

Unrestricted Report

ITEM NO:

Application No.
**15/00172/CON
D**

Ward:
Binfield With Warfield

Date Registered:
21 September
2015

Target Decision Date:
16 November 2015

Site Address:

**Binfield House Nursery Terrace Road North Binfield
Bracknell Berkshire**

Proposal:

**Details pursuant to condition 16 (Fencing) of planning permission
13/00966/FUL.**

Applicant:

Beaulieu Homes Southern Limited

Agent:

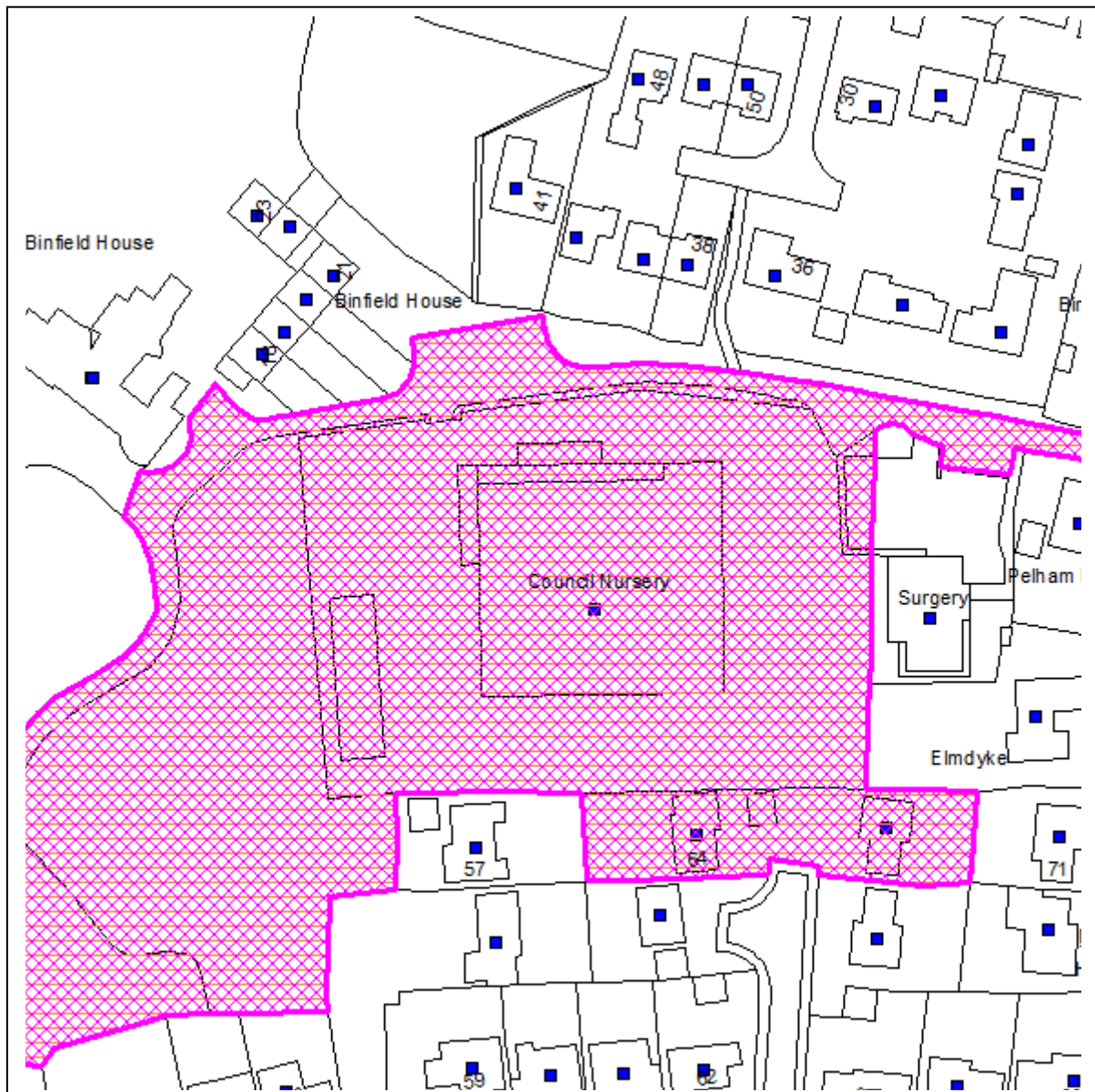
Mr Matthew Jouanides

Case Officer:

Sarah Fryer, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The proposal seeks to discharge conditions imposed upon application 13/00966/FUL, specifically condition 16 relating to means of enclosure.

1.2 The boundary treatments proposed contain a mixture of brick wall and 1.8m high timber fences. Where the means of enclosure is prominent within the street scene, brick boundary treatment is proposed. Timber fencing is therefore confined to the private spaces between properties or facing onto private land over which no right of way exists. Accordingly the details are considered to be acceptable.

RECOMMENDATION
That condition 16 attached to planning application 13/00966/FUL be discharged.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee following the receipt of more than 3 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
Within grounds of Binfield House- Grade II Listed property.

3.1 The site consists of the former Council Nursery and adjoining land, which forms part of the grounds of the Grade II Listed Binfield House. The site contains the curtilage listed walled garden walls. To the west of this is open land which has been left and is now overgrown. To the south the site adjoins residential properties on Knox Green, through which eventual access to the site will be obtained. To the east and north the site abuts residential properties, including the elderly persons bungalows to the east of Binfield House, whilst to the west are the amenity grounds sited to the front of Binfield House.

4. RELEVANT SITE HISTORY

4.1 13/00966/FUL Erection of 5 no. five bedroom, 7 no. four bedroom, 2 no. three bedroom and 10 no. two bedroom dwellings with associated landscaping and vehicular access from Knox Green following demolition of existing buildings, and alterations to wall within the curtilage of a listed building. Approved 01.04.2015

5. THE PROPOSAL

5.1 This application seeks the discharge of condition 16, concerning boundary treatments, attached to planning application 13/00966/FUL.

5.2 Application 13/00966/FUL granted planning permission for the erection of no. 24, 2, 3, 4 and 5 bedroomed dwellings at Binfield Nursery. Condition 16 requires the following:-

The development hereby permitted shall not be begun until details of a scheme of walls, fences and any other means of enclosure, including a new boundary to the side of plot 22, has been submitted to and approved in writing by the Local Planning

Authority. The approved scheme associated with each building shall be implemented in full insofar as it related to that building before its occupation and the means of enclosure shall thereafter be retained.

5.3 The applicant has submitted drawing PC-2001 Revision C which shows the position of the various boundary treatments. The wider scheme proposes walls to key boundaries that adjoin the proposed adopted highway, and fences to the rear of properties or where the boundary is not prominent from public areas.

6. REPRESENTATIONS RECEIVED

Other representations:

6.1 A total of 12 objections have been received from residents of surrounding properties. The objections can be summarised as follows:

- The proposal does not take into consideration the character of the Grade II Listed House.
- The proposal is in conflict with the NPPF which states new developments should respect existing boundaries.
- The proposal shows the fence up against ours- leaving no room for us to maintain our fence or trim the plants growing up the back of it.
- The land to the rear is a lot higher resulting in the proposed fence feeling overbearing and overshadowing our garden.
- According to the plan there is a large pipe which runs along the rear of the boundary fence to 54-56 Knox Green. If fencing is installed in this area it could burst any underground pipes.
- To install the fence would mean removing a lot of shrubs- which is in conflict with the Core Strategy and the NPPF which states trees and hedges should be protected. In fact the trees and hedges are protected under tree protection plan approved under application 13/00966/FUL.
- The proposed fence is not required due to the natural green boundary of hedges and trees that have been established for 30 years.
- The plan is totally unsuitable and leaves the elderly accommodation with large open plan gardens (four times larger than any other garden on the proposed development, with no demarcation for land registry or ownership.
- Plots 22-24 should have a decent size garden (similar to plots 19-21) suitable for elderly people, and delineated by fences if necessary.
- The applicant has indicated that the rear gardens to plots 22, 23 and 24 will be managed by a management company, however practically this is not going to work.
- The reason for the condition includes 'the amenities of properties adjoining the site' which appears to have been totally omitted.
- Given the likelihood of the site flooding, what chance has a timber structure got for long term survival?
- The amended plan proposes a strange combination of minimum run of brick walls and maximum runs of timber fencing.
- Neither the desk revision or the original submission appear to have paid any regard for or attention to the adjacent properties or existing natural features
- The proposed fencing is sterile, characterless and prevents ground based wildlife from accessing territory.

[Officer Note: Regarding the objection about land ownership, this is not a material planning consideration. Maintenance of a boundary fence again is a civil issue. The existence of services is not a material consideration and there would be an engineering solution to deal with this eventuality.]

7. SUMMARY OF CONSULTATION RESPONSES

7.1 No 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 application and the associated policies are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Supplementary Planning Documents (SPD)		
None relevant		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		

9. PLANNING CONSIDERATIONS

9. 1 The key issues for consideration are:

- i Impact on character and appearance of the area
- ii Impact on residential amenity
- iii Impact on the character and setting of the Listed Building

i. IMPACT ON CHARACTER AND APPEARANCE OF AREA

9.2 The objections principally concern the proposed boundary treatments relating to plots 19- 24 inclusive, sited in the south western corner of the site. Within this area it is proposed to erect a 1.8m high fence along the boundary of the site with nos. 54, 55 and 56 Knox Green and to the front of the private shared driveway to the west of 58 and 59 Knox Green. The amenity space to plots 22-24 would be open, whilst plots 19- 21 would have small enclosed gardens. All the plots have separate access into the rear gardens.

9.3 At present the application site is separated by a mixture of post and wire fencing (although some is missing) with some low level close board fencing between the application site and 54-56 Knox Green whilst there is a metal gateway within the site boundary to the west of 58 Knox Green. The area contains a mixture of self set trees, overgrown brambles and small shrubs, which provide a pleasant green outlook for the existing residents of Knox Green. The side boundaries to the gardens in Knox Green consist of 1.8m close boarded fences.

9.4 The wider scheme proposes walls to key boundaries that adjoin the proposed adopted highway, and fences to the rear of properties or where the boundary is not prominent from public areas. This approach is supported.

9.5 A boundary treatment is required between the development site and existing properties to ensure that the proposed properties are secure, boundaries defined and that mutual overlooking between existing occupiers and future residents of the site is prevented and therefore privacy maintained. The condition specifically requires this to the side of plot 22 securing this from the land to the front of Binfield House and the

historical access into the grounds. A 1.8m close boarded fence is considered to be an appropriate treatment between the amenity areas of two properties, which would not be visible from or have an effect on the character or appearance of the streetscene.

9.6 Objections have been received on the basis that this treatment is out of character with the surrounding area. The proposed development of this site will change the character to that of a small residential estate. Accordingly, the erection of close boarded fencing to separate plots and adjoining residential gardens is considered an appropriate treatment that is evident within the adjoining estates, including the properties on Stevenson Drive where they back onto the current driveway to Binfield House. Therefore, the proposal is considered to comply with Policy CS7 of the CSDPD and 'saved' Policy EN20 of the BFLP. The proposal is therefore considered to respect the character of the area and that of the approved development.

ii. IMPACT ON RESIDENTIAL AMENITY

9.7 Objections have been received on the basis that the proposal does not protect the amenities currently enjoyed by existing residents, including preserving the existing green outlook that is currently enjoyed, would result in over shadowing and overbearing boundary treatment. Objections have stated that the Binfield Nursery site is 3ft higher than their property and therefore a 6ft fence would in fact result in a 9ft barrier.

9.8 Under planning legislation, no one has the right to a view, including protecting an outlook. The proposed fence would be located due north of the rear elevation of the properties 54-56 Knox Green which have a garden depth of approximately 10m. No 56 and 54 Knox Green benefit from dense vegetation past the boundary of the site, restricting views. No 55 has a more open outlook including views into the site. Given this relationship it is not considered that a 1.8m close boarded fence in this location would detrimentally affect light or be overbearing. There is a bund that raises the land levels, however to the rear of nos. 55 and 56 Knox Green this is within the Binfield Nursery site and the boundary is at the same level as the gardens to the properties within Knox Green. To boundary with no. 54 Knox Green appears to be on the top of the bund although it is unclear in parts. However no. 54 Knox Green has dense vegetation screening consisting of laurels, an evergreen shrub over 2 m in height, above the boundary. In this instance the proposed fence would not significantly affect the amenities of occupiers.

9.9 No. 57 Knox Green is located up a shared private driveway, with a 1.8m high fence proposed 8m from the projecting element of the front elevation and separated by the driveway serving the garage and partially by the garage itself. Currently this boundary is heavily vegetated. The fence is proposed in this location as it will also form the boundary to a private garden to plot 11. Accordingly the 1.8m fence in this location is considered appropriate.

9.10 No. 58 also has a fence proposed to the front of the dwelling. Again this property is accessed by a private driveway with a grass strip between the driveway and the application site resulting in the proposed boundary fence being sited 24m from the front elevation. At this distance the proposed 1.8m boundary fence would not detrimentally affect the amenities of occupiers of this property, and due to its location off a private driveway, the proposed fence is considered acceptable in this location.

9.11 Issues have also been raised regarding maintenance of existing boundary treatments. This is a civil matter and it is usual for only one fence to be provided along a shared boundary, with the owners responsible for maintaining the vegetation on their side of the boundary.

9.12 Other objections relate to the amenities of the future occupants. These raise concerns around the ability of the future occupiers to maintain the large communal area and run of fencing between the development and the occupiers of dwellings within Knox Green. Members may recall that plots 19-24 are subject to an age restrictive condition, meaning that future residents will be of retirement age or older. The applicant has indicated that they intend to set up a management company, similar to how communal areas serving apartments are managed, to maintain the amenity areas for the occupiers of plots 22-24. In this respect the proposed scheme proposes a mix of options for the future occupiers, either to have their own private gardens or the benefit of a larger outlook that is shared. Whilst not conventional, there are no policy grounds to object to this approach.

9.13 Objections have been received on the basis that the proposal would result in the loss of trees and shrubs which are shown to be protected by the tree protection plan submitted with application 13/00699/FUL. Whilst it is proposed to construct the fences within the tree protection areas, fences are the least intrusive method and can be carried out in a way which ensures there is minimal harm to important trees and shrubs in the area. Most of the vegetation required to be cleared consists of brambles, small self set shrubs, and laurels planted by the previous owners of the site, none of this is statutorily protected.

9.14 Accordingly it is considered that the proposal complies with 'saved' Policy EN20, specifically criterion vii.

iii IMPACT ON SETTING OF LISTED BUILDING

9.15 The proposed residential development is located within the former grounds of Binfield House, a Grade II Listed Building. As stated previously within the report, the approved residential scheme will change the character of the area and impact upon the setting of the Listed Building. This was considered at the time of the approved scheme and found to be acceptable. Given this, and that the approved scheme would result in dwellings being constructed closer to the listed building, it is considered that the proposed boundary treatments do not detrimentally affect the setting of the Listed Building, over and above that of the approved development which has been found acceptable. The proposal is therefore not considered to detrimentally affect the setting of the Listed Building complies with Policy CS7 criterion i of the CSDPD, supported by Section 12 of the NPPF.

10. CONCLUSIONS

10.1 The proposed means of enclosure are considered appropriate in character, design and appearance to the residential scheme that they would eventually be part of. The proposed details include the provision of walls at key points with fencing restricted to areas between gardens and to areas considered not to be significant within the streetscene. The details would not significantly harm the amenities of neighbouring occupiers, whilst also providing an acceptable level of amenity for future occupiers. The proposed enclosures are considered not to detrimentally affect the setting of the listed building. Accordingly the proposed walls and fences are considered to be acceptable

11. RECOMMENDATION

That condition 16 attached to planning application 13/00966/FUL be discharged.

Approved details:-

Site layout plan PC-2001- REV C received 17.09.2015