2023/0680
Applicant: Mrs L Logan
Address: Haselhurst Poplar House, Barnsley Road, Cudworth, Barnsley, S72 8JP
Description: Erection of timber fence (1.2m high) on top of stone boundary wall (Retrospective)

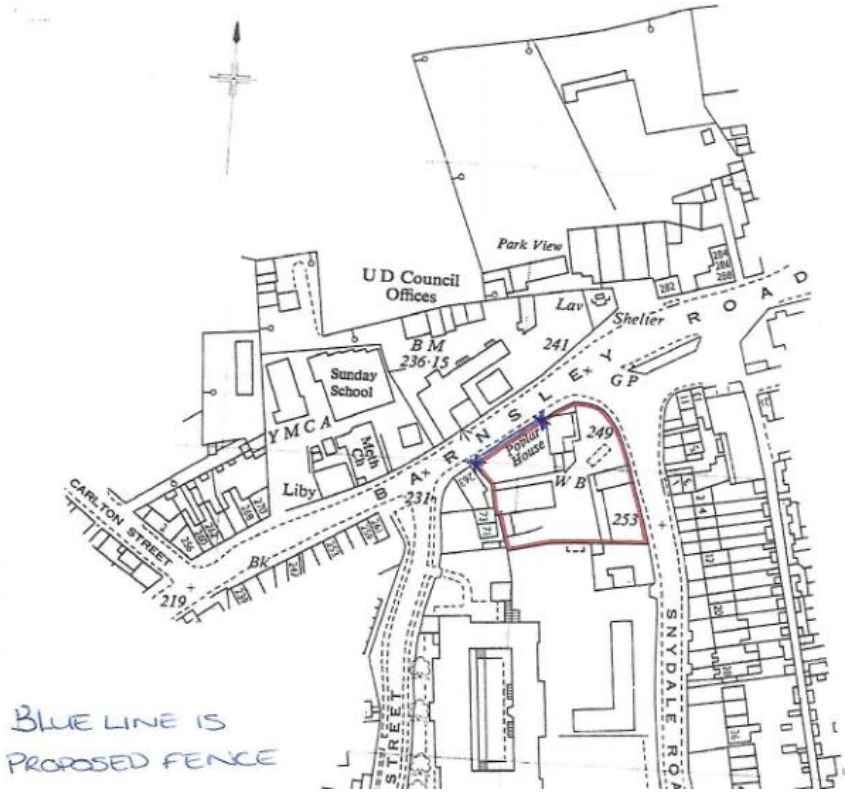
Objections: There is one objection from consulted neighbour

Site & Location Description:
The site is a large site which includes registered commercial premises, currently unused for commercial purposes and a residential dwelling with associated garden and parking areas. Located on the corner of Barnsley Road and Snydale Road but registered as being located on Barnsley Road, where the primary pedestrian access is also located. Vehicular access for the dwelling and commercial premises is located on Snydale Road.

The area around the dwelling features a mixture of housing and commercial premises, set alongside the main thoroughfare through Cudworth, Barnsley Road. Directly opposite the site and in particular the raised front garden of the dwelling is a large Aldi supermarket with associated car parking provision.

The dwelling itself is a three bedroomed detached house with a tiled, cross gable roof and what appears to be a single side extension. Although possibly not in use as the principal elevation, the front elevation with elaborate porch and steps leading into the raised front garden is located adjacent to Barnsley Road and is directly overlooked by the supermarket and car park. Ample car parking is located to the rear of the dwelling. Two outbuildings associated with the dwelling are located within the site.

Located around the dwelling and in part the subject of this retrospective planning application is a stone wall which except for pedestrian and vehicular access gates, runs around the three sides of the perimeter of the site.



Relevant History: None

Proposed:
The applicant is seeking retrospective planning approval for a fence which has been installed on top of a large (approx. 27m) section of the existing stone boundary wall, which runs north-easterly along the side boundary between the dwelling and Barnsley Road. Although the stone boundary wall starts on the front boundary with No. 263 Barnsley Road and extends beyond the pedestrian entrance adjacent to the dwelling and around to the rear boundary on Snydale Road; only a section of the side boundary wall between No.263 and the corner of the side and front elevation of the dwelling features the additional fence.

Due to the difference in ground level between Barnsley Road and the front garden of the dwelling, in addition to the north easterly incline of Barnsley Road, both the wall and consequently the fence increase slightly in overall height as it progresses upwards along Barnsley Road. The overall height of both the wall and consequently the fence would also be higher when measured from the pavement than it would be from inside the curtilage of the dwelling.

Local Plan Designation: Urban Fabric

Conservation Area: No

Consultees:

Highways DC:

As this is a retrospective application, Highways have been able to assess the proposal in situ. It has been confirmed that despite its length and position, it does not adversely affect highway safety and is therefore acceptable.

At the request of the applicant, further information was requested about extending the length of the fence. Highways DC advised that a further application with appropriate drawings featuring visibility splays would be required, in order for the application to be considered and assessed. The applicant has been informed about this.

Pollution Control:

Pollution control have confirmed that the fence would have a low potential to impact on people living and working within the area and therefore have no objections.

Neighbour Representations:

Letters were sent to nearby addresses. One neighbour objected on the grounds of the fence being too high.

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.

<u>NPPF</u>

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 places - The Government attaches significant importance to the design of the built environment. 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.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes.

Within section 12, paragraph 130 is the most relevant which indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Local Plan

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

Policy SD1: Presumption in favour of Sustainable Development
Policy GD1: General Development
Policy D1 High Quality Design and Place Making
Policy T4: New development and Transport Safety

Supplementary Planning Documents (SPD)
Walls and Fences (adopted 2019)

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

Concerns were raised by a neighbour who expressed concern about the fence height. Although their concern is valid, the impact of the fence is considered to be minimal on this neighbour due to the orientation of the neighbouring house and the fence not affecting their private amenity spaces. In addition other neighbouring properties are considered sufficient distance away to be unaffected.

In contrast, based upon the supporting information from the applicant, the fence would provide privacy for the garden area of the dwelling, particularly from customers of the opposite supermarket.

Visual Amenity

The fence may not be the most aesthetically appealing of fences, but equally the fence is not out of character with the area, with similar style fences nearby. Furthermore the fence, even located on top of the wall does not cause any significant harm to the character of the dwelling or the local area which is a mix of residential and commercial uses

Highway Safety

The fence has been confirmed by highways to pose no harm to highway safety.

Summary

With minimal effect upon visual and residential amenity and no impact on highway safety, the application satisfies the criteria of the policies D1, GD1, SD1 T4, and the guidance outlined in the Walls and Fences supplementary planning document.

Recommendation: Approve with conditions