

Appendix

1 Details of the Application

1.1 The application seeks planning permission to retain the boundary fence within the rear garden and raised patio. The rear garden has been raised by up to 1m from the original level forming a three tier garden. Following the increase in garden levels, a 2m high close board fence has been erected around the rear perimeter of the property.

2 Site and surroundings

2.1 The application site is located within a residential area and consists of a two storey detached house with gable roof. The property has an original raised patio and the original fence is comprised of timber panels and concrete posts.

2.2 To the front, the site is flat. To the rear, the site slopes down significantly from north east to south west, toward the rear boundary.

2.3 3 Peacock Drive is a detached house located to the east of the application site. The common rear boundary is a 0.3m high gravel board with a 2m high fence above.

2.4 5 Peacock Drive is detached two storey house located to the west of the application site. This property has a single storey rear extension with gable roof located beside the boundary with the application site. The common rear boundary is a 0.3m high gravel board with a 2m high fence above.

2.5 To the south and south west of the application site are located nos.12, 14 and 16 South Street, semi-detached two storey properties. No.12 has mature tall trees beside the common boundary and no.14 has a large outbuilding across the boundary with the application site.

3 Relevant Planning History

3.1 There is no relevant planning history for this site post 1974.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 10: Design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019:

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 17: Place-making, Design and Amenity

4.3 National Planning Policy Framework (NPPF) 2023:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

5 Consultations

5.1 Seven properties either adjoining or opposite the site were consulted and four responses were received. Two comments raising no objections and stating the following:

- The fence does not block light to their garden
- Provides additional privacy
- No damage caused during the works
- Causes no impact

Two responses raised objections for the following reasons:

- Height of the fence is unacceptable
- Loss of sunlight
- Sense of enclosure
- Fence not in keeping with surrounding neighbourhood
- Overshadow
- Impact on outlook
- Allowing the fence can set a dangerous precedent for gardens
- Happy to accept a lower fence

6 Assessment

6.1 The main issues relate to whether the design, appearance and scale (height) of the development would be acceptable, and whether there would be an unacceptable impact on neighbour amenity.

6.2 Principle

6.2.1 In terms of design, the fencing is a close boarded fence similar to the original without the concrete posts, built above a 0.3m high gravel board. The raised patio has created a three level flat garden with planting areas that does not appear excessive or to dominate the garden. There already exists a patio by the house, therefore an introduction of an extended area at a lower ground level appears to be appropriate for the character of the house. The design and materials of the fence are considered to be acceptable. In terms of scale, by raising the height of the existing garden, the fence, together with the gravel board, has resulted in a

2.3m high fence that is considered to be out of keeping with the surrounding neighbouring gardens as viewed from neighbouring properties it looks very tall. The fence by virtue of its height is considered to be a prominent and incongruous feature that has a detrimental impact on the amenity of the occupants of nos.3 and 5 Peacock Drive and no.16 South Street.

6.3 Amenity

Notwithstanding the above in regard to the fencing and raised patio design, due to the differences in ground level between the site and surrounding neighbours to the east, west and south west, the fencing, which was erected adjacent to the patio area of these neighbouring properties, appears as approx. 4 metres and 2.3 metres from ground level when viewed from within the garden of no. 16 South Street and nos.3 and 5 Peacock Drive respectively. This makes it domineering, particularly from the side of no. 16. The height of the fence may block natural light to nos.3 and 5’s rear gardens as well.

It is considered that no other neighbouring properties would be adversely affected by the development.

Planning Balance

6.4 The benefits of the proposal are that the raised patio provides additional outdoor space for the property for the benefit of the occupants and is of an acceptable design.

6.5 The negative impacts are that whilst the fence may provide additional privacy for the residents of the application property, it is considered that the harm it causes to the character of the area by virtue of its height would not be outweighed by the benefits.

6.6 On balance it is therefore considered that the proposal is not acceptable.

7 Conclusion

It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in representations received, the development is considered to be unacceptable and that there are no circumstances which otherwise would justify the granting of permission.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be refused for the following reasons:	
1.	The raised patio and fence by virtue of its height appear unduly harmful to the character of the surrounding gardens and represent an erosion to the character of the area by appearing as a negative incongruous feature. Furthermore, the fence relates

	<p>poorly to the surrounding boundary treatments against which is located. The fence therefore detracts from the visual quality of the neighbouring gardens and is out of keeping with the character of the area, contrary to the aims of the Broxtowe Aligned Core Strategy (2014) Policy 10 and Broxtowe Part 2 Local Plan (2019) Policy 17.</p>
	<p>Notes to Applicant</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>