



Delegated Report

Householder Planning Application

Application No: 20221234

Location: 1 Warwick Gardens, Meopham, Gravesend, Kent, DA13 0PJ

Description: Erection of a two metre high garden fence to the side garden area.

Applicant: Mr Kerim Turkmen

Site Visit: N/A Desktop Assessment

Submitted Documents/Plans

- Application Form - dated 15/11/2022;
- Covering Letter - dated 15/11/2022;
- Drawing no. 001 - Rev. A - Site Location and Existing / Proposed Block Plans (received 26/01/2023);
- Drawing no. 002 - Rev. B - Existing and Proposed Floor Plans (received 26/01/2023);
- Drawing no. 003 - Rev. A - Existing and Proposed East Elevations.
- ~~Drawing no. 001 - Rev. A - Site Location and Existing / Proposed Block Plans - SUPERSEDED (received 18/11/2022);~~
- ~~Drawing no. 002 - Rev. A - Existing and Proposed Floor Plans - SUPERSEDED (received 06/12/2022).~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20220832	Erection of two metre high garden fence to the front/side east garden area	REFUSED	16.09.2022
20220478	Conversion of existing garage, removal of existing rear ground floor extension and erection of two storey rear extension with new drop kerb to extend existing driveway.	PERMITTED	29.06.2022
20000615	Erection of single storey side and rear extension to form garage, utility room and conservatory and continuation of the garage roof across the existing flat roofed front porch.	PERMITTED	16.10.2000

Development Plan

Gravesham Local Plan Core Strategy (September 2014)

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T5 - Access to the Identified Highway Network

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 12 - Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)

Other Supplementary Planning Guidance

- Kent County Council Vehicle Crossing Guidance Self-Assessment (2022)
- Department for Transport - Manual for Streets (2007)

Consultations, Publicity and Representations

External Consultees

Meopham Parish Council - Meopham Parish Council objects to this planning application on the basis that it is out of character with the street scene, having a detrimental impact with the site lines and therefore the safety of the road.

Dickens Protection Society - There is some confusion in the letter from the applicant's agent which include a photograph of the application property with a new fence which appears to be different to the two shown on drawing 221104-001-A, i.e. existing and proposed. In the Society's view the fence should be set back from the rear of the footway as shown in the photograph. The fence shown in the photograph appears reasonable and does not give rise to objection.

The Society would wish to register an objection to the fence shown as proposed on drawing 221104-001-A, in that it impinges on what is at present open amenity land.

Internal Consultees

GBC - Highways Officer - I note the extent of the fencing has been considerably reduced and there would no longer be an impact on visibility on the highway. Although a pedestrian visibility splay would be required for 10 Cheyne Walk.

However, even though the applicant may own the property, there is the possibility that the land is public highway, and he needs to consult Kent Highways on the extent of the public highway in this area, I assume if the area is highway, then fencing it would be a change of use and if agreed by Kent County Council would require formal stopping up, which the applicant would have to fund.

I am not able to determine the boundary of the highway.

I would suggest that the applicant should consult Kent County Council in terms of the Highway Boundary and submit the response as part of his application. He should also amend the drawings to provide a 2m x 2m pedestrian visibility splay for the driveway at 10 Cheyne Walk.

Local Ward Councillors - No comment received.

Neighbouring properties

Six surrounding properties were consulted and five representations were received, all of which registered objection to the development. For the purpose of this report the material and non-material planning considerations have been separated, as listed below (with only the material planning considerations being relevant to the decision):

Material Planning Considerations

- Impact on the open character of the area
- Visually unattractive/impactful
- Loss of outlook
- Encroachment
- Impede visibility/sightlines
- Impact on the safety of road users / pedestrians
- Increased likelihood of collisions
- Increased crime / vandalism
- Removal of a street tree

Non-Material Planning Considerations

- Covenants on properties restricting fencing
- Questioning Council Tax Banding (post-development)
- Loss of view
- Loss of property value

The consultation period expired 29th December 2022.

Preliminary Matters

This application follows a similar application (ref. 20220832), which was refused by the Local Planning Authority. The application proposed the 'Erection of two metre high garden fence to the front/side east garden area', and was refused for the following reasons:

1. *The proposed fencing will significantly and detrimentally alter the open, pre-planned character of the estate and have a harmful impact to the appearance of the street scene, contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).*
2. *The proposed perimeter fence represents a risk to highway safety by virtue of reducing visibility splays and sightlines on a corner junction and from existing driveways, which will increase the potential for vehicular collisions. Therefore, the proposed development is contrary to Policy CS11 (Transport) of Gravesham's Local Plan: Core Strategy (2014), saved Policies P3 (Vehicle Parking Standards) and T5 (Access to the Identified Highway Network) of the Gravesham Local Plan First Review 1994, the Adopted Kent Vehicle Parking Standards (SPG4), Kent County Council vehicle crossing guidance (2016) and Section 9 of the National Planning Policy Framework (2021).*

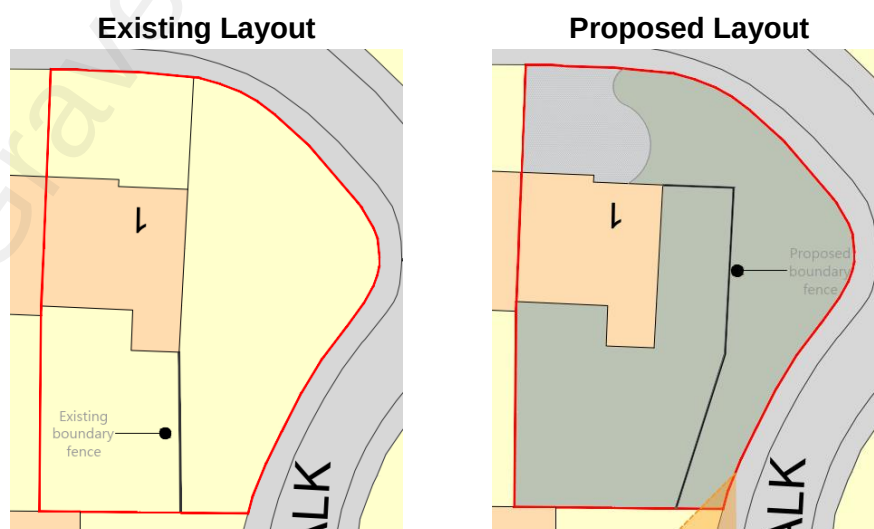
In order to receive a favourable decision, this application must be considered to overcome the reason for refusal attached to the previous application.

Officer's Analysis

1 Warwick Gardens is a detached two storey property located on the corner of Warwick Gardens and Cheyne Walk. There is land to the side of the property which is an open grass area, with a number of trees which is considered to contribute significantly to the quality of the street scene and open character of the area.



This application proposes the erection of a 2m close boarded perimeter fence. The fence would be constructed in line with the front elevation of the property, extending out 5.55m, and will follow the line of the flank elevation of the property towards the rear of the curtilage, before angling back away in the shape of the highway. The fencing will be a minimum of 3.8m from the edge of the footway (see screenshot below):



Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The application property is located on the corner junction of Warwick Gardens and Cheyne Walk, with a large open landscaped area fronting the footway. The open area forms part of the established and pre-planning character of the estate, which is replicated elsewhere. Therefore, the enclosing of this parcel of land would have an impact on the street scene. However it is important to consider the degree of harm caused.

This proposal has reduced the extent of fencing significantly from the refused application (ref. 20220832), and as such will retain considerably more of the open land fronting the highway. This alteration results in a lower impact on the character of the street scene and is more in line with similar developments at other properties within the estate. These other developments (shown in the screenshots below) have fencing that is in line with the front elevation of the properties and does not extend close to the footway in order to retain a sense of openness.



8 Cheyne Walk



9 Warwick Gardens

Therefore, the proposal has reduced the extent of fencing and will retain a sense of openness on the corner. The fencing will be positioned away from the existing trees on the land, further reducing its impact on the character of the area, and is in line with other developments in the immediate vicinity. As such, in terms of design the fencing is in accordance with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).

Amenity of Future Occupiers

The proposed development will enlarge the private garden area of the application property. The existing garden has an area of approx. 151m², which significantly exceeds the minimum recommended garden area for a 4 bedroom property within Gravesham's Residential Layout Guidelines (RLG) (2020). Therefore, even though this space would be increased as part of the development, the creation of additional private amenity space is not required to meet the requirements of the RLG.

Nevertheless, the development would safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Neighbouring Amenity

The development is not considered to impact on the amenity of neighbouring properties in terms of loss of

light, overlooking, outlook or sense of enclosure. There were a number of objections received from neighbouring properties, the majority of the concerns raised did not relate to amenity, but 'Design, Character and Appearance' and 'Parking and Highways'. As such, the neighbour representations have been assessed in other sections of this report.

Some representations expressed concern with the development resulting in a loss outlook. The proposed fence is 5.8m from the nearest property and at a height of 2m is not expected to result in any unacceptable loss of outlook. Moreover, the concerns with crime and vandalism are not likely to increase as a result of the installation of fencing.

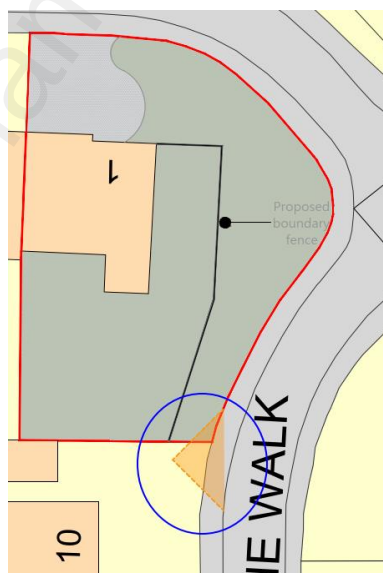
Lastly, the fencing is not shown to encroach over the boundary with any neighbour. As such any other boundary issue is a civil matter between neighbours as on the block plans (Drawing no. 001 – Rev. B) the fencing is shown to be within on the boundary. However, an informative will be attached relating to the party wall act.

Overall, the proposal will safeguard the amenity of surrounding properties in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Parking and Highways

The proposed fencing is a minimum of 3.8m from the edge of the footway and is not considered to impact on vehicular visibility on the junction of Warwick Gardens and Cheyne Walk. The reduction in the fencing from that previously proposed (ref. 20220832) has addressed the concerns relating to vehicular visibility.

Gravesham's Highways Officer considered the proposal an improvement on the previous submission, however expressed concern that the fencing would inhibit pedestrian visibility from the driveway of no.10 Cheyne Walk. The agent was contacted regarding this concern and revised drawings were submitted, which provided a 2m x 2m visibility splay from the neighbours' driveway, northwards along the footway. Therefore, the proposed fencing (as shown in drawing no. 001 - Rev. A (received 26/01/2023) - shown below) would provide acceptable pedestrian visibility from the driveway of no.10 Cheyne Walk in accordance with Kent County Council's vehicle crossing guidance (2022) and Department for Transport's Manual for Streets (2007).



Overall, the extent of the fencing has been reduced from the previous refusal to ensure appropriate vehicular and pedestrian visibility. As such, the development is considered to significantly increase the potential for collisions and the application is in accordance with Policy CS11 (LPCS), Kent County Council vehicle crossing guidance (2022) and Manual for Streets (2007).

Any Other Material Planning Considerations

Impact on the Landscape - the property is located within the Meopham Downs Landscape Character Area. This area is characterised by gently undulating topography with a mix of arable and pasture farmland, three large settlements located along the A227 and traditional architecture surrounding village greens providing local vernacular.

Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

The erection of a perimeter fence in this location is not considered to have any detrimental impact on the landscape.

Impact on Biodiversity - A representation received from a neighbour referenced the removal of a large tree prior to the submission of this application. The removal of biodiversity opportunity in the form of the tree would be contrary to Section 15 of the NPPF (2021), which states that development should result in a net gain in biodiversity. However, there was no tree preservation order on the tree and as it was removed prior to the submission of this application it is not sufficient grounds of refusal. Moreover, the retention of the three existing trees on the land is a positive and would not result in the loss of any biodiversity as part of this application.

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

The proposed development has reduced the extent of fencing, which retains significantly more of the open space and limits the impact on the character of the street scene. The fencing will be similar to other developments within the immediate vicinity and as such is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021), therefore overcoming ground of refusal 1.

Moreover, the reduction in fencing has addressed concerns with pedestrian and vehicular visibility. The fencing will be angled in to the rear to allow visibility from the driveway of no. 10 Cheyne Walk and is set in from the edge of the footway to provide acceptable vehicular visibility sightlines. As such, the proposed development is in accordance with Policy CS11 (LPCS), Kent County Council vehicle crossing guidance (2022) and Manual for Streets (2007), and ground of refusal 2 has been addressed.

Therefore, it is recommended that planning permission is granted.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	26 th January 2023	Dated:	30 January 2023