

4.4 – SE/14/02892/HOUSE Date expired 24 December 2014

PROPOSAL: Erection of a new perimeter fence (retrospective).

LOCATION: 56 Station Road, Halstead, Sevenoaks TN14 7DJ

WARD(S): Halstead, Knockholt & Badgers Mount

ITEM FOR DECISION

The application has been called to Development Control Committee by Councillor Williamson so that the public benefits of highway safety and improving the egress and ingress to Clarks Lane can be fully discussed.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The proposal, by nature of its height, design and location would be a prominent and dominant feature in the street scene and would not preserve or enhance the Conservation Area. It would therefore fail to meet the requirements of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990. In addition, no evidence outlining the public benefits of the scheme have been submitted to outweigh the harm to the Conservation Area. As a result the development does not comply with paragraph 134 of the National Planning Policy Framework.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 Retrospective planning permission is sought for the erection of a 1.8m high close board fence with concrete posts and base. The fence is to enclose part of the front and the side boundaries of the site, and will enclose the main garden area of the property.

Description of Site

- 2 The property is a detached dwelling which sits on the eastern side of Station Road, to the south of its junction with Clarks Lane.
- 3 The plot is irregular in that it is only slightly deeper than the 2 storey dwelling situated on it, but it is wider than the house and thus the majority of the amenity space is situated to the side, with a narrow strip to the rear and front of the dwelling.
- 4 Thus the current side boundaries are formed by the pavements of Station Road to the front, and Clarks Lane to the side.
- 5 The wider area is of residential in character with a mixture of modern and more traditional two storey dwellings in the vicinity of the site.
- 6 Immediately adjacent to the site to the south is a car park, creating a significant gap between the application site and the next closest property to the south.
- 7 The site is located within the Halstead Urban Confines and the Conservation Area.

Constraints

- 8 Area of Special Control of Advertisement
- 9 Metropolitan Green Belt
- 10 Special Landscape Area
- 11 Halstead Conservation Area

Policies

Sevenoaks Local Plan:

- 12 Policies EN1, EN7, EN23, EN25A, GB1

Core Strategy:

- 13 Policy SP1

Allocations and Development Management Plan, Draft submission (Nov 2013):

14 Policies SC1, EN1, EN2

Other

15 National Planning Policy Framework (NPPF) and associated technical guidance

Relevant Planning History

16 None

Consultations

Parish / Town Council

17 The Parish Council supports this planning application as the removal of the hedging and installation of the fence has exposed a large area of the footway which allows pedestrians to walk on the footway rather than in the road as previously. The fence also provides good sightlines for drivers exiting Clarks Lane. (06.11.14).

SDC Conservation Officer

18 56 Station Road is located within Halsted Conservation Area. It is on the boundary of the conservation area and on one of the key routes into the village. The extant character of this part of the conservation area is small scale residential development with shallow front gardens facing out onto the recreation ground. The front boundaries of the properties along Station Road are all low level and either picket or hedges/shrubs which creates an intimacy within the streetscene. No.56 is the last house on station road to be within the conservation area and also has a low fence to the front of the house. However, the plot extends to the side of the property with its boundary along Station Road and its junction with Clarks Lane. Recently a large hedge was removed and replaced with a high fence. Whilst this is essentially a rear garden and more privacy required than to the frontage, this is also a key elevation within the conservation area as it is prominent in long views into the village. The fence does not have the qualities of the previous hedge being harder and more dominant on the streetscene. The hedge also reflects the shrubbery and hedges further along Station Road.

19 I would consider this to be harmful, but less than substantial harm, to the character of the conservation area. Development that results in less than substantial harm to designated heritage assets (conservation area) is required by the NPPF to describe the public benefits which are to be weighed against the harm. Without this demonstration of public benefit I recommend refusal.

Kent Highways

20 I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Representations

21 Neighbours consulted – 3

22 2 objections received which raise the following points:

- Negative impact on the character of the village
- Prominence within the streetscene

Chief Planning Officer's Appraisal

23 Whilst this is a retrospective application, in assessing the application, officers have considered the planning merits of this case.

Principle of development

24 One of the core principles within the NPPF is achieving sustainable development and encouraging high quality design. Emerging policy SC1 (presumption in favour of sustainable development) also seeks to ensure that there is a presumption in favour of sustainable development. Similarly, policy SP1 of the Core Strategy supports in principle new development subject to a number of requirements being met including design and ensuring that new development does not have any undue harm to neighbouring properties. The remaining elements to consider include:

- Green Belt impact;
- Highways impact; and
- Impact on the streetscene and Conservation Area

Green Belt

25 The NPPF states that as with previous Green Belt policy, inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 79 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence with Paragraph 80 stating that the Green Belt serves the following relevant purposes:

- To check unrestricted sprawl of large built up areas;
- To assist in safeguarding the countryside from encroachment
- To prevent neighbouring towns merging into one another;
- To preserve the setting and special character of historic towns.

26 Crucially, paragraph 90 of the NPPF states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This being:

- Engineering operations.

27 The proposed fence is 1.8 metres high and extends along the north (side) and part of the west (front) boundary of the site. It abuts the pavement edge to the front and highway to the side. It is considered to be an engineering operation.

- 28 There was previously a significant hedge which enclosed the boundary of the site, and the main amenity space, from google earth images it would appear that this was approximately 1.8-2.0m high, with trees beyond. The fence now erected has some impact on the openness of the Green Belt given its height and design. However one cannot consider this area of the Green Belt as open. The boundary treatments along Clarks Lane are enclosed of high fencing, large trees and mature landscaping / hedging.
- 29 The functions of the Green Belt in this location is to stop urban sprawl and it is considered that by erecting this fence there would not be additional harm to the openness of the Green Belt as it is read against the backdrop of the village and not open greenery and replaces a large hedge.
- 30 With reference to the above discussion, it is considered that, on balance, that the fence is acceptable in this location. It would preserve the openness of the Green Belt and would not conflict with the purpose of including land within the Green Belt.
- 31 The fence is therefore considered an acceptable engineering operation within the Green Belt and would be appropriate development in accordance with Section 9 of the NPPF.

Highway impacts

- 32 Policy EN1 of the SDLP states that proposed development should not create unacceptable traffic conditions on the surrounding road network.
- 33 The fencing encloses the north and west boundaries of the site, and these form the junction with Clarkes Lane and Station Road. As it replaces a former hedge to a similar height, it is not considered that the development results in any additional harm to highway safety.
- 34 Kent Highways have also raised no objections.
- 35 Therefore the proposal complies with policy VP1 of the Sevenoaks District Local Plan and EN2 of the Allocations and Development Management Plan.

Impact on the character of the area/streetscene/Conservation Area

- 36 Under The Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 Act. It is the duty of the Local Planning Authority to ensure that the character of the Conservation Area should be preserved or enhanced.
- 37 A heritage asset is defined in the NPPF as a building, monument, site, place area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Therefore the Halsted Conservation Area would be defined as a heritage asset.
- 38 Paragraph 132 of the NPPF states that 'when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the assets conservation' and 'that any harm or loss should require clear and convincing justification.'

- 39 Policies EN23 of the Local Plan and EN4 of the ADMP support this, and make it clear that heritage assets should be preserved and that development should conserve or enhance appearance.
- 40 The development is on a main route through Halstead Village, in an area where the boundary treatment is characterised by low walls and shrubs. Whilst it is acknowledged that the fence does serve a private garden where a higher level of privacy would be expected, it is also a key elevation within the Conservation Area and the development differs significantly from the hedge that was previously on site in terms of harder materials and visual intrusion.
- 41 Therefore the SDC Conservation Officer has concluded that the development would result in less than substantial harm.
- 42 Paragraph 134 of the NPPF states that,
- 'Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
- 43 The improvement of the development on highway safety has been mentioned as a public benefit. Including the improved ingress/egress onto Clarks Road as a result of the removal of the hedge and its replacement. Paragraph 132 of the NPPF states that 'great weight' should be given to the conservation of heritage assets, and that any harm or loss should require clear and convincing justification.
- 44 There may be some public benefit to highway safety although this has not been quantified. That benefit could have been achieved by a lower wall/fence that would be more in keeping with the area.
- 45 There is, therefore, clearly harm to the character of the Conservation Area and the proposal does not, as required by the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, preserve or enhance the Conservation Area. The public benefit to highway safety would not in this case, with this fence design, outweigh the harm to the character to the Conservation Area.
- 46 The proposal does not therefore comply with the National Planning Policy Framework, or the requirements of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.

Conclusion

- 47 The proposal is appropriate development within the Green Belt, and will not have an unacceptable impact on the amenities of the neighbouring properties.
- 48 However the development does not preserve or enhance the Conservation Area and no public benefits have been put forward which would clearly outweigh this harm. Therefore the development does not comply with the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 and paragraph 134 of the National Planning Policy Framework.

Background Papers

Site and Block plans

Contact Officer(s):

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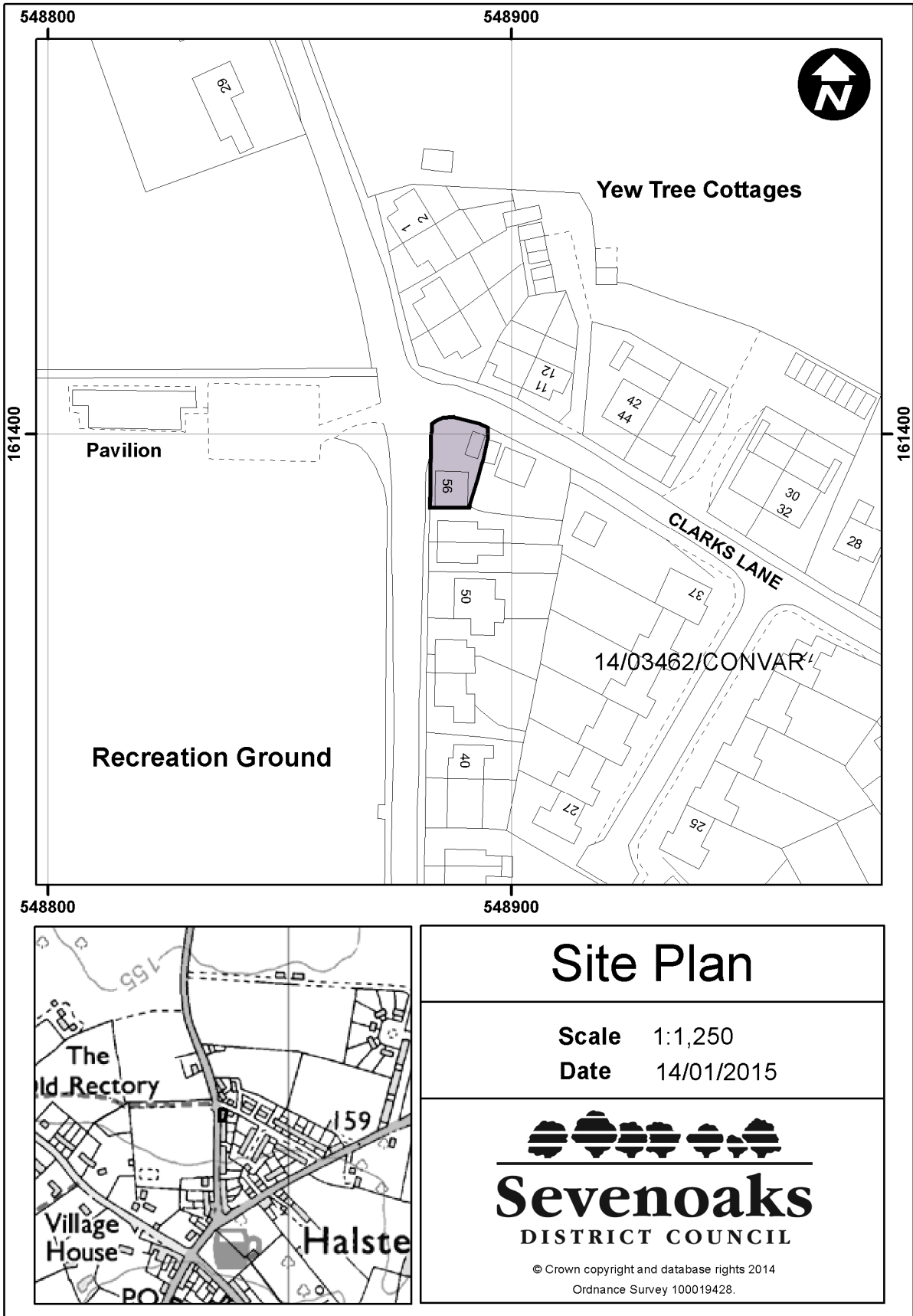
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NBKMFJBKH2J00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBKMFJBKH2J00>



Site Plan

Scale 1:1,250
 Date 14/01/2015



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 Ordnance Survey 100019428.

Block Plan

