

2.3 REFERENCE NO - 20/505732/FULL		
APPLICATION PROPOSAL Erection of 1840mm boundary fence 1500mm from highway. (Resubmission of 20/503102/FULL)		
ADDRESS 66 Maylam Gardens Borden Sittingbourne Kent ME10 1GB		
RECOMMENDATION – Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Mr Kevin Cracknell AGENT Francis Design Co
DECISION DUE DATE 26/01/21	PUBLICITY EXPIRY DATE 29/12/20	

Planning History

20/503102/FULL

Erection of 6ft fencing to boundary.

Refused Decision Date: 29.09.2020

SW/99/1045 Land At Brier Road, Borden

Erection of 101 dwellings with garaging, access and open space.

Approved Decision Date 14.03.2001

1. DESCRIPTION OF SITE

- 1.1 66 Maylam Gardens is a modern detached property situated on a corner plot within the built up area of Borden/Sittingbourne. There is amenity space to the front, sides and rear of the property. The streetscene here is that of similar sized and designed properties forming an attractive and consistent whole.
- 1.2 The main rear garden of the property is currently screened from the highway to the side by a high brick wall running off the rear corner of the house. This wall is set about 4m back from the highway boundary, in front of which is a low fence marking the actual property boundary. The current boundary fencing is 0.8m tall with concrete posts, and there is established ornamental planting around the highway boundary and in front of the screen wall.
- 1.3 There are no planning records for the current low fencing which has been in place for at least six years, but the property results from a 2001 planning application for the erection of 101 dwellings at Brier Road, in which condition (16) states;

Notwithstanding the provisions of Article 3(1) and of the Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, no gates, fences, walls or other means of enclosure (other than those shown on drawings reference 9529 SL 3D received 17.11.2000) shall be erected or provided in advance of any wall of any dwelling fronting on the site access roads, open space

or any other “front area” without the consent in writing of the District Planning Authority.

Grounds: In the interest of visual amenity.

2. PROPOSAL

- 2.1 This application follows a previously refused application (20/503102/FULL) which proposed a new 1.8m high fence to run directly along the side boundary with the highway, leaving no room for any soft landscaping in front of it. I considered that this new fencing would amount to an intrusive and incongruous feature which would be harmful to the character and appearance of the street scene, and to the visual amenities of the area.
- 2.2 The current application was originally described as for a 2.0m high fence, and showed removal of both the screen wall and the low level boundary fencing. However, the application has since been clarified and now seeks planning permission for retention of the low boundary fence and replacement of the screen wall with a 1.84m tall, arch topped, fence, set back 1.5m from the highway boundary.
- 2.3 The proposal would allow the existing high screen wall to be demolished without compromising the privacy of the rear garden, which would then be substantially enlarged. The new fencing will enclose two side windows on the house within the garden, and would be constructed of timber panels and concrete posts.

3. PLANNING CONSTRAINTS

- 3.1 None.

4. POLICY AND CONSIDERATIONS

- 4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:

CP4 - Requiring good design

DM14 - General development criteria

5. LOCAL REPRESENTATIONS

- 5.1 In response to the application as first described, one neighbour has objected to the application as follows:

“Objecting to erection of 2000mm high fence. It will be a complete eyesore and definately not in keeping with other houses in the area. Most having pleasant, open green planted front space.”

6. CONSULTATIONS

- 6.1 Borden Parish Council has objected to the application as first submitted, saying:

*“It was **RESOLVED** to object as this proposal is not in keeping with the open plan aspect of the development.”*

- 6.2 In response to the amendment to the height of the fence (reduced from 2.0m to 1.84m) I have re-consulted locally, and the Parish Council has responded as follows:

*“It was **RESOLVED** to object as this is not in keeping with the open plan style of the development. The parish council is opposed to the removal of the trees.”*

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers for applications 20/505732/FULL and 20/503102/FULL

8. APPRAISAL

- 8.1 The site is situated within the defined built up area boundary of Sittingbourne and as such the principle of the development is acceptable, subject to other relevant policy considerations. The main points to consider when assessing this application are the appearance, scale and position of the proposed fence, and its visual impact on the streetscene.
- 8.2 This property sits on a prominent corner plot and is very much in the foreground of the current streetscene. There is currently greenery almost the full length of the boundary, as it stands, on the public footpath side. The setting back of the existing high garden wall has created a spacious character to the streetscene, where lawns and well landscaped margins form the predominant boundary/frontage treatments.
- 8.3 The current application seeks to overcome previous objections to a new fence line by setting the fence back from the highway by 1.5m, but at 2.0m high the Parish Council objected. The application has since been amended to show a 1.84m fence. I have re-consulted the Parish Council and neighbours but have had no further comments on the application. More recently the applicant has confirmed retention of the low boundary fence and planting in front of the new fence, further lessening its impact.
- 8.4 This proposal is a distinct improvement over the previous application as it provides a 1.5m deep space alongside the highway. I consider this to be in keeping with what is currently apparent elsewhere in this streetscene, and it leaves room for the retention of the existing low fence and planting on the boundary with the highway, which I think addresses at least part of the Parish Council's concern.

9. CONCLUSION

- 9.1 I consider that the distance the fence would be set back from the highway would aid in retaining a sense of openness and allows for the existing low boundary fence and planting to be retained. As such, I believe that the new fence will not have a detrimental effect on the visual amenities of the area.

10. RECOMMENDATION – Grant subject to the following conditions

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development shall not be carried out otherwise than in complete accordance with approved drawings 102 Rev E and 103 Rev A.

Reason: In the interests of visual amenities of the area

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

