

- a) **DOV/16/01484 – Erection of a 1.8-metre high fence with 2 no. gates, central stairway and terracing (retrospective application) – Land opposite 8 and 9 Sea Road and rear of 3 Clim Down, Kingsdown**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework (NPPF)

- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

- d) **Relevant Planning History**

87/00317 – redesign of 11 houses

- e) **Consultee and Third Party Responses**

KCC Highways and Transportation

The fence is set back from the edge of the carriageway and does not obstruct visibility for pedestrians crossing the road from the adjacent Public Right of way, so there is no objection.

KCC Public Rights of Way

No comments received

Principal Ecologist

No comments

Ringwould with Kingsdown Parish Council - No objection.

Public Representations - Six letters of objection have been received, raising the following points:

- A very ugly fence spoiling a wooded side of Sea Road.

- Loss of mature trees and hedgerow causing overlooking into our property.
- Loss of wildlife habitat
- Erection of fence next to public footpath causes highway safety concerns particularly to children who regularly use the footpath.

- f)
1. **The Site and the Proposal**
 - 1.1 The application site is located within the settlement confines of Kingsdown and forms part of a small housing estate known as Clim Down. The site itself comprises of a modern detached single family dwelling that has its principal elevation facing Clim Down. The land level of the rear garden falls away steeply to Sea Road. Running along the eastern side boundary of this property is a public right of way that pedestrians use for access from Clim Down to Sea Road.
 - 1.2 The proposed development is retrospective and is described as involving the erection of a 1.8 metre high fence with two gates. Since the planning application was submitted a wooden stairway has been created in the middle of the rear garden to give ease of access. Furthermore terracing has been introduced at the top of the rear garden that the applicant's agent believes is essential to secure the bank.

2. **Main Issues**

- 2.1 The main issues are:
 - Visual impact upon character and appearance of the surrounding streetscene
 - The impact upon neighbouring amenities
 - The impact on highway safety
 - Ecology
 - Expediency to enforce

Assessment

Visual impact

- 2.2 The site previously comprised of a small overgrown woodland area. The applicant has had the vegetation all removed and introduced new close boarded fencing and an internal stairway that appears stark in relation to the overall streetscene. Since the submission of this application dark stained paint has been applied to the part of the new fencing adjacent to Sea Road which has greatly softened its appearance. If the rest of the fencing and wooden stairway were also to be dark stained it would help further lessen its visual impact. The terracing of the steep embankment of the rear garden with concrete reinforcing walls is also clearly visible from the public domain and appears stark. It is considered this terracing could be appropriately covered with a dark material so that it too appears more self-effacing. A further visual improvement is proposed by the applicant who intends to carry out extensive soft planting to the rear garden. With the benefit of time to allow the new planting to mature, the appearance of the site will look similar to the rear garden of the neighbouring property at 5 Clim Down situated on the other side of the public right of way. It is therefore considered that the use of suitable planning conditions can be used to ensure that the combination of soft

planting, dark stained paint to the rest of the fencing and stairway and dressing of the concrete terracing will ensure that this development is visually in keeping with the overall streetscene.

Impact on Residential Amenity

- 2.3 The introduction of terracing and a stairway greatly improve the applicant's accessibility to this extremely steep rear garden area. Given the location of the site and the separation distances to other properties, it is not considered that the living conditions of any occupiers of the nearest properties in Sea Road would be harmed by the development.

Highway Safety

- 2.4 The siting of the fence adjacent to Sea Road has raised concerns about pedestrians crossing the road from the adjacent Public Right of Way. The Highways Authority has however confirmed that given it is set back some half a metre from the edge of the carriageway it does not obstruct visibility.

Ecology

- 2.5 The wildlife habitat provided by the overgrown vegetation was relatively small and is located in a suburban location. As such the loss of the vegetation has raised no concerns for the Council's Principal Ecologist. The trees were not subject to any form of protection. This site is not a designated Conservation Area and there are no Tree Preservation Orders or restrictive planning conditions.

Expediency to Enforce

- 2.6 Central Government rules generally permit the erection of fencing without the need for planning permission. This permitted development is however subject to it not exceeding one metre in height when adjacent to a highway used by vehicular traffic and two metres elsewhere. As such the only part of the fencing subject to control is that part adjacent to Sea Road. If the fencing adjacent to Sea Road were to be set back say 1.5 metres from the back edge of the carriageway then arguably all of the fencing would be permitted development not requiring planning permission. The applicant was given the opportunity to set the fence back where it is adjacent to sea Road but instead wishes to pursue with this planning application.

Overall Conclusions

- 2.7 This development involves making better use of a rear garden area with these various measures to improve access. It is not harmful to the amenities of occupiers of neighbouring properties and there is no highway safety or ecology concerns raised by Consultees. Whilst a retrospective planning application has been submitted the only element subject to control is the stretch of new fencing adjacent to Sea Road, the stairway and some of the terracing. The development does currently look stark within the overall streetscene because not all the fencing and stairway has been dark stained and the terracing could be covered. The carrying out of extensive soft landscaping once matured will give this site a similar appearance to the neighbouring rear garden at 5 Clim Down. The unauthorised development will therefore in time be visually in keeping with other residential properties in the nearby vicinity.

g)

Recommendation

- I PERMISSION BE GRANTED subject to the following conditions:-
 - (1) Details of soft landscaping
 - (2) Stain the new fencing using brown or black paint.
 - (3) Dressing of concrete terracing

- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer
Jim McEwen