Planning Committee: 15 September 2021 **Item Number: 6**

Application No: W 21 / 0657

Registration Date: 09/06/21
Town/Parish Council: Kenilworth **Expiry Date:** 04/08/21
Case Officer: Jack Lynch
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2 Elizabeth Way, Kenilworth, CV8 1QP
Erection of timber fence (retrospective application) FOR Mr P Homer

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This application is being presented to Planning Committee due to the number of supporting comments received.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Retrospective planning permission is sought for the erection of a 1.9m high timber fence which extends 22m in length along the boundary of the side (east) garden of the property and the footpath on Elizabeth Way. The fence replaces a modest hedge.

THE SITE AND ITS LOCATION

The application property is the first bungalow on the right-hand side as one enters Elizabeth Way. It is a prominent location and the property benefits from a large side garden. With the exception of the two properties on Castle Hill which have rear gardens into Elizabeth Way, this short cul-de-sac is open plan in character giving it a pleasant open feel.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Neighbourhood Plan (2017-2019)

- KP13 - General Design Principles

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Raised no objection, but Members noted the open aspect of other neighbouring gardens and commented that this fence could adversely affect the streetscene.

Public Response: Four objections have been received on grounds of harm to the character and visual amenity of the street scene. Eight comments of support have been received on grounds of improvement of the boundary compared to the previous hedge.

ASSESSMENT

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The location of the property and the position of the proposed fence means that no material harm in terms of amenity is considered to result from the scheme. It is therefore considered that the proposal is in accordance with Local Plan Policy BE3.

Design and impact on the character and appearance of the streetscene

Paragraph 130 of the National Planning Policy Framework (NPPF) states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. Kenilworth Neighbourhood Plan Policy KP13 states that proposals should achieve a standard of design that is appropriate to the local area and that proposals should have a positive response to the site characteristics and surroundings.

Whilst noting the fencing at the properties fronting Castle Hill, in the context of what is largely an open plan cul-de-sac with soft landscaping providing boundary treatments creating a pleasant open character, it is considered that the fence the subject of this application at 1.9m in height and 22m in length and relating to a property within the cul-de-sac itself, results in harm to the character and appearance of the streetscene. The fence is considered to be a hard and dominating feature out of keeping with the character and appearance of the streetscene and is contrary to the aforementioned policies.

Conclusion

It is considered that the development is contrary to Local Plan Policy BE1 and the Kenilworth Neighbourhood Plan Policy KP13 and constitutes a poor design solution resulting in harm to the streetscene. It is therefore recommended that planning permission is refused.

REFUSAL REASON

1 The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design.

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. In addition, Kenilworth Neighbourhood Plan Policy KP13 states that proposals should achieve a standard of design that is appropriate to the local area. It also states that proposals should have a positive response to the site characteristics and surroundings.

In the opinion of the Local Planning Authority the proposal is out of keeping with the character and appearance of Elizabeth Way and by reason of a combination of the height, length and solid form, the proposed boundary treatment results in harm to the streetscene.

The development is thereby considered to be contrary to the aforementioned policies.