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**2023/1011**

**Applicant:** S Simpson

**Site Address:** 80 Bluebell Avenue, Penistone, Sheffield, S36 6LQ

**Description:** Retrospective application for erection of wooden boundary fence

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**Site & Location Description:**

Located on a 1980's dead ended extension to Bluebell Avenue, in Penistone, the three-bedroom semi-detached dwelling is positioned on what essentially is a corner plot. However, the corner plot consists of a junction at Bluebell Avenue and a shared driveway, leading to an additional cluster of dwellings. Prior the current installation of a new boundary fence, the front and side garden, with the side garden running parallel to the highway and the front garden with the driveway, a relatively high and dark coloured fence was in place and wrapped around from the rear garden and approximately three quarters of the extent of the side garden. An informal boundary treatment of shrubs and trees, of varying size then concluded the boundary around to the front garden and around the side boundary with No.78 Bluebell Avenue.



**Planning History:** None

**Proposed:**

As the application was made retrospectively, the proposal is seeking planning consent for the currently erected boundary treatment, which is a large wooden fence, with access gate, running from the rear corner of the side and rear boundary, adjacent to No.82, along the side boundary and onto the front garden boundary. According to the application form, the fence had been installed for 18 months (at the time of application). A separate and lower boundary treatment was installed between No. 78 and No. 80, but now appears to have been removed. The new fence consists of a low (12 inch) gravel board, concrete fences post and a medium-coloured, vertical aligned slated fence of approximately 1.8m x 1.8m, with modest gaps between each slat to allow for a less dense and intrusive fence design. The gate included at about three quarters the way along the side boundary is slightly lower than the fence and in a slightly darker tone of wood. Following the original

installation, to receive approval from highways, additional works to bring the fence inwards towards the garden at the junction of the road and driveway was implemented. As a result of this amendment, an additional small area of planting was created and until weathered, the new fence sections are less worn than other parts of the new fence.

**Local Plan Designation:** Urban Fabric

**Conservation Area:** No

**Neighbour Representations:**

Letters were sent to nearby addresses; One objection and two Comments of support were received.

The objection was received from an address not directly affected by the proposal but felt it detracted from the original open plan nature of the estate and preferred the originally shrubs which were planted. Two comments of support were received, one which indicated that unofficial canvassing of residents on the street was undertaken by the applicant prior to erection of the fence. For multiple reasons, whilst the canvassing cannot be officially recognised, it does offer informal insight into the receipt of only one objection.

**Consultees:**

- Highways – After initial concerns were raised, a satisfactory compromise involving realignment of the fence was reached and approved by highways following an inspection.
- Planning Enforcement – Because there was an objection about the fence being installed without planning consent, Planning Enforcement were notified prior to the retrospective application being submitted.

**Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved

unless material considerations indicate otherwise. Where the development plan is absent, silent, or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, relevant policies include:

Section 12: Achieving well-designed and beautiful places -

131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Within section 12, paragraph 139 is the most relevant which indicates: -

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

#### Local Plan

In reference to this application, the following Local Plan policies are relevant:

**D1 - High Quality Design and Place Making:** Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

**GD1 - General Development** – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

**SD1 - Presumption in favour of Sustainable Development:** When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

**T4 – New Development & Highway Safety:** New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

## Supplementary Planning Documents (SPD)

House Extensions and Other Domestic Extensions  
Walls and Fences

### Assessment

#### Principle of development

The site is located within land designated as Urban Fabric. The installation of new or replacement walls and fences, or the alteration or addition to existing walls and fences may require planning permission if they exceed a height of 1m, when adjacent to the highway or 2m elsewhere. They may be approved if they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety.

#### Residential Amenity

Although the fence is higher than that usually recommended for fences adjacent to the highway, much of the fence is in replacement of an equally large fence which has been installed for several years. The new part of the fence covers an area of previous shrubs and a tree which equally provided a high boundary. The fence improves the occupant's residential amenity by increasing their security and privacy. The improvements for the occupants do not come at the expense of the residential amenity of neighbouring dwellings, or other dwellings within the area. With no significant impacts such as overshadowing on any dwelling, no restrictions on access to dwellings, and with not a significant factor of the fence being overbearing, the proposal complies with Policy GD1.

#### Visual Amenity

The fence is arguably an improvement on the previous side fence, which was much darker and quite worn. Additionally, the new fence provides an improved uniform front boundary treatment and is not significantly different to other large fences observed within the area, notably at No.56 and 103, which is partially hidden behind large conifers. Undeniably though, the fence is modestly out of character with the once open plan estate, but in addition to the fences mentioned above, the remaining original open plan nature of the estate has been eroded by other constructed or horticultural boundaries of various styles and sizes. Whilst there may be a modest impact on the visual amenity of the estate, equally the impact is not significant enough, when considered in context with existing boundary treatments within the estate to warrant a recommendation of refusal on the grounds of visual amenity.

#### Highway Safety

Whilst the fence did not alter vehicular access, there was concern about visibility raised by Highways DC. Following discussion, and with additional alteration to the fence being undertaken by the applicant, in a follow-up site visit by Highways, they confirmed that the fence and subsequent visibility was satisfactory and that there was no objection.

## **Summary**

On initial viewing of photographs provided by the applicant, whilst there was some concern about the potential impact of the fence, it was clear that there did not appear to be a significant issue. On a site visit, a broader view of the area was undertaken, which provided reassurance that the fence was not causing a significant issue in relation to the visual or residential amenity of the area. Once the applicant had carried out the required alteration works by highways to an acceptable standard, the proposal became viable for a recommendation of approval.

**Recommendation:** Approve with conditions