

Unrestricted Report

ITEM NO: 05

Application No.
14/00511/FUL
Site Address:

Ward:
Great Hollands South
75 Trevelyan Bracknell Berkshire RG12 8YD

Date Registered:
23 June 2014
Target Decision Date:
18 August 2014

Proposal: **Change of use of amenity land to private garden enclosed by 2m high hedging to the side of the dwelling**

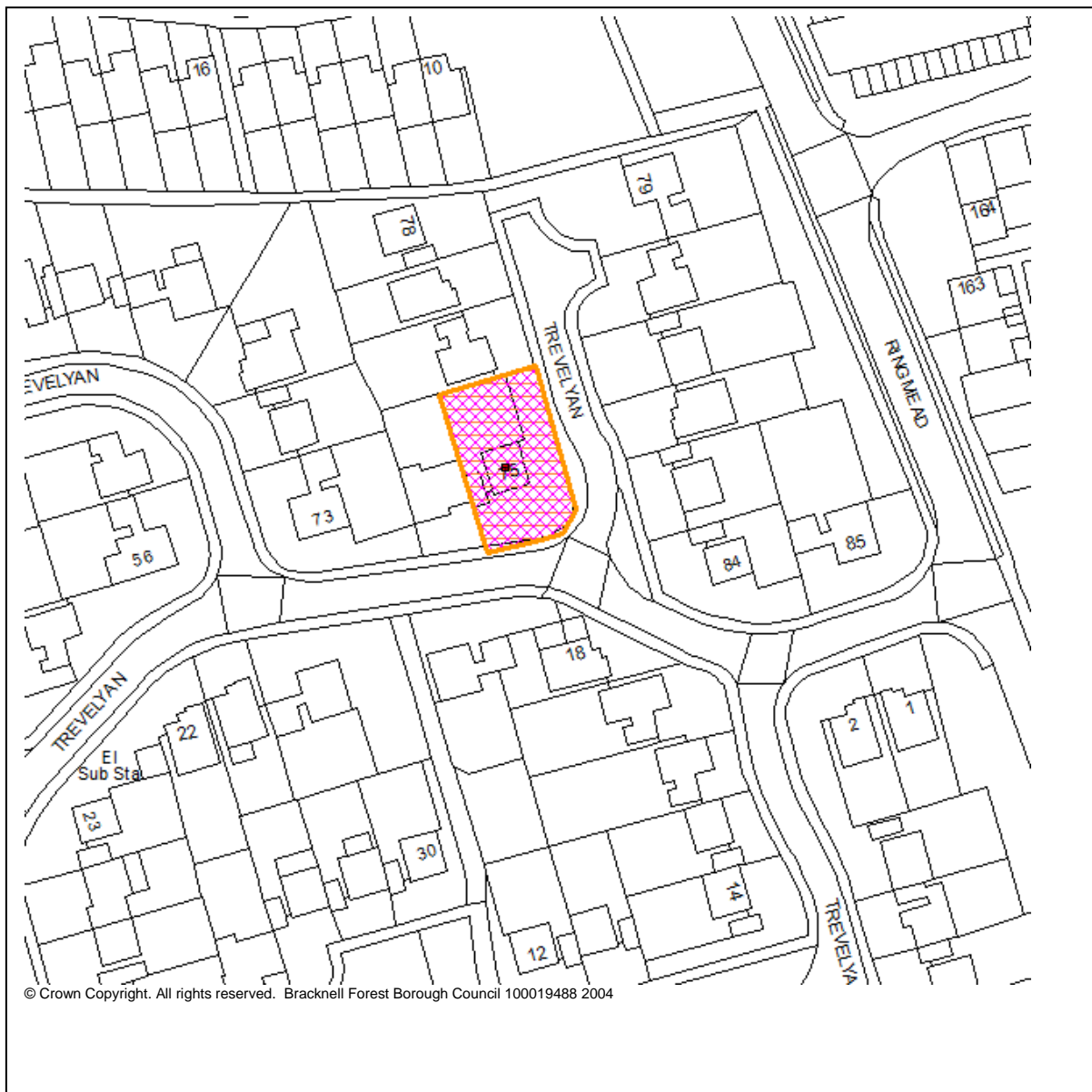
Applicant: Mr David Makin

Agent: Mr Matthew Jouanides

Case Officer: Sarah Horwood, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is reported to the Planning Committee as more than 3 objections have been received.

2. SITE DESCRIPTION

75 Trevelyan is a two storey detached dwelling set on a corner plot location. There are solar panels on the southern roof plane of the dwelling facing the highway. The property has a single garage set on the boundary with no. 74 and parking in front. The property is unscreened to the frontage. The side boundary wall enclosing the rear garden is denoted by a brick wall approximately 2m high.

3. RELEVANT SITE HISTORY

No relevant planning history relating to the site.

4. THE PROPOSAL

Full permission is sought for the change of use of amenity land to enclosed private garden.

The existing rear garden is enclosed along the eastern boundary by an existing brick wall. It is proposed to remove the brick wall and to extend the rear garden of the site by enclosing an area of land of approximately 40sqm into private garden by 2m high cherry laurel hedging. The proposed hedge would be set 3m from the back edge of the footpath to the east of the site.

The proposed laurel hedge would be planted at 1m intervals, grown in 12/15 litre pots at a height of 2m.

Notwithstanding that the area of amenity land outside of the existing boundary wall is under the control of the applicant, to enclose the land requires planning permission as it changes its use from amenity land to private garden, taking it out of the public realm into the private garden of the site.

For information, the original scheme as submitted to the Local Planning Authority (LPA) was for the enclosure of an area of amenity land of approximately 75sqm by a 2m fence which ran for a length of 18m and was set 0.8m from the public footpath. This proposal as originally submitted was considered to have a detrimental impact upon the visual amenities of the area due to the loss of a large area of open amenity land which would detract from the original landscape layout of the estate and the means of enclosure comprising 2m high fencing was considered incongruous and out of keeping in the immediate area on a corner plot location. The LPA has acted positively and proactively by identifying these concerns with the applicant and negotiating a revised scheme. Amended plans were received by the LPA on 1 October where a smaller area of amenity land is proposed to be enclosed into the private garden of the application site and the land would be enclosed by laurel hedging.

5. REPRESENTATIONS RECEIVED

7no. letters of objection received to the proposal (4 from the same postal address) which can be summarised as follows:

- Open plan estate
- Proposal would impact on character of area if land is enclosed
- Outlook will be affected
- Overshadowing
- Covenants on deeds that fences cannot be put on open land
- Erection of fence away from existing brick wall
- Will set a precedent for other properties to do the same
- Obstruct a drain cover
- Loss of daylight to kitchen window

Officer note: covenants/deeds are a civil matter and not within the control of the LPA.

These objections were received to the original scheme as submitted for the enclosure of an area of amenity land by a 2m fence which ran for a length of 18m and was set 0.8m from the public footpath.

The original proposal as submitted was not acceptable and amended plans were submitted on 1 October 2014. Consultations were undertaken to neighbours on the amended plans and the original objections were not withdrawn.

2 general comments were made on the amended plans which raise the following:

- Evergreen hedge would not impinge too dramatically on cul-de-sac
- Hedge will not impede access to shared drain cover
- Section of wall with no. 76 will remain
- Cherry laurel is poisonous/aggressive

A letter of objection was received to the amended scheme, however no postal address was provided and therefore the objection is not formal. It raises issues about the land being amenity land, openness and loss of greenery.

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council

- recommended refusal on the application as originally submitted for the following reasons:
- the retention of the open vista is an important part of the visual amenity of the area.
- loss of the open green space would be out of keeping.

7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)
Retained Policies of the South East Plan 2009 (SEP)
Core Strategy Development Plan Document 2008 (CSDPD)
Saved Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)
Bracknell Forest Borough Policies Map 2013

8. PRINCIPLE OF DEVELOPMENT

SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings and locating development in locations that reduce the need to travel.

CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

The site is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013). As a result the proposed development is considered to be acceptable in principle, subject to no adverse impact on the street scene, amenity of neighbouring occupiers, highway safety, trees, etc. These matters are assessed below.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

Saved Policy EN20 of the BFBLP and Policy CS7 of the CSDPD relate to design considerations in new proposals and are relevant considerations. These policies seek to ensure that developments are sympathetic to the character of the area and are of a high design. This is consistent with the NPPF.

Saved Policy H12 of the Bracknell Forest Borough Local Plan - Enclosure of open land in residential areas states: "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".

This policy is considered to be consistent with the objectives set out within the NPPF. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people to live. Furthermore paragraph 64 of the NPPF states that the design of developments should take the opportunities where available to improve the character and quality of an area and the way it functions.

It is considered that the area of land to be used as private garden enclosed by 2m high hedging forms part of the original design of the estate development. Many of the estates within the Borough incorporate areas of landscaping and grass verges in order to provide visual interest and these areas are considered to contribute to the overall character of the estate.

The area of land subject to this application runs along the eastern boundary of the site. Approximately 40sqm of open grassland would be enclosed into the rear garden of 75 Trevelyan by a 2m high laurel hedge. It is not considered that the enclosure of this area of land into the private garden of the application site would have a detrimental impact upon the visual amenities of the surrounding area given a 3m wide area of grass would be retained between the hedge and the footpath along with an existing tree remaining within the public realm to create a soft landscaped buffer between the hedge and footpath.

There are examples of properties within close proximity to the application site which have extended their rear gardens by enclosing amenity land, most notably nos. 73 and 84 Trevelyan. No. 73 is a poor example of this, where a new brick wall has been erected to enclose amenity land, sited no more than 1m from the back edge of the footpath, approved by permission 620136 in 1994. No. 84 is a better example where a new brick wall has enclosed amenity land and a large area of open grass between 3m and 6m wide remains between the relocated brick wall and footpath, approved by permission 06/01158/FUL in 2007. The proposed enclosure of land to the side of no. 75 with a hedge set 3m from the footpath would therefore be acceptable as a sufficient area of soft landscaping would be retained between the hedge and footpath.

The hedge would be planted forwards towards the front elevation of the dwelling, however the front garden of the application site would remain open plan which is characteristic of the estate and the enclosure of some of the area of land to the side of the dwelling would be similar to that undertaken at no. 84 Trevelyan opposite the site.

The area of land would be enclosed by 2m high laurel hedging planted at 1m intervals running for a length of 18m. This means of enclosure by soft landscaping would be acceptable and would be less visually intrusive than a wall or fence in the street scene. A dense boundary screening would be quickly provided given the height of the plants. Cherry laurel is an evergreen hedge and therefore would be in leaf all year round.

As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Saved Policies EN20 and H12 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

10. RESIDENTIAL AMENITY

Saved Policy EN20 of the BFBLP states that developments should not adversely affect the amenity of surrounding properties. This is further reinforced in Saved Policy H12 of the BFBLP which states development for change of use or enclosure of amenity land should not adversely impact upon residential amenity. Saved Policies EN20 and H12 of the BFBLP are therefore consistent with the NPPF.

The proposed enclosure of amenity land into private garden by means of 2m high hedging would not adversely affect the residential amenities of adjoining properties by virtue of loss of daylight or visual prominence.

As such, the proposal would not be considered to affect the residential amenities of neighbouring properties and would be in accordance with Saved Policies EN20 and H12 of the BFBLP and the NPPF.

11. TRANSPORT IMPLICATIONS

Policy CS23 of the CSDPD seeks to increase the safety of travel. Saved Policy H12 of the BFBLP states development for change of use or enclosure of amenity land should not have an adverse effect on highway safety. These policies are consistent with the NPPF.

Given the set back of the hedge from the footpath of 3m, there would be no obstruction to the public footpath and no impact to sightlines from the driveway of the adjoining property at no. 76 Trevelyan.

For the reasons given above the proposal is considered to be in accordance with Policy CS23 of the CSDPD, Saved Policy H12 of the BFBLP and the NPPF and would not result in highway implications.

12. CONCLUSIONS

The proposed change of use of amenity land to private garden enclosed by 2m high hedging would not adversely impact upon the visual amenities of the surrounding area and would not impact upon any adjoining residential properties. Further, no highway safety implications would result. As such, the proposal is considered to be in accordance with CS7 and CS23 of the CSDPD, Saved Policies EN20 and H12 of the BFBLP and Policy CP1 of the Site Allocations Local Plan, all in accordance with the NPPF.

The application is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 1 October 2014:
drawing no. PL-03 Rev D
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The hedge as shown on the approved plans shall be retained at a height not exceeding 2m and shall thereafter be retained as such. If within a 5 year period of the completion of the development the hedge is removed, uprooted, or is destroyed or dies, it shall be replaced by plants of the same species and size as that originally planted at the same place
REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN20, CSDPD CS7]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
 1. Time limit
 2. Approved plans
 3. Retention of hedge

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