

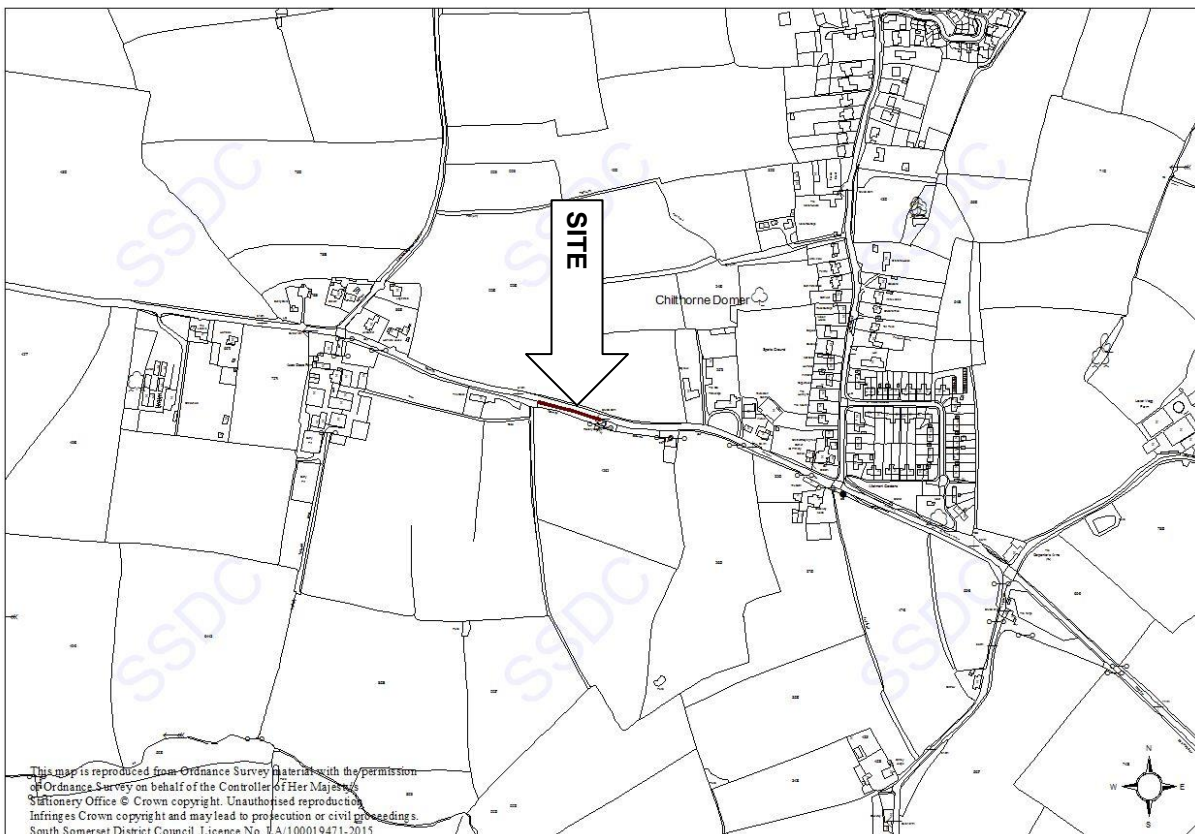
Officer Report On Planning Application: 15/04256/FUL

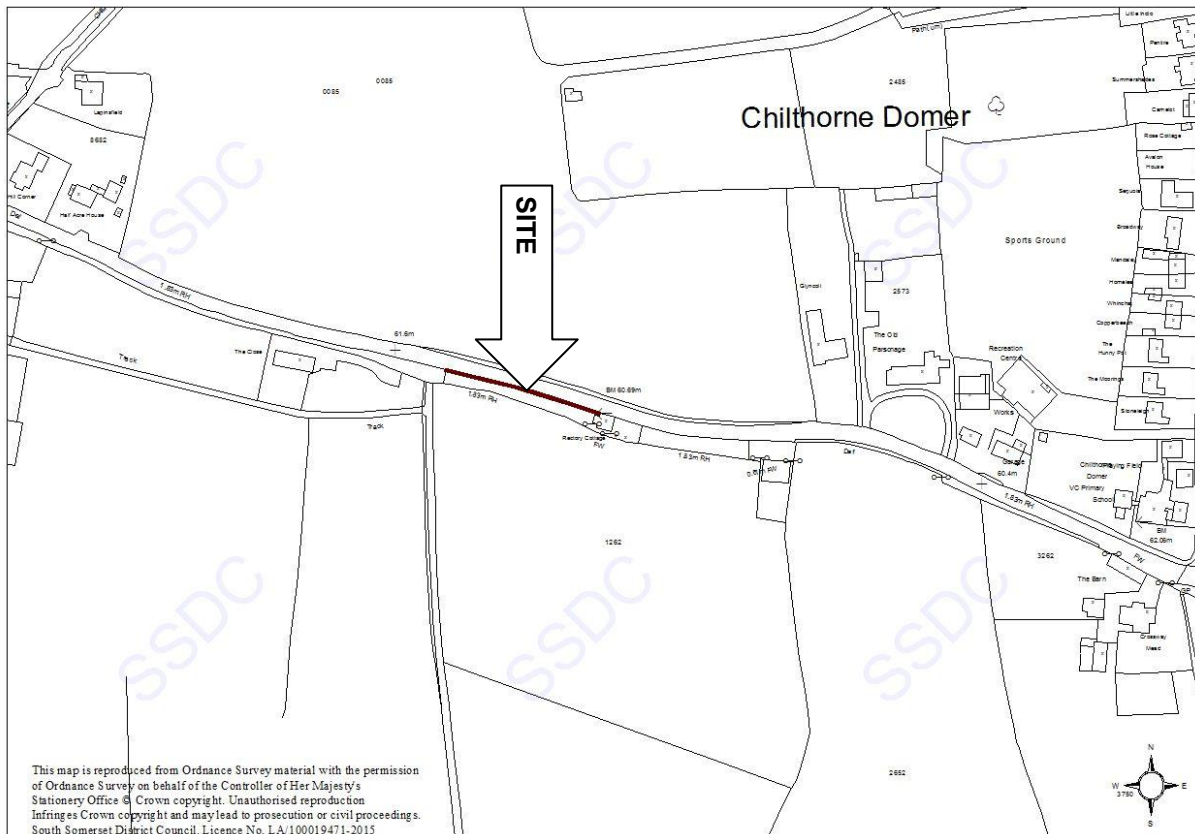
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|---------------------------------------|---|
| Proposal : | The erection of timber boundary fencing (Part retrospective)(GR 352116/118696) |
| Site Address: | Rectory Cottage, Tintinhull Road, Chilthorne Domer, |
| Parish: | Chilthorne Domer |
| ST MICHAELS Ward (SSDC Member) | Cllr Jo Roundell Greene |
| Recommending Case Officer: | Jacqui Churchill Tel: (01935) 462158 Email: jacqui.churchill@southsomerset.gov.uk |
| Target date : | 30th November 2015 |
| Applicant : | Mr Rodney Gillman |
| Agent: (no agent if blank) | |
| Application Type : | Other Householder - not a Change of Use |

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to committee at the request of the Ward Member and with the agreement of the Area Chairman, in order for full consideration of the planning issues. These include highway safety.

SITE DESCRIPTION AND PROPOSAL





Rectory cottage is a two storey detached dwellinghouse constructed of red brick under a double roman tiled roof with white uPVC openings. The plot runs parallel to the highway and benefits from an area of hardstanding for the parking of vehicles to the front and a garden area to the rear. It is set in a rural location, surrounded by fields, with its nearest residential properties being approx. 70m to the east and 130m to the west. An agricultural access to a field is located further west of the far end of the garden.

This application seeks part retrospective permission for the erection of a timber fence on the north boundary of the rear garden. The fence measures 1.8m in height. The first 14 panels running away from the rear elevation of the property have been in place for a number of years. More recently an additional 14 panels have been erected and the plans show that the application seeks retrospective approval for the existing fencing plus one more proposed panel.

Planning permission is required as the fence is adjacent to a highway and exceeds 1 metre in height.

Should the application be refused consideration will be given to formal enforcement action.

HISTORY

15/00210/OPERA - Enforcement enquiry (fencing) - pending consideration

01/00150/FUL - Formation of vehicular access and off road parking - permitted with conditions

27.02.01

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On the 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

Policies of the adopted South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Hierarchy

EQ2 - General Development

TA6 - Parking Standards

National Planning Policy Framework (March 2012)

Chapter 4 - Promoting Sustainable Transport

Chapter 7 - Requiring Good Design

South Somerset District Council Supplementary Guidance - Extensions and Alterations to Houses - A Design Guide

Somerset County Council Parking Strategy (March 2012) and Standing Advice (June 2013)

CONSULTATIONS

Chilthorne Domer Parish Council - No objections

Brympton Parish Council - (adjacent parish) - Approval

County Highway Authority - Standing advice.

Ssdc Highways Consultant - Concerns that the fence (which has already been erected) impedes visibility for and of vehicles emerging from the agricultural access to the west of the site frontage. The 25m distance from the access to the fence is well below the stopping sight distance required along this stretch of road where a 40mph speed limit is in place. However, vegetation within the garden area (at the far western end of the garden) already impedes visibility. Therefore, while the proposal is far from ideal, it is considered unreasonable to raise an objection to the scheme.

REPRESENTATIONS

5 neighbours were notified and a site notice displayed, the following representations were received:

The Close, Tintinhull Road - (in summary): Highway safety concerns around visibility when exiting property.

Southview Farm - (in summary): Highway safety concerns around visibility when exiting agricultural access.

CONSIDERATIONS

The erection of domestic boundary fencing is usually acceptable in principle subject to the proposed development being in accordance with Development Plan policies and proposals. In this case, the main considerations will be the impact on the visual amenity of the area and highway safety.

In this case the property is located on Tintinhull Road which is the main road through the village and subject to a speed limit of 40mph. The property, and associated garden and parking, runs parallel to the road with a rear garden extending approx. 72 metres (length) x 6m (width) to the west.

The first section of fencing, closest to the rear elevation to the dwellinghouse, has been in place for several years and consequently is immune from any enforcement action.

It is noted that there have been objections from the farmer who uses the agricultural access to the west of the proposed development and the occupant of The Close based on visibility and highway safety issues. At the time of the site visit the visibility when exiting both the agricultural access and The Close was restricted by high planting on the west end of the garden area of the application property. The Planning Authority has no control over this.

There is approximately 34m between the agricultural access and the end of the fencing. The fencing does not allow for the required stopping sight distance for a road where the speed limit is 40mph which is contrary to the standing advice of the Highways Authority. However, it is further noted that neither SSDC's Highway Consultant nor the Parish Council raised any objections.

Although the development is far from ideal, it has the local support of the Parish Council and SSDC's Highway Consultant which are considered to hold significant weight. Whilst sympathetic to the concerns of the farmer and occupant of The Close, it is not considered that their concerns outweigh the local support of the Parish Council.

Therefore, on balance, the erection of a timber boundary fence is considered acceptable and is recommended for approval.

RECOMMENDATION

Grant approval for the following reason:

01. The proposal respects the character of the area and does not adversely affect either residential or visual amenity, or highway safety. As such, the proposal accords with Policy EQ2 of the South Somerset Local Plan 2006-28 and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 5th October 2015.

Reason: To comply with Section 73A of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans reference 6543-01, and date stamped as received 05.10.15.

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