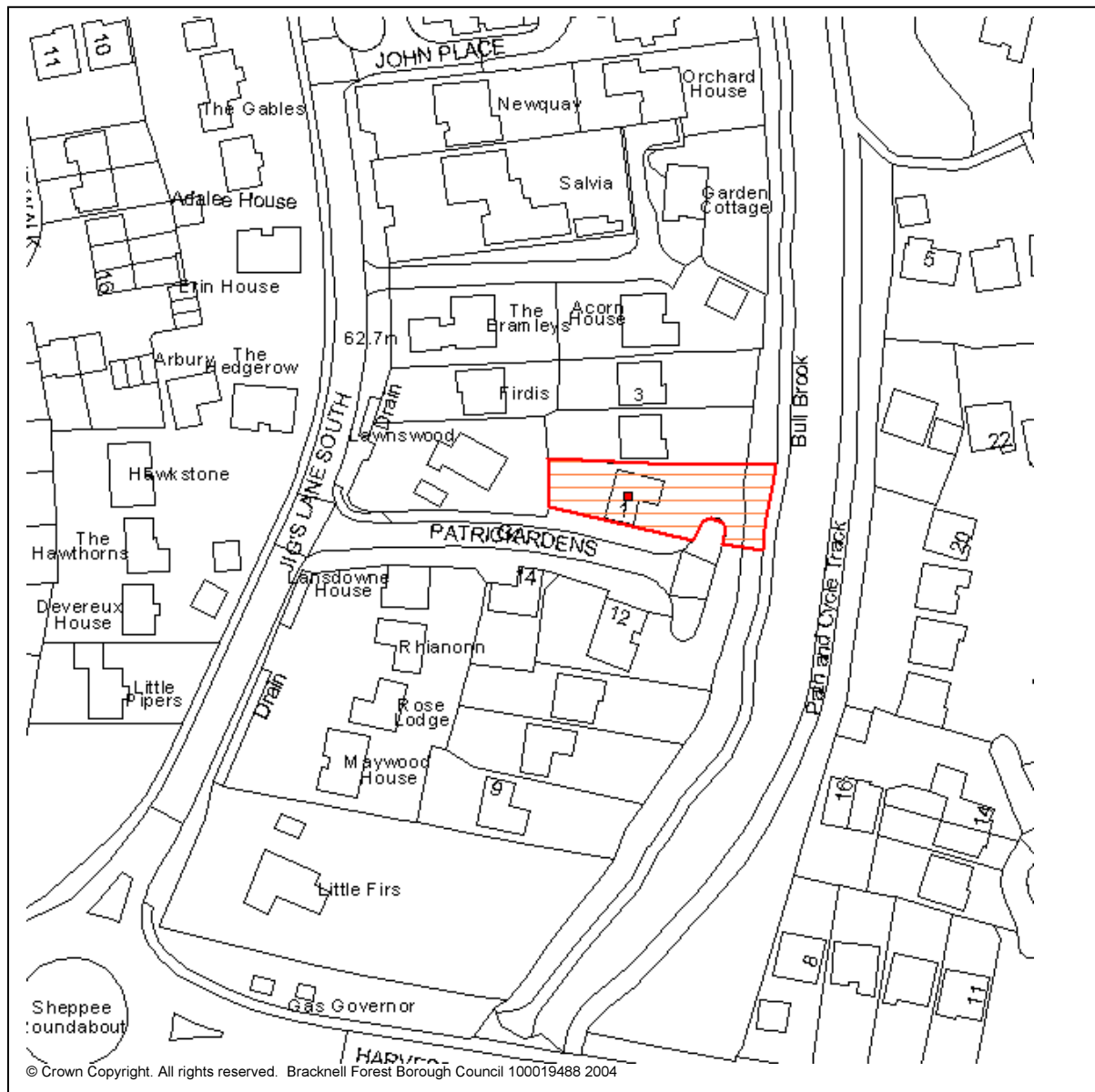
Application No.
12/00080/FUL
Site Address:

Ward: **Warfield Harvest Ride**
Date Registered: **13 February 2012**
Target Decision Date: **9 April 2012**
1 Patrick Gardens Warfield Bracknell Berkshire RG42 3EZ

Proposal: **Change of use of open land to private garden enclosed by 1.8M high close boarded fence including relocation of gated access (retrospective).**

Applicant: **Mr and Mrs K Hastings**
Agent: **(There is no agent for this application)**
Case Officer: **Sarah Horwood, 01344 352000**
environment@bracknell-forest.gov.uk

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



1 RELEVANT PLANNING HISTORY (If Any)

00/00817/FUL Validation Date: 16.08.2000
Section 73 application to allow conversion of rear of garage into dining room without compliance with condition 2 on planning permission 618463.
Approved

02/00322/FUL Validation Date: 19.03.2002
Erection of a single storey front extension to garage.
Approved

08/00343/FUL Validation Date: 10.04.2008
Erection of conservatory to rear of property.
Approved

624694 Validation Date: 23.03.1999
Erection of two storey front extension including 2 no. side facing dormer windows and repositioning of garden wall to enlarge rear garden.
Approved

2 RELEVANT PLANNING POLICIES

Key to abbreviations

<i>BFBCS</i>	<i>Core Strategy Development Plan Document</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>PPG (No.)</i>	<i>Planning Policy Guidance (Published by DCLG)</i>
<i>PPS (No.)</i>	<i>Planning Policy Statement (Published by DCLG)</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>
<i>SEP</i>	<i>South East Plan</i>

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN20	Design Considerations In New Development
BFBLP	H12	Enclosure Of Open Land In Residential Areas
BFBCS	CS7	Design
SEP	CC6	Sustainable Communities and Character of Environment

3 CONSULTATIONS

(Comments may be abbreviated)

Warfield Parish Council

No objection.

4 REPRESENTATIONS

1no. letter of objection received which raises the following matters:

- Property has already extended its rear boundary by building a brick and panel fence which removed a substantial amount of greenery. Did not object to that proposal at the time.
- The new fencing that has been erected has yet again extended the boundary of the property, removing greenery and altering the appearance and amenity of the close.
- Climbers and plants have been planted to soften the fence but it is still a long fence down the road.
- If permission is granted, what guarantee is there that planting will continue if the climbers and plants fail at some stage.
- Does this application set a precedent for neighbours to move out their fencing to enclose their boundaries.

5 OFFICER REPORT

This application is reported before the Planning Committee at the requests of Councillors Thompson and Barnard over concerns about loss of amenity.

i) PROPOSAL

Retrospective permission is sought for the change of use of open land to private garden enclosed by 1.8M high close boarded fence including relocation of gated access.

The applicant has enclosed an area of land of approximately 15sqm into private garden. The land is located along the southern boundary of the site and has been enclosed by 1.8m high fencing with an access gate leading into the rear garden of the property. The new fenceline and gate runs for a length of 7.5m.

ii) SITE

1 Patrick Gardens is a detached dwelling with integral garage located at the end of a residential cul-de-sac. The property has dormer windows at first floor level on the southern elevation and there is a conservatory on the western elevation of the dwelling. The southern boundary of the site is enclosed by a brick wall with fencing on top, approximately 1.8m high. There is on site parking to the front of the dwelling on an existing area of hardstanding.

iii) PLANNING CONSIDERATIONS

(1) Principle of development

1 Patrick Gardens is located within an area designated as "Defined Settlement" by the Bracknell Forest Borough Proposals Maps whereby the principle of development is acceptable, subject to no adverse impacts upon the residential amenities of neighbouring properties, the character and appearance of the surrounding area, highway safety implications, etc.

H12 of the Bracknell Forest Borough Local Plan - Enclosure of open land in residential areas is applicable to this application, stating: "The enclosure or change of use of landscaping and amenity strips for residential purposes will not be permitted except where:

- the use and location of the land does not significantly contribute to the character or amenity of the area;
- the proposed means of enclosure would not adversely affect the character or amenity of the area;

- there would be no adverse impact upon the residential amenity and character of the area, including the importance given to open aspect in the original design of the neighbourhood".

(2) Effect on residential amenities of neighbouring properties

The change of use and enclosure of an area of land sited along the southern boundary of the dwelling into private garden does not have any adverse impacts upon surrounding neighbouring properties by virtue of visual intrusion or overbearing impact.

(3) Impact on character and appearance of surrounding area

15sqm of land has been enclosed into private garden, located along the southern boundary of the site. The area of land which has been enclosed previously included an area of planting and a path providing access to the rear garden of the site. The new fenceline comes in line with the existing boundary wall/fence enclosing the rear garden of the site. Permission 624694 approved the repositioning of a garden wall to enlarge the rear garden of the site. This permission allowed the extension of the southern boundary of the site to enclose amenity land under the private ownership of the site. This current application seeks to retrospectively enclose an additional 15sqm of land into private garden. The new fenceline comes in line with the existing boundary wall/fence approved by virtue of permission 624694.

In accordance with policy H12 of the Bracknell Forest Borough Local Plan, "the enclosure of amenity land into residential garden is acceptable where:

- The use and location of the land does not significantly contribute to the character and amenity of the area..
- The proposed means of enclosure would not adversely affect the character or amenity of the area."

It is not considered that the enclosure of the area of land of approximately 15sqm into private garden with the new fenceline following the same line as the existing southern boundary of the site has a detrimental impact upon the character and visual amenities of the surrounding area. There would still be a grassed area of land approximately 2.2m deep that separates the new fence from the highway to contribute to the overall visual aesthetics of the area.

The site is located at the end of a residential cul-de-sac and not in a readily visible position within the street scene. The fence line is set back from the back edge of the highway by 2.2m at the closest point and 55m from Jigs Lane South; and therefore the visual prominence of the new 1.8m high fence does not appear so unduly prominent within the street scene.

The area of land has been enclosed by 1.8m high fencing. The existing southern boundary of the site is denoted by wall and fencing, 1.8m in height. 1.8m high fencing denotes the front boundaries of properties on Jigs Lane South located to the west of the site. As such, the means of enclosure is not considered to appear out of character within the wider area. Further, climbing plants have been planted in front of the new fenceline which will provide a degree of screening to the new fenceline once established. Even if climbing plants had not been planted in front of the fenceline, it would not appear so unduly prominent within the street scene.

Any further applications that are submitted to enclose areas of amenity land into private garden in the surrounding area would have to be assessed on their individual merits

and in accordance with relevant planning policies, in particular policies EN20 and H12 of the BFBLP.

(4) Highway implications

The proposal does not result in any highway safety implications.

iv. CONCLUSION

The retrospective enclosure of land is not considered to have an adverse impact upon the character and appearance of the surrounding area.

The application is therefore recommended for approval.

6 RECOMMENDATION

That **UNCONDITIONAL APPROVAL be granted.**

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan: Policies
EN20 as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.
H12 which seeks to prevent the enclosure or change of use open land in residential areas.

Core Strategy Development Plan Document:
CS7 which seeks to ensure that developments are of high quality design.

South East Plan:
CC6 which seeks development that will respect and enhance the character and distinctiveness of settlements and landscapes, and use innovative design to create a high quality built environment which promotes a sense of place.

Guidance contained within the NPPF has been taken into account. This does not alter officer recommendation.

The following material considerations have been taken into account:

The proposal is considered to comply with BFBLP Policies EN20, H12, CSDPD CS7, SEP CC6. The proposal will not adversely affect the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. The retrospective enclosure of approximately 15 sq m of land into private garden is not considered to have an adverse impact upon the visual amenities of the surrounding area. The means of enclosure does not appear out of character within the surrounding area. The enclosure of land does not impact upon the residential amenities of neighbouring properties or highway matters. The planning application is therefore approved.

Informative(s):

01. This approval is in relation to site location plan, drawing 2 of 2 and photo received 13 February 2012 by the Local Planning Authority.

Doc. Ref: Uniform 7/DC/Agenda

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