

DELEGATED REPORT

Application No: P/19/0328

Site Address: 2 Taff Fawr Close
Pontycapel Road
Cefn Coed
Merthyr Tydfil
CF48 2RF

Development: Erection of timber fence

Case Officer: Rebecca Owens

Site Visit:

Application Expiry Date: 10th February 2020

Consultation reply date expired: 9th January 2020

APPLICATION SITE

The application relates to a detached dwelling located on the outskirts of the settlement boundary. The site is bound 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 retention of a timber fence which has been erected to the north of the site along the retaining wall which forms the boundary with 37a Pontycapel Road. The timber fence itself is 2.4m in height but it is elevated above the ground level of the site on timber posts and as such has a maximum height of approximately 4.7m. However, the fence is 2.3m in height above the ground level of the adjoining dwelling known as 37a Pontycapel Road which occupies a higher level. The fence is set off the existing retaining wall at a distance of approximately 10-13cm. It has a natural wood finish to both sides (a black membrane which was attached to the northern side of the fence has been removed and does not form part of this planning application).

It is noted that the sectional drawing provided incorrectly illustrates the existing steel railing at the adjoining dwelling of 37a Pontycapel Road at a height of 1.3m and a maximum height of 1.6m above the garden level of this property. Whilst this is inaccurate, this does not form part of the development being considered under this planning application.

PLANNING HISTORY

The relevant planning history is detailed below:

P/01/0117 Residential Development (Outline - 3 Plots)
Granted outline planning permission subject to conditions on 22 October 2001

- P/03/0233 Detached dwelling and garage.
Granted planning permission subject to conditions on 19 December 2003
- 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

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 (two were from the same address). The main issues raised within the letters are summarised below:

1. The timber fence is unsafe (particularly in high winds) and could fall onto people. It does not meet with building regulations or any standard of work and should be thoroughly inspected. The black membrane attached to it is also a fire hazard.
2. The fence is of poor construction/workmanship and is not of the same height with gaps throughout.
3. It is questioned whether a fence should be more than 6ft off the ground.
4. The plans do not provide a true reflection of the land as it is.
5. Part of the fence has been erected on land which is part of a dispute.
6. The fence is an eyesore.
7. The fence has been erected the wrong way around with the least attractive side (the posts etc.) facing towards the neighbouring property.
8. The neighbours view has been blocked by the fence.
9. 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.

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

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 by virtue of its excessive height, design and construction represents 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.

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 is approximately 2.3m in height. In this instance, 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 across the majority of the rear boundary is oppressive and overbearing on its limited external amenity space. It is also considered that the fence results in an undesirable loss of light to the rear garden which adversely impacts 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 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. In addition, it is noted that the black membrane which was originally attached to the fence has now been removed and is not proposed as part of this planning application.
2. As acknowledged above, the 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.
3. A fence can be erected over 2m in height but this requires a planning application.
4. An objector has indicted that the plans do not provide a true reflection of the land as it is, however, there is no explanation of this.
5. Whilst it has been suggested that part of the fence has been erected on land which is part of a dispute, landownership is not a material planning consideration. Any dispute in relation to this would be a private matter between the relevant parties.
6. The visual impact of the fence has been considered above.
7. 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.

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. It is recognised that the 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.

CONCLUSION

It is recognised that the applicant has erected 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 boundary fence that has been erected has had an unacceptable impact on the residential amenity of the neighbouring occupants and is of an unacceptable appearance.

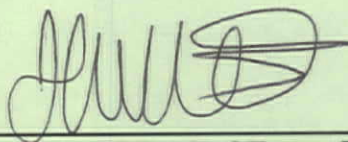
In reaching the recommendation, the requirements of section 3 and 5 of the Wellbeing of Future Generations (Wales) Act 2015 have been taken into account. The recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Minister's well-being objective of supporting safe, cohesive and resilient communities.

Accordingly the following recommendation is made:

RECOMMENDATION: BE REFUSED

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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

4/2/20