

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

20 March 2020

AUTHOR/S: Joint Director of Planning and Economic Development

Application Number: S/1719/19/FL

Parish(es): Linton

Proposal: Erection of a 1.8m timber fence

Site address: 17, Green Lane, Linton, Cambridge, Cambridgeshire, CB21 4JZ

Applicant(s): Mrs Pamela Phipps

Recommendation: Approval

Key material considerations: Impact on the Conservation Area and Listed Building
Residential amenity
Highway Safety.

Committee Site Visit: Yes

Departure Application: No

Presenting Officers: Sumaya Nakamya (Planning Officer)

Application brought to Committee because: Linton Parish Council requests the application be determined by Planning Committee.

Date by which decision due: 08 November 2019.

Executive Summary

1. This application seeks householder planning permission for the erection of a 1.8m timber fence. The application site is located within the village development framework and within the Linton Conservation Area.
2. The application has been amended by the applicant following consultee comments. The amendments comprised changes to the height of the solid timber section of the fence to be 1metre in height topped with an 800mm trellis. The amendments of the plans also included the positioning of the fence to be located within the property boundary of the dwellinghouse and not including the amenity land on the south side of the site. The amendments were considered by the Historic Building Officer and considered that the proposed fence is acceptable as it moves away from the dominance and encroachment that the current fence creates. The proposed amended fence would result in a lighter, more informal boundary treatment better suited to the character of the Lane. Therefore, it is considered that the proposed fence by virtue of its location, design and height

would sustain the special character and appearance of the conservation area and the setting of the listed building in accordance with Policies S/7, HQ/1 and NH/14 of the Local Plan 2018 and the NPPF.

3. The application was also in consultation with Council's Tree Officer and the Local Highway Authority. Officers raised no objection as a result of the application.

Planning History

4. S/0467/19/FL -Boundary fence – Invalid 07.07.2019
5. S/1774/84/LB - Removal of hedge and erection of 1.8 metre boundary fence - Withdrawn 18.03.2019
6. S/0429/19/FL- Removal of hedge and erection of 1.8 metre high boundary fence – Withdrawn 18.03.2019
7. S/1775/84/F- Extension – Approved 20.12.1998
8. S/1774/84/LB- Extension– Approved 20.12.1998
9. S/0110/74/F – Extension to provide kitchen hall bedroom and bathroom and erection of garage – Approved 12.06.1974

Planning Policies

10. **National Guidance**
National Planning Policy and Guidance
National Planning Policy Framework (NPPF) 2019
National Planning Practice Guidance (NPPG)
11. **South Cambridgeshire Local Plan September 2018**
S/3: Presumption in Favour of Sustainable Development
S/7: Development Frameworks
HQ/1: Design Principles
NH/14: Heritage Assets
12. **South Cambridgeshire District Council Supplementary Planning Documents**
District Design Guide SPD – Adopted March 2010
Listed Building SPD – Adopted July 2009
Development Affecting the Conservation Areas SPD – Adopted January 2009

Consultation

13. Linton Parish Council – The Parish Council objects to the application on the following grounds which are summarised:
 - Information contained in the application is inaccurate
 - Concerns of landownership for land edged blue – that the applicant hold a Possessory Title and not Title Absolute.
 - Welcome the fence in its former position
 - Height of fence in the Conservation Area is not under 4 feet as required.
 - Canopy is out of keeping with the character, age and style of the cottage.
 - Design and location of canopy on the Conservation Area and the setting of the Listed Building.

- Disregards to processes required for Listed Building Consent.
- The design quality of the canopy does not meet the standards of HT1.
- Procedural matters in relation to retrospective submission of application.

14. Appendix 1 contain full copies of Parish Council comments.

15. Historic Building Officer – Original comments received 24 July 2019: Objected to the proposal which has already been enacted, result in harm to the listed building and conservation area, failing to comply with NH/14, NPPF 196, and s.16, 66, 72 Planning (LBCA) Act 1990. The application is also insufficient and contrary to NPPF 189.

The application asserts that the fence is identical to a previous fence in the location, but this does not appear to be accurate. The 'proposed' fence shown in the elevation submitted is a standard 1.8m high close boarded fence. The fence shown in old photographs is a low close boarded fence with a trellis top section. It is also surrounded by plants. An actual replication of the previous fence may be acceptable, where the only part of the fence visible from Green Lane is the trellis and the lower close boarded section is hidden by planting.

Amended comments in relation to the fence received 19 February 2020: Adjacent to the south end of the listed building is an open green space, which contributes to the character and appearance of the conservation area. The boundary between the green and the enclosed garden to No.17 was formerly dominated by planting. This was replaced by an entirely inappropriate tall close boarded fence (see previous comments). The boundary treatment now proposed is relocated to the former line and comprises a low level close boarded fence topped with a trellis. This moves away from the dominance and encroachment of the taller fence, and replaces it with a lighter, more informal boundary treatment better suited to the character of the lane. The lower height and trellis allow for the possibility that planting will grow up alongside the fence, to eventually create a soft, green boundary. The proposal is consistent with Local Plan policy NH/14.

16. Tree Officer – Original comments received 09 July 2019: There are no arboricultural or hedgerow objections to this application.

There are trees on or adjacent to site with legal protection through the Conservation Area. Officers consider that there are no trees that might be detrimentally affected by the proposal. No tree or hedgerow information has been submitted with the application and none is required.

17. Highway Safety – No objection. No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Representations

18. Seven representations have been received as a result of this application, one representation supports the application and six objected to the application.

19. Comments received with objections are summarised as following:

- Visual Impact on the Conservation Area.
- Location and height of the proposed fence

- Impact of the canopy on the Listed Building.
- Impact to biodiversity as a result of the removal of the hedgerow.
- Impact on trees.
- Carried out works without the benefit of Planning Permission and listed Building Consent resulting in a disregard to the planning process.
- Landownership – the fence would be within the land that is not in the applicant's ownership.
- Incorrect plans which includes the garages, parking and access to no.15.
- Procedural matters in relation to retrospective submission of application.

Site and Surroundings

20. The site is within the village development framework and it is adjacent to Grade II listed Nos.13, 15, & 17 Green Lane, a 16th century farmhouse converted into a terrace of cottages in the mid-19th century. It is within Linton Conservation Area, and in the setting of The Manor House, 14 Green Lane, a Grade II listed building.
21. On the south site of the site is a green space comprising of large mature trees, adjacent the green area is Beech Way that provides access to properties and garages fronting Beech Way.

Proposal

23. The proposal is for the erection of a 1.8m fence comprising of a 1m high solid element with an 800mm of trellis.

Planning Assessment

22. The key considerations are the impact the of the development on the impact of the conservation area and the listed building, residential amenity, trees and highway safety.

Impact of the conservation area and the listed building

23. Policy NH/14 of the Local Plan states that any development proposals will be supported when they sustain and enhance the significance of heritage assets, including their settings, as appropriate to their significance and in accordance with the National Planning Framework (NPPF).
24. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
25. Immediately adjacent the site on the south, is an open green space which is considered to be a contributor to the character and appearance of the conservation area. Prior to the existing fence being removed, the boundary treatment of the site was dominated by a thick overgrown planting and, the fence was not visible. The boundary treatment that is currently erected is a standard 1.8m high close boarded timber fence. This boundary treatment erected is not in its former position, it appears that it is closer to the green space. The design of the fence is also not identical to the original fence, the Council's Historic Building Officer stated that the fence shown in old photographs is a low close boarded fence with a trellis top section and was surrounded by planting. The current fence

on site is not considered an appropriate boundary treatment in this location and result in not less than substantial harm to the significance of the character and appearance of the Linton Conservation Area and the setting of the listed building.

26. Amendments to the proposal has been submitted by the applicant in response to the concerns raised by Officers. The amended proposed plans submitted on 16 October 2019 show that the fence would be a lower boarded fence measuring a height of 1m and topped with a trellis measuring a height of 800mm. To further mitigate the visual harm, it appears that there will be planting alongside the fence. The fence will also be located within the property boundary (site edge red). The proposal is considered an acceptable fence as it would not result in visual dominance and encroachment but would introduce a lighter, more informal boundary treatment which is better suited to the character of Green Lane. When combined with established planting, it is anticipated that the appearance will be softened further. Therefore, it is considered that the proposal would not result in harm to the significance of the character and appearance of the conservation area and the setting of the listed building.
27. The Parish Council have commented on the amendments that they agree with the Officer that there should be no gravel board and the height limited to 1.8m maximum (solid fence plus trellis). On the other hand, the Parish Council raised concerns that the proposal would affect the special interest of the building given its prominence in the conservation area. They have requested that the fence be returned to its original place with limited height.
28. Six neighbours have also raised concerns that the proposed fence would be located not in its former position but would be within the land south of the site. Indicating that the fence would be outside the property boundary of 17 Green Lane. Neighbours also have objected to the height and design of the proposed amended fence that it is not reflecting the design of the original fence and, have stated that the proposed fence with the trellis would not be in keeping with the character of the conservation area.
29. The amended block plan (drawing no. GL PL 003) shows that the proposed fence will not be located exactly in its former position however, the fence would not enclose the amenity green space to the south adjacent the site. The proposed fence would project approximately 1m from the dwellinghouse and would be in line with the gable end of the southern elevation of the dwellinghouse. The supporting photograph submitted by the applicant show that the original fence had a solid board element topped with a trellis. The proposal would be of similar design and height to the original fence with a 1m solid board fence and an 800mm trellis on top and would not have gravel board in response to the Parish Councils comments. The proposal would be highly visible from the street scene, and views from several listed buildings. However, given there are other examples of different fences found in the immediate area along Green Lane and Beech Way, it is not considered that the proposed fence would be out keeping with the character and appearance of the conservation area and would not result in harm to the character and appearance of the conservation area.

Accordingly, Officers consider that the lower height board fence and trellis that is proposed, would allow for the possibility that planting will grow up alongside the fence, to eventually create a soft, green boundary which would further mitigate visual dominance of the fence.

30. It is acknowledged that the proposed fence will not be positioned in its former

location, the fence will be located within the property boundary and not within the amenity land on the south side of the site however, it is considered that the proposed location of the fence would not cause harm to the character and appearance of the conservation area or the setting of the listed building. Therefore, it is considered that the proposed fence by virtue of its design, location and height is acceptable and is in accordance with paragraph 196 of the NPPF and policies HQ/1 and NH/14, of the Local Plan 2018.

Residential amenity

31. There are two neighbouring properties, 15 Green Lane to the north, and 1 Beech Way to the south.
32. Due to its scale and siting in relation to neighbouring properties, the proposed fence is not considered to result in a significant impact on residential amenity and therefore would accord with Policy HQ/1 of the Local Plan, 2018.

Highway Safety

33. The application was in consultation with Local Highway Authority and have stated that the proposal would not result in significant adverse effect on the public highway. On this basis, the proposal is acceptable and accord with Policy HQ/1 of the Local Plan, 2018.

Trees

34. The Parish Council and neighbours have raised concerns that the trees and hedgerow are an important part of the character and the site and the Outstanding Conservation Area. The application has been in consultation with the Tree Officer and have no arboricultural or hedgerow objections to this application. Furthermore, Officers considered that although there are trees on or adjacent to site with legal protection through the Conservation Area, it is not considered that the proposal would detrimentally affect the trees and, no tree or hedgerow information has been submitted with the application and none is required. Therefore, the proposal is in accordance with Policy HQ/1 and NH/4 of the Local Plan, 2018.

Other Matters

35. Concerns raised by the Parish Council and neighbours regarding the introduction of a porch canopy on the listed building. The Parish Council also stated that the design quality of the canopy does not meet the standards of HT1. The policy of which the design of the canopy is access is Policies HQ/1 and NH/14 of the Local Plan, 2018. However, the retention of the canopy on the listed building will not be assessed as it is not part of this application.
36. The Parish Council and neighbours raised concerns in relation to the removal of the existing mature hedgerow during bird nesting season being against regulations and an offence under the Countryside Act. Officers consider that the application is below the threshold for consulting the Council's Ecology Officer. Notwithstanding this, the hedgerow is already removed and therefore, it is not possible to assess the biodiversity impact in this instance.
37. The Parish Council and neighbours have raised concerns regarding the ownership of the land on the south side of the site. The Parish Council and neighbours

stated that land edge blue is not in the applicant's ownership and, that the applicant holds a Possessory Title and not Title Absolute since the 12 years have not yet passed. Officers consider that this is not material planning consideration in this case as the proposed fence would be relocated within the red line boundary.

38. The proposed fence will be located within the applicant's property boundary site edge red and not in the site edge blue. The proposed amended fence is said to be erected on land in the ownership of No.17 Green Lane, Linton. The applicant has provided a completed Certificate of Ownership – Certificate A within the application form, certifying that they are the owner of the land to which the application relates. Given that the information provided as part of this application is satisfactory, any disputes in relation to the land outside the application site and ownership issues are considered a civil matter and are not considered material planning considerations.
39. The Parish Council raised concerns that there is no proper Heritage Statement or assessment for the fence and the block plan is inaccurate. Officers consider that the plans and Heritage Statement submitted as part of the application were accurate and presented clear and consistent information necessary for decision - making for the Parish Council and neighbours, as such, consultation was not prejudiced in this instance.
40. The Parish Council and neighbours raised concerns regarding procedural matter for the submission of a retrospective application. Under Section 73A of the Town and Country Planning Act 1990, a retrospective application can be made to a local planning authority for determination. Therefore, it is considered that the retrospective application submitted to the local planning authority accords with the legislative requirements.

Conclusion

41. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Recommendation

42. Officers recommend that the Committee APPROVE the application, subject to the following recommended conditions:
 1. The development hereby permitted shall be completed within 6 months from the date of this permission.
(Reason – To ensure that consideration of any future application for development in the area will not be prejudiced by permission for development, which have not been acted upon and to ensure the timely relocation of the fence).
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan date received 22 May 2019, Amended Block Plan (dwg no.GL PL 003 Rev. 00) and Amended Elevations (dwg no. GL PL 004 Rev 00) date received 16 October 2019.
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990).

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