

Item	10/00768/FUL
Case Officer	Mr David Stirzaker
Ward	Chorley North West
Proposal	Proposed fencing above existing wall and retention of gate and gate posts (resubmission of 10/00213/FUL)
Location	77 Preston Road Chorley Lancashire PR6 7AX
Applicant	Mr Tony Livsey

Consultation expiry: 7 October 2010

Application expiry: 28 October 2010

Proposal

1. This application seeks planning permission for the erection of timber fencing on top of an existing 1m high brick wall, the retention of gate posts and the retention of timber gates based on a reduction in their height. The application is being reported to Development Control Committee as there is an Enforcement Notice on the site which Members will recall authorising in 2009. The Enforcement Notice was issued following the construction of a wall with fencing on top across the site frontage which is in the Green Belt. The Enforcement Notice requires the structure to be reduced to 1m in height thus resulting in the wall thereafter constituting permitted development.
2. The site is located on the A6 next to the Hartwood Public House and roundabout junction. The property is a large detached dwelling house. There is currently a brick wall with timber fence above along the boundary with the A6 to the frontage of a portion of open land within the applicant's ownership. The wall includes brick pillars although the proposed plans show these removed. Planning permission (Ref No. 08/00027/FUL) has already been granted for the erection of a section of wall with railings above it to the left hand side of the site of the wall to which this application relates and this is to the frontage of the applicant's residential curtilage. It should be noted that a wall erected up to 1m in height does not require planning permission.
3. In 2006, planning permission (Ref No. 06/01109/FUL) was refused for the erection of a wall with railings above. A subsequent planning appeal was dismissed in 2007. In 2008, an amended planning application was submitted to the Council and planning permission was granted for the erection of a 1m high wall with decorative railings above inset between brick pillars. This development has been carried out and as stated is only to the frontage of the applicants garden curtilage. Earlier this year, a further application (Ref No. 10/00213/FUL) was submitted for a wall and fencing to the frontage of the land which is in the Green Belt to the north of the garden curtilage. This proposed fencing extending to a height of 2m above ground level. This application was refused planning permission primarily due to the height of the fencing.

Recommendation

4. It is recommended that the application be permitted.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of development;
 - Design & appearance;
 - Impact on the character & appearance of the locality;
 - The amenities of neighbours;
 - Other matters.

Representations

- To date, no representations have been received from local residents. Any comments received will be reported in the Addendum.

Consultations

6. LCC (Highways) do not raise any objections to the application.

Assessment

Principle of development

7. The part of the site to which this application relates is in the Green Belt whereas the part of the site where the wall and railings has been permitted (08/00027/FUL) is in the main Chorley settlement area just outside of the Green Belt. As the wall and fence replaces an existing boundary fence, the provision of a wall is not considered to be inappropriate development 'in principle'. The main determining issue in the context of both the Green Belt and the planning merits of the case is the impact upon the visual amenities of the locality as addressed in the following sections of this report.

Design & Appearance

8. The development has been partly carried out in that a 1m high brick wall has already been erected to the boundary. The elements of the wall above 1m in height require planning permission and this includes gates, gate posts, brick pillars and timber fencing. All of these elements would be reduced in height and the brick pillars are proposed to be removed to leave a 1m high run of brick wall. The fencing above the wall would extend to 1.7m above ground level and there are small gaps between the timber boards making up the fence that result in it having a semi solid appearance. This helps to soften the appearance of the fence. At the reduced height of 1.7m, it is now considered that the fence is of an acceptable design as are the reduced gate posts and gates.

Impact on the character and appearance of the locality

9. There are a variety of boundary treatments to the properties along Preston Road within the vicinity of the application site. The predominant impression is of simple enclosures of varying heights with some soft landscape features such as trees and shrubs. The wall and fence does replace a previous timber fence so the principle of some form of enclosure is considered to be acceptable. The previous application related to a fence extending to a height of 2m above ground level with 2.1m gate posts and 2m high gates. This was considered to be unacceptable in that it represented an urbanizing feature in the locality due to its overall height.
10. At a reduced height of 1.7m above ground level and utilising a design with gaps between the timber boards making up the fence, the fence would not create the same urbanising effect and would now be subservient to the wall on which it is mounted. At 1.7m high, the top of the fence is roughly at eye level rather than above it so would not create the same sense of enclosure that a 2m high fence would. The reduced gate posts at 1.95m high and gates at 1.85m high are in proportion with the fencing so it is now considered that the development is of an acceptable design and scale and will not have a detrimental impact on the character and appearance of the locality.

The amenities of neighbours

11. The fencing, gate posts and gates are of sufficient distance from the nearest residential properties so as not to have a harmful impact on the amenities which the occupiers of the nearest properties to the site could reasonably expect to enjoy hence on this basis, there are no objections to the reduced height fencing above the wall.

Other matters

12. As part of the development has already been carried out, a timescale for removing the sections of fencing and reducing the gate posts and gates is considered to be necessary. A time limit of 3 months is considered to be reasonable. This gives the applicant sufficient time to carry out the works and with regards to erecting fencing above the wall to a height of 1.7m, this is not the subject of a time limit as removal of the sections of fencing would reduce the wall height to 1m which results in it

constituting permitted development.

Overall Conclusion

13. Taking into account all of the above, it is recommended that planning permission be granted for the fencing on the wall, retention of the gate posts and retention of the gates, subject to the gate posts and gates being reduced in height in accordance with the approved plan.

Planning Policies

14. National Planning Policies:

PPS1, PPG2

15. Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5

16. Supplementary Planning Guidance Documents

Design Guidance

Planning History

17. The site has been the subject of the following planning applications: -

- 06/01109/FUL - Proposed boundary wall to the front – Refused
- 08/00027/FUL - Erection of boundary wall and railings (resubmission of application 06/01109/FUL) – Permitted
- 10/00213/FUL - Amended plans for fencing above existing wall and retrospective plans for retention of gate and gate posts (original application No 08/00027/FUL) – Refused

Recommendation: Permit Full Planning Permission Conditions

1. The approved plans are:

Plan Ref.	Received On:	Title:
TL.01	2 September 2010	Location Plan
UY/45/87/73300D	2 September 2010	Proposed Boundary Wall

Reason: To define the permission and in the interests of the proper development of the site.

2. The fence hereby permitted shall only be positioned in the centre of the wall and retained as such at all times thereafter.

Reasons: For the avoidance of doubt, to ensure the fence is not positioned flush with the front of the wall and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.

3. Within 3 months of the date of the permission hereby granted, the existing brick pillars, gate posts and gates shall have been reduced in height in strict accordance with the approved plan date stamped 2 September 2010 and the wall made good and retained as such at all times thereafter.

Reasons: To define the permission, in the interests of the visual amenities of the locality and in accordance with Policy Nos. DC1 and GN5 of the Chorley Borough Local Plan Review.