

## APPLICATION REPORT – 21/01179/FULHH

**Validation Date: 4 October 2021**

**Ward: Buckshaw And Whittle**

**Type of Application: Householder Application**

**Proposal: Erection of boundary fence and access gate (maximum height 1.82m) to rear boundary of property (retrospective)**

**Location: 19 Cross Keys Drive Whittle-Le-Woods Chorley PR6 7TF**

**Case Officer: Mrs Hannah Roper**

**Applicant: Mr Alastair Mollon**

**Agent: N/A**

**Consultation expiry: 28 October 2021**

**Decision due by: 29 November 2021**

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### RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

### SITE DESCRIPTION

2. The application relates to a detached dwelling located on Cross keys Drive, Whittle-Le-Woods. To the rear, the property backs onto Carwood Lane which is located to the north. The neighbouring property located directly to the east, High View, occupies a raised level compared to the application dwelling and has its front orientated towards the turning head on Carwood Lane. A detached garage sits alongside the common boundary with the application property.
3. On the opposite side of the turning head on Carwood Lane is a pair of semi-detached, grade II listed dwellings.

### DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission retrospectively for the erection of a fence, 1.82m in height along the rear boundary of the property and along the eastern boundary of the site adjoining the drive of High View. A pedestrian gate has been included in the fence to the rear boundary.

### REPRESENTATIONS

5. Five representations have received citing the following grounds of objection:
  - Owners of a listed property now look on a fence without permission
  - The front side of the fence faces into the application property and not onto the road which looks unsightly
  - No other property has access from Carwood Lane and this could set a precedent
  - The owners of listed buildings have to obey listings law and therefore the vista for the listed buildings should be kept. This fence does not do this.

- Highway safety as this could set a precedent for people from Cross Keys Drive to park on Carwood Lane where parking is already difficult
- The materials used do not blend well with the well maintained and planted landscape areas outside the fence and this is opposite two listed buildings
- Further piecemeal proposals do not seem to be the way forward for the residents of Carwood Lane
- The pedestrian gate provides access to a narrow and poorly lit cul-de-sac with limited visibility
- Loss of privacy for facing properties
- Impact on listed buildings as all the owners keep their properties in accordance with listed standards
- No reference made to access path and the service strip should be returned to its original state
- Works completed to garden utilising the access gate. The gate was not necessary, and materials should have been craned over or fence panels removed. Now work is complete the gate should be removed.
- The deeds for properties state that nothing should be built or planted in the service strip which adjoins the plot, should be mown and kept free of rubbish and the that there is no right to extend or alter the hard or soft landscaping strip -the new path that crosses the service strip is in contravention of this point
- There are no parts of the applicant's property beyond the plot boundary that need maintaining
- There is a maintenance obligation for the hedge which is now falling to the residents of Carwood Lane
- Plot boundaries and maintenance obligations are shown in the deeds.
- The road should only be used for access by homeowners here and there should be no reason why it should be access by other neighbouring properties.

## CONSULTATIONS

5. Whittle-le-Woods Parish Council – Have objected to the application on the grounds that the original decision in 1992 for the properties stated that the existing hedge on Carwood Lane should not be uprooted or removed and no pedestrian access formed.
6. Lancashire County Council Highway Services (LCC Highway Services) – Have no objection.
7. CIL Officers – Comment that the proposal is not CIL liable.

## PLANNING CONSIDERATIONS

### Impact on the setting of a listed building and designated heritage asset

8. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the '*Special considerations affecting planning functions*'.

Section 66 states:

*(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

*(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*

9. Great weight and importance is attached to this duty.

10. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:

11. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

12. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

13. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

14. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

15. At paragraph 202 the Framework provides that where a development proposal 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, where appropriate, securing its optimum viable use.

16. Paragraph 205 sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

17. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:

Safeguarding heritage assets from inappropriate development that would cause harm to their significances.

- b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular

support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.

c) Identifying and adopting a local list of heritage assets for each Authority.

18. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:

- a) Applications affecting a Heritage Asset or its setting will be granted where it:
  - i. Is in accordance with the Framework and relevant Historic England guidance;
  - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
  - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
- b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
  - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
  - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
  - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
  - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, nonoriginal style windows, doors, satellite dishes or other equipment;
  - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
  - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.

19. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

20. The fence is separated from Carwood House Farmhouse, a grade II listed pair of dwellings by Carwood Lane and is located diagonally opposite with the return running away from this building. The significance of the building lies in its aesthetic and historical value as a former 18 century farmhouse.

21. Historic England's Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017) describes setting as being the surroundings in which a heritage asset is experienced. It discusses how views can contribute to the significance of an asset and the importance of relationships between buildings.

22. The existence of the modern housing estate on the opposite side of Carwood Lane has already compromised the setting of the listed building and as such the contribution made to the setting of it by the surroundings is negligible.

23. The fence would be associated with the existing modern dwelling at no.19 Cross Keys Drive and as such any additional harm to the setting of the listed building would be negligible. As such the fence does not result in any substantive harm to the contribution of the setting to the significance of Carwood House Farmhouse and the application meets the statutory test to 'preserve' the significance of the designated heritage asset and the contribution made to its setting. As such the proposal meets the objectives of Chapter 16 of the Framework and policy BNE8 of the Chorley Local Plan 2012 - 2026.

### Design and impact on the streetscene

24. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*

25. *The Householder Design Guidance SPD requires that boundary treatments should be designed in materials and details that respect the surrounding streetscape or area. It also states that boundary treatments must not be oppressive and should allow the building within the site to remain engaged with the wider streetscape.*

26. The fence is located along the rear boundary and is set back off the highway. As the turning head is approached along Carwood Lane, it is screened by the existing hedge and it is not until the corner of the turning head where it is fully visible. Given its set back and that Carwood Lane is not a through road, it is considered that its visual impact is limited and that it is not detrimental to the streetscene.

27. Whilst surrounding residents may prefer a hedge in this location, a close boarded fence is acceptable given the residential character of the surroundings and is not out of keeping with the application property or High View against which is read, which are more modern dwellings. As such, the fence is not considered to be harmful to the locality.

### Impact on amenity

28. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.*

29. *The Householder Design Guidance SPD states that where new boundary treatments are proposed, care must be taken to ensure that proposed walls and fences do not cause detriment to the amenities of neighbours.*

30. The fence is located to the rear boundary of the property and along the eastern boundary with High View which has a garage adjacent the common boundary. As such the fence does not result in any overbearing impact or loss of light to the dwelling.

31. The property at Greengables, located directly facing the fence is located over 12m away and as such there is no resulting harm for the occupiers of this dwelling. As such the fence is considered to accord with policy and is recommended for approval.

### Highway safety

32. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things) that the residual cumulative highways impact of the development is not severe, and it would not prejudice highway safety, pedestrian safety, and the free flow of traffic.*

33. LCC Highway Services have raised no concerns in relation to highway safety or capacity in the vicinity of the site as a result of the fence.

34. With regard to the access gate, this property has no access to the rear garden from the front of the property as this was lost when a side extension was constructed. The rear access gate is likely to be assist for garden maintenance and delivery of large items. This occasional use is not considered to be detrimental to highway safety.

35. LCC Highway Services initially requested that highway amenity be considered in relation to the access gate due to a lack of formalised parking at the application property as a S184 Agreement following the grant of planning permission for the side extension had not been entered into. This led to concerns that this may lead to parking on Carwood Lane, which may have resulted in harm.

36. However, during the course of the application the S184 Agreement has been entered into and the kerb dropped to provide in curtilage parking. As such, LCC Highway Services have removed all concerns relating to highway amenity and as such the proposal, including the retention of the pedestrian access gate, is considered to be acceptable.

## CONCLUSION

37. The fence does not result in harm to the setting of the grade II listed Carwood House Farmhouse and does not have an unacceptable adverse impact on the character and appearance of the surrounding area. Nor does it cause any significant harm to the amenity of neighbouring residents or highway safety. It is, therefore, considered that the development accords with S66 of the PLBCA, the Framework, policy 16 of the Core Strategy and policies BNE1 and BNE8 of the Chorley Local Plan 2012 – 2026 and the Householder Design Guidance SPD. Consequently, it is recommended that the application is approved.

## RELEVANT HISTORY OF THE SITE

**Ref:** 13/01130/FUL      **Decision:** PERFPP      **Decision Date:** 21 January 2014  
**Description:** Demolition of garage and erection of single storey side extension

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

### Suggested conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Site Plan (19 Cross Keys Drive)	TQRQM21275115400606	2 October 2021
Location Plan (19 Cross Keys Drive)	TQRQM21275115154671	2 October 2021
Photos	N/A	2 October 2021

*Reason: For the avoidance of doubt and in the interests of proper planning.*