

DELEGATED REPORT

Application No:	P/20/0186
Site Address:	2 Taff Fawr Close Cefn Coed Merthyr Tydfil CF48 2RF
Development:	Erection of new fence
Case Officer:	Rebecca Owens
Application Expiry Date:	7th October 2020
Consultation reply date expired:	8th September 2020

APPLICATION SITE

The application relates to a detached dwelling located on the outskirts of the settlement boundary. A small section of the access road to the site also falls within the Cyfarthfa Conservation Area. The site is bounded by undeveloped land to the south and other residential dwellings to the north, east and west.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a timber fence, which would be erected to the north of the site along the retaining wall which forms the boundary with 37a Pontycapel Road. It is noted that this application has been submitted following the refusal of a previous planning application to retain fencing erected without planning permission. At present the fence is 2.4m in height and 4.7m above the ground level of the application site. The proposal seeks to reduce the fencing by 0.8m so the timber fence itself would be 1.6m in height. However, as it is elevated above the ground level of the site on timber posts, the maximum height would be approximately 3.9m. The timber fence posts are set off the existing retaining wall at a distance of approximately 10-13cm with the face of the fence set off the wall by approximately 0.5m.

The fence is also illustrated at 1.5m in height above the ground level of the adjoining dwelling known as 37a Pontycapel Road, which occupies a higher level. Whilst there maybe some discrepancies in terms of the neighbouring ground level, the proposed rear elevation clearly illustrates that the fence would not project above the height of the neighbours existing railings and this application is determined on this basis.

PLANNING HISTORY

The relevant planning history is detailed below:

P/19/0328	Erection of timber fence
	Refused planning permission on 4 February 2020 for the following reasons:

- 1. The proposed fence by virtue of its excessive height, design and construction represents an unattractive and incongruous feature which harms the visual amenity of the adjoining property of 37a Pontycapel Road. It is therefore contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.*
- 2. The proposed fence by virtue of its excessive height and relationship with the adjoining dwelling known as 37a Pontycapel Road has resulted in an oppressive and overbearing development which gives rise to an undesirable loss of light to the rear garden of this property. As such it has a harmful impact on residential amenity contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.*

A subsequent appeal was made to Planning Inspectorate Wales which was dismissed on 21 July 2020.

- P/13/0106 Retention of dwelling with some alterations, erection of garage and other associated external works
Granted planning permission subject to conditions on 27 June 2013
- P/03/0233 Detached dwelling and garage.
Granted planning permission subject to conditions on 19 December 2003
- P/01/0117 Residential Development (Outline - 3 Plots)
Granted outline planning permission subject to conditions on 22 October 2001

CONSULTATION

No consultation exercise was considered necessary in this instance.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining dwellings and a site notice was displayed within the vicinity of the site.

Three letters of objection were received following this publicity exercise. The main issues raised within the objection letters are summarised below:

1. The fence is an eyesore and out of place
2. The fence is blocking natural light and causing overshadowing
3. The timber fence is unsafe (particularly in high winds) and could fall onto people. It does not meet with standard of building regulations and has not been erected by a qualified person.
4. The fence is of poor, haphazard construction/workmanship
5. It has not be preserved and thus will rot more quickly and cause damage
6. The fence has been erected the wrong way around with the least attractive side (the posts etc.) facing towards the neighbouring property.
7. The fence has been erected to protect the privacy of the occupants of the application site but the neighbouring property looks down onto the driveway and this was the situation when the applicant purchased the property.

8. The neighbours' view has been blocked by the fence.
9. It could affect the saleability of the neighbouring property

Local ward councillors have been consulted and they wish the application to be determined under delegated powers by the Chief Officer Planning and Neighbourhood Services.

It is also noted that one letter in support of the application was also received. This highlights the applicants need for privacy and refers to the design of the proposal which is deemed to fit in with the surrounding area.

POLICY CONTEXT

Policy SW11: Sustainable design and place making of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 is relevant to the determination of this planning application. Furthermore, the application will be determined having regard to the advice contained within Merthyr Tydfil Local Development Plan 2006-2021, Supplementary Planning Guidance Note 6, A Design Guide for Householder Development.

PLANNING CONSIDERATIONS

It is acknowledged that there are examples of timber boundary fences visible in the immediate area. However, the proposed fence at its reduced height would be excessive and its design and construction would still represent an incongruous feature which has an adverse visual impact when viewed from the neighbouring property known as 37a Pontycapel Road. Whilst it is acknowledged that this aspect of the fence would not be readily visible from public vantage points, it is considered to be of such a significantly poor appearance as to warrant refusal of the application on visual amenity grounds. The proposal therefore conflicts with Policy SW11 of the LDP.

As noted above, a small section of the access road serving the application site falls within the Cyfarthfa Conservation Area. However, the proposed fencing lies entirely within the residential curtilage of the application site and thus is outside of the conservation area, as such the development would not have a notable impact upon it.

Regard has also been had for the impact of the fencing on the residential amenity of the surrounding occupants. In this respect, the fence only impacts upon the dwelling to the north known as 37a Pontycapel Road. This dwelling occupies a significantly higher level than the application dwelling and from the rear garden of this property the fence would be at the same height as its existing boundary railings. However, given the modest depth of this property's rear garden, which at its greatest depth is approximately 7m, it is considered that a fence at this height and appearance across the majority of the rear boundary would be oppressive and overbearing on its limited external amenity space. It is also considered that the fence would result in an undesirable loss of light to the rear garden which would adversely impact on the residential amenity of its occupants to an unacceptable extent. As such the proposal is contrary to Policy SW11 of the LDP.

As outlined above, three letters of objection were received following the publicity exercise. In response to the main issues raised the following comments are made:

1. The visual impact of the fence has been considered above.

2. The impact of the fence on residential amenity is discussed above.
3. The timber fence is elevated and supported on timber posts and as such could be affected by winds. However, the sturdiness of the fence and thus the matter of whether it is safe is not a material planning consideration.
4. It is acknowledged that the existing fence panels are not of a uniform height, have intermitted gaps of varying sizes between them and that the rear of the fence (facing towards 37a Pontycapel Road) has supporting posts with off-cuts of timber. As such the fence does appear to be poorly constructed which impacts on its overall visual appearance.
5. The lack of treatment and general maintenance of the fence is not a material planning consideration.
6. There is no requirement for the person who erects a fence to direct the most attractive side towards neighbours. However, the visual impact of the fence is discussed above.
7. It is recognised that the existing fence has been erected to provide privacy to the occupants of the application site. The objectors have noted that when the dwelling was erected and subsequently purchased, there was no solid boundary in place and thus the situation with regard to overlooking has not changed and this is acknowledged. Furthermore, they have highlighted that the neighbouring property actually looks down onto the driveway of the application site. This is again acknowledged. Indeed, the Inspector in her decision also concluded that the previous boundary treatment (railings), given their location *'some distance away from the private rear garden area of the appeal property and adjacent to the existing driveway, would ensure that the occupiers of the neighbouring property would not be afforded direct views into the private rear garden area of the appeal property'*.
8. It is acknowledged that the neighbours at 37a Pontycapel Road previously benefitted from attractive views across the application site to the undeveloped woodland area beyond. However, loss of view is not a material planning consideration.
9. The impact of a development on the saleability of neighbouring properties is not a material planning consideration.

CONCLUSION

It is recognised that the applicant has applied for the fence to provide some privacy to his property which is at a lower level than the dwelling directly behind the fence (37a Pontycapel Road). Whilst the desire for privacy is appreciated, the amend height of the boundary would have an unacceptable impact on the residential amenity of the neighbouring occupants and is of an unacceptable appearance.

In reaching the recommendation, the requirements of section 3 and 5 of the Wellbeing of Future Generations (Wales) Act 2015 have been taken into account. The recommendation is in accordance with the Act's sustainable development principle

through its contribution towards the Welsh Minister's well-being objective of supporting safe, cohesive and resilient communities.

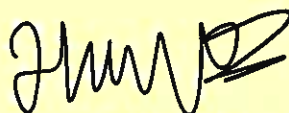
Accordingly the following recommendation is made:

RECOMMENDATION: BE REFUSED

REASONS:

1. The proposed fence by virtue of its excessive height, design and construction would represent an unattractive and incongruous feature which would harm the visual amenity of the adjoining property of 37a Pontycapel Road. It is therefore contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
2. The proposed fence by virtue of its excessive height and relationship with the adjoining dwelling known as 37a Pontycapel Road would result in an oppressive and overbearing development which would give rise to an undesirable loss of light to the rear garden of this property. As such it would have a harmful impact on residential amenity contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

14/7/21

