

Unrestricted Report

ITEM NO: 6

Application No.
14/00877/FUL
Site Address:

Ward: Great Hollands South
1 Ringwood Bracknell Berkshire RG12 8YG

Date Registered: 12 August 2014
Target Decision Date: 7 October 2014

Proposal:

Change of use of land adjacent to 1 Ringwood from amenity land to residential land forming residential curtilage, including alterations to existing fence line to increase the rear garden amenity space.

Applicant:

Mr N Bridgland

Agent:

Mr Nick Kirby

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

This application is reported to the Planning Committee at the request of Councillor Dudley and Councillor Angell over concerns about the enclosure of amenity land in this location.

2. SITE DESCRIPTION

1 Ringwood is an end of terrace two storey dwelling which has been extended by a two storey side extension. There is a block of garages to the west/north-west of the flank wall of the dwelling. The surrounding area is residential in character. There is a block of flats to the north-west of the site. The site is located on a corner plot between Ringwood and Ringmead.

There is a Maple tree located on an area of land to the north-west of the site under the control of Bracknell Forest Council which is covered by a Tree Preservation Order - ref: 1181.

3. RELEVANT SITE HISTORY

623465 approved in 1998 for change of use of open space to private garden by means of the erection of a 1.8m high timber fence.

04/00509/FUL approved in 2004 for erection of two storey side extension following demolition of existing garage.

4. THE PROPOSAL

Full permission is sought for the change of use of amenity land to residential garden. The area of land is sited behind a communal garage block serving surrounding properties. It is proposed to enclose this area of land into the garden of 1 Ringwood by 1.8m high fencing.

An area of land of 55sqm would be enclosed into the rear garden of 1 Ringwood. The revised fence line would be relocated out 5.5m from its current position westwards. The new fenceline would be set 13.7m from Ringwood to the west and set 4m from Ringmead to the south.

The scheme as originally submitted was for the change of use and enclosure of an area of land of over 100sqm, with the new fence set some 5.5m from the highway at Ringwood. This would have resulted in the enclosure of 2 trees into the garden of 1 Ringwood. This scheme as originally submitted was considered unacceptable as it would have resulted in the loss of a large area of amenity land which would be harmful to the visual amenities of the area. The LPA has acted positively and proactively by identifying these concerns with the applicant and negotiating a revised scheme for the enclosure of 55sqm of land into private garden.

The proposal requires planning permission as it would take the land out of the public realm and enclose it into the garden of 1 Ringwood for use for residential purposes.

Notice has been served on Bracknell Forest Council as the landowners under Certificate B.

5. REPRESENTATIONS RECEIVED

No representations received.

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council

Bracknell Town Council was consulted on the application and recommend refusal for the following reasons:

"The area is an integral part of the overall design and layout of the estate contributing to the appearance and character. The loss of this visual amenity will be detrimental to the area. Bracknell Town Council has concerns regarding highway safety if this area of land adjacent to a junction is enclosed. Bracknell Town Council is opposed to the sale of amenity land".

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). This is also reflected in SALP Policy CP1, which sets out that a positive approach to considering development proposals which reflect in the presumption in favour of sustainable development as set out in the NPPF should be taken, and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise. This is consistent with the NPPF. Regard will also need to be had to Policy CS1 of the CSDPD relating to sustainable development principles, which is considered to be consistent with the NPPF (and can be afforded full weight).

1 Ringwood is located within a defined settlement as designated on the Bracknell Forest Borough Policies Map which establishes the principle for development, in relation to Policy CS2 of the CSDPD. Due to its location and nature, the proposal is considered to be in accordance with Policies CS1 (Sustainable Development) and CS2 (Locational Principles) of the CSDPD and the NPPF subject to no adverse impacts upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety, etc. These matters are assessed below.

For clarification, the land subject to this application is not considered to be land defined as 'Open Space of Public Value' in accordance with Policy CS8 of the CSDPD i.e. it is not a green corridor, play area, country park and therefore does not need to be considered in accordance with Policy CS8 of the CSDPD.

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. Para. 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 para. 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 1.8m high fencing forms part of the original landscape layout of the estate. 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 area.

The area of land subject to this application runs along the western boundary of the site. Approximately 55sqm of open grassland would be enclosed into the rear garden of 1 Ringwood by 1.8m high fencing. 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 the revised fenceline would be set back 13.7m from the highway at Ringwood and 4m from the highway at Ringmead to the south, bringing the rear of the new fenceline in line with the existing fenceline of 1 Ringwood and adjoining properties at nos. 2 to 4 Ringwood. A large area of open grassland including two existing trees would be retained in the public realm to mitigate the enclosure of land into the private garden of 1 Ringwood.

The area of soft landscaping to the rear and side of the garage blocks adjacent to no. 1 Ringwood provides an area of greenery leading into Ringwood from the main highway at Ringmead. There is also a large area of open grassland and trees opposite the site adjacent to the block of flats at 118 to 126 Ringwood. This creates some landscape symmetry leading into Ringwood. Given an area of open grassland some 14m wide would be retained between the highway and the new fenceline at 1 Ringwood and the existing trees would remain within the public realm, the proposal would not be considered to unduly detract from the visual amenities of the surrounding area.

The land would be enclosed into the garden of 1 Ringwood by 1.8m high featheredge fencing. This is a typical means of boundary treatment within the surrounding area and therefore the proposed means of enclosure would be in keeping in the street scene.

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 enclosure of land into the residential garden of 1 Ringwood with erection of 1.8m high fencing would not have an adverse impact upon the residential amenities of neighbouring properties due to the positioning of the area of land and separation distance to surrounding properties.

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.

The application site is on a corner plot with Ringwood and Ringmead. The revised location of the fenceline set 13.7m from Ringwood would not affect visibility splays at the junction of these two roads and no highway safety issues would therefore result.

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. TREE IMPLICATIONS

'Saved' Policy EN1 of the BFBLP ensures that the Borough's trees are protected. The NPPF refers to conserving the natural environment; therefore this policy is consistent with the NPPF.

The fence proposed to enclose the area of amenity land into the private garden of 1 Ringwood would be relocated outwards towards an existing Maple tree. In order to minimise the impact to the roots of this existing tree, a planning condition is recommended as suggested by the Tree Officer to ensure that the holes for the fence posts are hand dug where they would be under the canopy of the tree.

Further, it is recommended that permitted development rights be removed for the erection of outbuildings and laying of hardstanding within the area of land to be enclosed into the private garden of 1 Ringwood in order to protect the root protection area of the existing tree.

The Maple tree has been protected by a Tree Preservation Order (ref: 1181) as it is considered to be an important landscape feature within the street scene which contributes to the visual amenity of the area.

Subject to the above conditions, the proposal is therefore considered to be in accordance with 'Saved' Policy EN1 of the BFBLP and the NPPF and would not result in an adverse impact on existing trees.

13. CONCLUSIONS

The proposed change of use of amenity land to private garden enclosed by 1.8m high fencing 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 or tree implications would result. As such, the proposal is considered to be in accordance with CS7 and CS23 of the CSDPD, 'Saved' Policies EN1, EN20 and H12 of the BFBLP and Policy CP1 of the SALP, 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 12 August 2014 and 10 December 2014:
details of fence
block plan
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The excavation works for the proposed position of the fence posts which are located within the root protection area of an existing tree shall be undertaken only by hand.
REASON: In order to safeguard tree roots and thereby safeguard trees considered worthy of retention in the interests of visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as permitted by Class E of Part 1 of the Second Schedule of the 1995 Order shall be carried out.
REASON: In the interests of the health of nearby trees.
[Relevant Policies: BFBLP EN1, Core Strategy DPD CS7]
05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no hard surface as permitted by Class F of Part 1 of the Second schedule of the 1995 Order shall be provided for any purpose incidental to the enjoyment of the dwelling house.
REASON: In the interests of the health of nearby trees.
[Relevant Policies: BFBLP EN1, Core Strategy DPD 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. Fence post excavations by hand
 4. Removal of permitted development rights for outbuildings, etc
 5. Removal of permitted development rights for hard surfacing

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