

**North Northamptonshire Area Planning Committee  
(Thrapston)  
16 August 2021**

<b>Application Reference</b>	<b>NE/21/00539/FUL</b>
<b>Case Officer</b>	<b>Patrick Reid</b>
<b>Location</b>	<b>1 Saxon Way, Raunds, Wellingborough, Northamptonshire NN9 6PE</b>
<b>Development</b>	<b>To move side fence to extend garden</b>
<b>Applicant</b>	<b>Mr Wozniak</b>
<b>Agent</b>	<b>N/A</b>
<b>Ward</b>	<b>Raunds</b>
<b>Overall Expiry Date</b>	<b>12 June 2021</b>
<b>Agreed Extension of Time</b>	<b>18 August 2021</b>

**Scheme of Delegation**

This application is brought to committee because it falls outside of the Council's Officer Scheme of Delegation. This is due to Raunds Town Council objecting to the application and the recommendation is for approval. This is set out at Part 9.2 of the Council's Constitution.

**1. Recommendation**

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- 1.1 That planning permission be GRANTED subject to conditions.

**2. The Proposal**

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- 2.1 The proposal is to erect a fence to enclose an area of outside amenity space belonging to the subject property. The amenity space is located to the side of the property and runs from front to back along the side boundary beside the adjacent pavement.
- 2.2 The proposed fence would be a 2 metre tall featheredged fence positioned along the western edge of the site behind a hedge and adjacent the public

footpath The fence would also project out from the side of the front elevation of the property. The fencing would measure 17.5m in length along the side and the front projection would be 7m wide. The existing wall enclosing the side of the garden would be removed.

- 2.3 Amended plans were received on 23 July 2021, which altered the proposed location of the fencing. It was originally proposed to be immediately adjacent the pavement. Following concern being raised with the applicant about this arrangement from a character perspective, the fencing is now proposed to be set back to the other side of the hedge. The plans indicate the hedge to be around 1.2 metres tall, so the fence proposed would be around 0.8 metres taller and behind it.

### **3. Site Description**

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- 3.1 The application site comprises a two-storey detached residential property located towards the east of Raunds. The property is located beside the junction between Saxon Way and Mountbatten Way, both residential streets. The property fronts Saxon Way and its western side boundary runs alongside a footpath off Mounbatten Way. The latter street is relatively long at around a third of a mile and has seven cul-de-sacs running off of it, of which Saxon Way is one.
- 3.2 To the western side of the property is a grass area around which is a low hedge. A brick wall of around 1.8m in height encloses the property's rear garden and leaves an open part of the property's external space to the side and visible from the public realm.
- 3.3 A pavement runs around Mountbatten Way to the front of the property. The house is set back from the road with a parking area to its front. Low hedging defines the boundary between the residential property's site and the adjacent pavement.

### **4. Relevant Planning History**

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- 4.1 None.

### **5. Consultation Responses**

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A full copy of all comments received can be found on the Council's website [here](#)

#### **5.1 Raunds Town Council**

Comments received 20.05.21 (to original/superseded plans): Objection for the following reasons:

- Detrimental impact on the street scene due to the scale, siting and design of the proposed fence;
- Lack of visibility splays provided.

Officer comment: Raunds Town Council has been reconsulted following the receipt of amended plans. To date a response has not been received. Any further response will be reported as an update.

## 5.2 Neighbours / Responses to Publicity

Two letters have been received. The comments were received to the original/superseded plans. The issues raised are summarised below:

- claustrophobic effect on open walking area;
- reduced visibility for motorists exiting Saxon Way;
- would set precedent for other fences;
- detrimental impact on the character of the area;
- loss of hedging.

## 5.3 Local Highway Authority (LHA)

*Comments received 04.06.21 (prior to the amended plans being received):*  
A minimum clearance of 1 metre between the face of any building, retaining structure garage, fence or wall etc. and the highway boundary is required. This ensures that foundations and construction does not undermine or encroach upon the highway.

## **6. Relevant Planning Policies and Considerations**

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### 6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

### 6.2 National Policy

National Planning Policy Framework (NPPF) (2021)  
National Planning Practice Guidance (NPPG)  
National Design Guide (NDG) (2019)

### 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in Favour of Sustainable Development  
Policy 4 - Biodiversity and Geodiversity  
Policy 8 - North Northamptonshire Place Shaping Principles

### 6.4 Raunds Neighbourhood Plan 2011-2031 (made 2017)

Policy R1 – Ensuring an appropriate range of sizes and types of houses  
Policy R2 – Promoting good design  
Policy R10 – Traffic and transport in Raunds

### 6.5 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)  
Householder Extensions Supplementary Planning Document Local Planning Authorities (2016)

## **7. Evaluation**

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The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters
- Ecology

### **7.1 Principle of Development**

7.1.1 As the proposal comprises a fence within land associated with a residential property, the principle is acceptable.

### **7.2 Visual Impact**

7.2.1 The proposed fence would be clearly visible from the adjacent streets of Mountbatten Way and Saxon Way, both of which it would face. The character of the area, including Mountbatten Road and the streets located off it are important in considering the appropriateness of the proposed fencing.

7.2.2 The proposal is clearly designed in order to increase the amount of private garden space of the applicant's dwelling. The current wall leaves exposed land to the side as it is beside the adjacent footpath and highway. This space is not private and appealing for garden use in the same way that an obscured space would be. It is an understandable motivation from a perspective of the applicant but evidently the planning policies are designed in order to also serve and protect the public interest. The impact on character is also a key consideration

7.2.3 Located off Mountbatten Way are a number of residential cul-de-sacs and streets. As an arterial road, there are various properties which face side on to the road and as such have their side boundaries running along it. At the junction with Derling Drive there is a c1.8m tall boundary wall immediately adjacent the footpath. Moving towards the site, there is a c1.8m tall close boarded fence on the property which faces Holmfield Drive. Opposite, the house has its own similar close boarded fence adjacent Mountbatten Way. It is apparent therefore that there are other properties in similar circumstances to no. 17 that have either a side fence or wall adjacent the edge of the pavement of Mountbatten Way.

7.2.4 The experience of Mountbatten Way includes boundary treatments that are close to the pavement and others that are set back. There is a general sense of space in part due to there being a pavement on both sides of the road. In terms of potential concerns over a sense of enclosure, it is considered the proposed fencing would not cause such effect.

7.2.5 The Town Council has objected on the basis that it would be detrimental to the character of the area and Policy R2 of the associated Neighbourhood Plan is cited. Part (b) is potentially most relevant insofar as it requires development to take account of a site's surroundings. It is a matter of judgement as to whether the proposed fencing would not be appropriate for the context of the site. The initially proposed siting of the fencing was immediately adjacent the pavement and it was this arrangement that the Town Council objected to. The amendment to 'move' the fence back behind the low hedging is considered to be a significant improvement. By keeping a separation and retaining the hedging, it is considered that the fencing would not be discordant with the overall character of Mountbatten Way and Saxon Way. As there are other boundary treatments of a similar height beside the pavement, including some closer than that proposed such as either walls or fences, it would not be out of character.

7.2.6 The amended plans will allow the retention of the hedging and a setback between the fence and the adjacent pavement, unlike the original plans. A further concern raised in relation to precedent is noted, but each proposed development has to be considered on its own merits. Taking account of the varied nature of Mountbatten Way which includes similar such boundary fences and walls beside the pavement, as well as its wide and open nature, the proposal is considered to not cause any material harm to the character of the area.

### 7.3 **Impact on Neighbouring Amenity**

7.3.1 The proposed fencing is not considered to have a detrimental impact on the outlook or privacy of any nearby properties. The proposed fence would not be of a height or be erected in a position that would result in overshadowing or an overbearing impact for adjacent occupiers.

### 7.4 **Highway Matters**

7.4.1 The Local Highway Authority (LHA) has commented on the application and referred to the relevant Standing Advice document which deals with visibility splays in residential areas. Specifically, the LHA has referred to a section within the Standing Advice document which seeks a minimum 1 metre distance between the face of a building / structure and the highway boundary, for reasons of ensuring the foundations do not affect the highway and drainage issues. Given that the proposal is for a fence and not a substantial structure, this is considered to not be an issue. Additionally, it is considered that a fence of up to 1m in height could be erected in the same location, or immediately adjacent the pavement, without the need for planning permission. This suggests that to resist the fence due to its location would not be reasonable.

7.4.2 Representations have been received which raise concern about the impact on the visibility reduction that motorists may experience when leaving Saxon Way. These concerns were raised prior to the setting back of the proposed fencing. The LHA has not raised any concerns in relation to visibility. A visibility splay plan has been provided, which due to its scale, is not entirely clear. It does however appear to suggest that the visibility set back 2 metres from the junction looks over the pavement. Given that the fencing would be set further back from its edge behind the hedge, the visibility of motorists leaving Saxon Way would not be detrimentally affected. Additionally, Officers have measured the submitted plans and given the width of the pavement and the setting back of the fence from the carriage, the 'x' visibility splay would not be impacted by the fence as the view looks across the pavement.

## 7.5 Ecology

7.5.1 The proposal raises no ecological concerns.

## 8. Other Matters

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8.1 The two representations received expressed concern that the fence would cause a 'claustrophobic' impact for users of the path. This matter is addressed earlier in this report and highlights that the space is open with pavements either side of the road. It was also noted that there are fences adjacent the same road nearby. The amended plan subsequently received is also considered to improve this impact.

8.2 In regard to concern in relation to visibility, it is considered that the proposed fence would not affect the 2m by 43m splay. The pavement separates the site of the proposed fence from the carriageway and this ensures motorists, when leaving Saxon Way, will be able to look right and see for 43m. The Highway Authority has not raised a concern in relation to visibility. Officers have undertaken a measurement using the submitted Location Plan and using the 2 metre 'y' measure, the visibility to the right simply looks across the pavement. This means the proposed fence would have no effect on the visibility.

8.3 The comment in relation to 'precedent' for further fences has to be considered in the context of there already being other fences adjacent the pavement off Mountbatten Way. Additionally, matters of 'precedent' essentially express a concern about a perception of possible developments in the future and do not represent a reasonable assessment of the impact of this particular proposed development. It is a necessity that each proposal be considered on its own merits rather than concerns and anxieties about notional developments on other land. For this reason, it would be unreasonable to resist this proposal on the basis of unspecified development on other land. In any event, such development would also be subject to their own planning controls.

- 8.4 A representation raised concern that the fence would be out of character with the area and this matter is addressed earlier in the report. Reference is made to a fence being removed off Holmfield Drive at the junction with Mountbatten Way. If a fence taller than 1 metre had been placed on the site then it would have required planning permission, which there is no record of. This does not alter the consideration of the current proposal.
- 8.5 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

## **9. Conclusion / Planning Balance**

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- 9.1 The fence is considered to be acceptable in terms of how it would fit with the area due to the extent of spaciousness around the highway and the existence of other tall boundary treatments abutting the pavement of Mountbatten Way. The amended plans are a significant improvement due to setting the fencing back from the site edge. Also, the siting of the fence would not impact upon the visibility from Saxon Way. The proposal is considered to comply with the relevant policies of the development plan.

## **10. Recommendation**

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- 10.1 That planning permission is GRANTED subject to conditions

## **11. Conditions**

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- 1 The development shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, all received on 14 May 2021, except where otherwise stated:

- Location Plan 1:1250 received 26 May 2021;
- Block Plan 1:500 received 17 April 2021;
- Proposed Fence CA1216/001 rev A received 23 July 2021;
- Elevations of Fence ref. CA1216/002 rev. A received 23 July 2021.

Reason: To define the terms of the planning permission.