

REFERENCE NO: CR/2019/0099/FUL

LOCATION: [5 HOUGHTON ROAD, MAIDENBOWER, CRAWLEY](#)
WARD: Maidenbower
PROPOSAL: RETROSPECTIVE PLANNING APPLICATION FOR THE ERECTION OF A FENCE WITH
A MAXIMUM HEIGHT OF 1.8M

TARGET DECISION DATE: 6 May 2019

CASE OFFICER: Ms Z. Brown

APPLICANTS NAME: Mrs Susan O'Reilly

AGENTS NAME:

PLANS & DRAWINGS CONSIDERED:

CBC 001, Site location Plan
CBC 002, Proposed elevations
CBC 003, Block Plan

CONSULTEE NOTIFICATIONS & RESPONSES:-

1. WSCC Highways No objection

NEIGHBOUR NOTIFICATIONS:-

4 and 6 Houghton Road;
11, 14 and 16 Stopham Road;
2 Salterns Road.

RESPONSES RECEIVED:-

Five objection letters from the occupiers of nearby properties have been received. A summary of the issues raised is:

- The applicant has fenced off a strip of amenity land, which has a detrimental impact upon the visual amenity of the site.
- This area of Maidenbower is characterised by walls or half brick half wood fence walls along the boundaries, with short runs of hedge and trees to break up and soften the hard wall boundaries between properties. It could also set a precedent in the future.
- The hedging which has been removed was part of the original application for soft landscaping and used to provide a green visual buffer along Stopham Road.
- Knee-rail fencing used to exist with landscaping in front.

- The fence does not fit in, it is out of character with other boundary treatments locally and juts out from the hedging and is therefore dangerous to pedestrians
- An unlicensed gate access onto the highway has been installed which has resulted in the occupant of No. 5 parking several vehicles along Stopham Road which cause a danger to other road users and the access onto the driveway from 14/16 Stopham Road.
- Wildlife, including hedgehogs, were often found/seen in the bushes. The removal of the hedge has destroyed the wildlife including nesting birds which were living there.

Three letters of support have been received.

REASON FOR REPORTING TO COMMITTEE:-

More than four objections received in relation to a recommendation to permit.

THE APPLICATION SITE:-

- 1.1 The application site relates to No. 5 Houghton Road, situated within a slightly elevated position on the western side of Houghton Road and adjacent to Stopham Road. The two storey detached dwelling is set within a cul-de-sac, with a detached single garage approximately 3m to the south-east. The garden of the dwelling extends to the north and there is a 2m high half brick wall with close boarded wooden fence panels along the northern boundary adjacent to Stopham Road. There was also a mature hedge along this boundary, screening the garages for No. 5 and 6 Houghton Road. This has been partially replaced by a timber fence, which is the subject of this retrospective planning application.
- 1.2 There are no identified site constraints.
- 1.3 The boundary treatments along Stopham Road vary, with a mixture of mature hedges, trees, high brick walls and half brick and half fence boundaries. Typically the dwellings with gardens that back onto Stopham Road have a variety of brick walls as their boundaries. The dwellings which front onto Stopham Road have softer boundaries with a mixture of hedges and tree landscaping.

THE PROPOSED DEVELOPMENT:-

- 2.1 Following the removal of the mature hedge, retrospective planning permission is sought for the erection of a 1.8m high wooden close boarded fence with concrete posts and gravel board. The fence measures 7.5m in length and there is a gate which provides pedestrian access onto Stopham Road from No. 3.

PLANNING HISTORY:-

- 3.1 CR/2002/0626/FUL – DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF NEW GARAGE TO SIDE OF PROPERTY. PERMITTED.

The proposed garage was to be located on the north-eastern side of the property, adjacent to the boundary with Stopham Road and included the area of land behind the original garage as part of the residential curtilage. The permission was never implemented.

Original permission for Area (B8) of Maidenbower:

3.2 CR/1993/0382/ARM – RESIDENTIAL DEVELOPMENT OF 101 DWELLINGS 64 3 X BED DETACHED HOUSES AND 37 4 X BED DETACHED HOUSES.

The approved landscape proposals drawing 553-8-1 (May 95) show that a temporary post and wire fencing (900mm high) to assist the establishment of the planting by deterring short cutting to spine roads was proposed.

Condition 2 also required that “all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation”.

As a result, the hedge is not and would not have been protected after the five year protection afforded by the planning condition. This five year period ended in the early 2000's and the removal of this hedge is not therefore in breach of the condition.

PLANNING POLICY:-

4.1 National Planning Policy Framework (February 2019) (NPPF)

- Paragraph 11 – The presumption in favour of sustainable development. Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay. At the heart of the NPPF is a presumption in favour of sustainable development.
- Section 12 – Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.2 Crawley Borough Local Plan (2015-2030) (adopted December 2015)

The relevant policies include:

- Policy SD1: Presumption in Favour of Sustainable Development. In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the council will take a positive approach to approving development which is sustainable.
- Policy CH2: Principles of Good Urban Design in order to assist in the creation, retention or enhancement of successful places.
- Policy CH3: Normal Requirements of All New Development states all proposals for development in Crawley will be required to make a positive contribution to the area, be of a high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings, and be able to meet its own operational requirements necessary for the safe and proper use of the site. Development proposals must adhere to any relevant supplementary planning guidance produced by the council including residential extensions.

4.3 Urban Design Supplementary Planning Document (adopted October 2016)

The Urban Design SPD is a non-statutory document which supplements the policies of the Local Plan and is applicable to this application. It states that:

- *'The nature or type of boundary treatments can significantly contribute to the character and identity of a property and the street as a whole.*
- *The use of boundary demarcations are fundamental to good urban design where public and private spaces are clearly delineated from one another. It is imperative that the boundary treatment is appropriate to its context.*
- *Boundary treatments along the side and rear of properties will not require planning permission if they are lower than 2 metres in height (note: planning permission is required if the boundary fence/wall is adjacent to the highway). However, side and rear fences need to be designed to respect the surroundings and the amenity of neighbouring properties.*

PLANNING CONSIDERATIONS:-

The main considerations in the determination of this application are:

- The use of the land.
- The design & appearance of the proposal and its impact on the dwelling, street scene & wider area.
- The impact on neighbouring properties and amenities.
- The impact on the highway.

The use of the land

- 5.1 The retrospective proposal is for the removal of the hedge and its replacement by a 1.8m high panel boarded fence. It has been raised by members of the public that the proposal would result in the change of use of amenity land to residential curtilage.
- 5.2 In some instances, land owned by a homeowner can be an integral part of the public realm and form amenity land, rather than being within the residential curtilage of a dwelling. However, the approved landscape plan for this area of the estate shows that there was a temporary 900mm post and wire fence boundary treatment along the eastern boundary behind the garages of No. 5 and 6 Houghton Road to assist plant establishment and deter short cuts to the spine road. As a result, this boundary treatment demarcated it from the public areas of the estate and provided security for the house. It is also of note that the use of the land to the rear of the garages as part of the residential curtilage was recognised in previous application CR/2002/0626/FUL.
- 5.3 Therefore, despite the stretch of hedge previously having visual amenity value, it was clearly never approved or used as public amenity land and a change of use application is not required.

The design & appearance of the proposal and its impact on the dwelling, street scene & wider area

- 5.4 The area of Stopham Road and Houghton Road in which the application site belongs is characterised by a mixture of detached and semi-detached properties. The gardens of the properties on the eastern side of Houghton Road back onto Stopham Road, whilst there are other properties which front straight onto Stopham Road. This results in a variety of boundary treatments including high brick walls, half brick and half wooden panel boundaries and mature hedges which have developed over time. Typically the walls and fences measure 1.8m in height.

- 5.5 The original plans for the estate show the variety of boundary treatments. It is evident from the plans that the brick walls around the gardens and adjoining the houses provided security and demarcated the private and public areas of the estate. There was also temporary post and wire fencing which is no longer visible since plants and vegetation have established along the boundaries. It is evident from aerial photos from 1997 that there was a boundary hedge behind the garage. This is also present in photos from 2001 and 2005
- 5.6 The loss of the mature hedge has impacted the streetscene and removed a natural boundary treatment. Therefore, the main considerations in the determination of this application are considered to be the design, height and scale of the fence and the impact it has on the visual amenity of the site and the wider streetscene of Stopham Road. Policy CH2 (Principles of Good Urban Design) of the Crawley Borough Local Plan states that all proposals for development are required to respond to and reinforce locally distinctive patterns of development and landscape character. Policy CH3 (Normal Requirements of All New Development) states that all proposals for new development are required to make a positive contribution to the area, be of high quality in terms of their urban and landscape design and relate sympathetically to their surroundings in terms of scale, density, height, details and materials. The Urban Design SPD states it is important for fences and walls along boundaries to fit within the local context.
- 5.7 The proposed wooden panel boarded fence measures 1.8m in height and extends 7.5m along the eastern boundary of the site adjacent to Stopham Road. Although it is not entirely in keeping with the other adjoining boundary treatments, taking into account that there is a mix of boundary treatments in the area and given its height and positioning next to an existing brick wall of a similar height, it is not considered to significantly detrimentally impact the visual amenity of the site or appear overly incongruous within the streetscene.
- 5.8 The Urban Design SPD states that it is important for boundary walls/fences to fit within the local context and respect the surroundings. The proposed fence comprises wooden panels with concrete posts, and a gate at its northern end. Although it would be different to the brick walls, and half brick and half wooden panel fence boundaries, and the Council would encourage that similar boundary treatments to be used, it is considered that the proposal could not be resisted on design grounds and that it is not significantly out of character with boundary treatments in the wider vicinity. As a result, the proposal is considered to be acceptable in the street scene.

The impact on neighbouring properties and amenities

- 5.9 A number of objections have been received highlighting concerns of the visual impact of the proposal. However, given the height and positioning of the fence, it is not considered to have any detrimental impact on neighbouring amenity by way of being over dominant or overshadowing and, in this regard, would comply with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

The impact on the highway

- 5.10 A number of comments have been received raising concerns about highway safety implications that the proposed fence has on Stopham Road, particularly the new pedestrian gate and apparently resultant parking along Stopham Road. Stopham Road is a residential unclassified road with unrestricted parking. WSCC Highways has stated that, as long as the fence does not encroach into the Public Maintained Highways and does not obstruct any vehicle visibility, there are no highway safety concerns. The proposal is for a boundary fence along the eastern boundary of the site, replacing an existing hedge. The fence follows the same boundary line as the wall and appears to protrude slightly beyond the hedge. This is considered satisfactory given that it is abutting a natural boundary treatment. As a result, there is no adverse impact on the footpath.

5.11 With regard to any additional or relocated parking resulting from the new gate, as this proposal is for boundary treatment only with no additional floorspace, parking is not a material consideration in the determination of this application. Parking on street in this location is lawful and there is no objection from WSCC regarding the fence and its impact on parking. Overall, the proposal is not considered to cause any highway safety concerns and would be acceptable in this regard.

CONCLUSIONS:-

6.1 Overall it is considered that the proposed fence is of a satisfactory scale, positioning and design. Despite it not exactly matching other boundary treatments along Stopham Road, it is not considered to significantly detrimentally impact the streetscene or character of the area. The proposal is also not considered to have a detrimental impact on the amenity enjoyed by occupants of neighbouring properties or to have an adverse impact on highway safety. As a result, the proposal would accord with the relevant Crawley Borough Local Plan Policies (2015-2030), the Urban Design SPD (2016), and the NPPF (2019).

RECOMMENDATION RE: CR/2019/0099/FUL

PERMIT – Subject to the following conditions:-

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans listed below:
(Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper Planning.

1. NPPF Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35, of the Town and Country Planning (Development Management Procedure) Order 2015.



ArcGIS Web Map

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