

PLANNING APPLICATION NUMBER: P09/1552

Type of approval sought	FULL PLANNING PERMISSION
Ward	HALESOWEN SOUTH
Applicant	MR & MRS DOUGLAS ROBINSON
Location:	44, COUNTY PARK AVENUE, HALESOWEN, B62 8SP
Proposal:	CHANGE OF USE OF AMENITY AREA TO RESIDENTIAL GARDEN (C3) WITH 2 M. HIGH CLOSE BOARDED FENCE. (RETROSPECTIVE)
Recommendation summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site occupies a corner position at the junction of County Park Avenue with Hartsbourne Drive and lies to the side of a detached dwelling. The existing side boundary treatment faces on to a pedestrian walkway, joining Links View to Hartsburn Drive. The surrounding area is characterised by modern detached houses with the majority of the immediate dwellings staggered back from the highway. There are several examples of high fences enclosing side gardens in prominent positions close to the public highway within close proximity to the site.

PROPOSAL

2. Retrospective planning permission is sought for the change of use of the grassed amenity area to residential garden (C3), with the erection of a 2m high boundary fence to enclose the land which has been erected for a length of 25m adjacent to the walkway. The fence is located between 1.2 and 1.3 metres from the walkway to enclose new garden area to the side and front of the dwelling, however the front section of the fence is set back 2m from the highway is permitted development and would not require planning permission. A single panel abuts the highway with Hartsbourne Drive, which slopes up from 1m-1.5m and joins the 2m high fencing. The fence comprises wooden closed board panels with gravel boards and concrete posts.

3. Additional information was provided by the applicant dated 8 January 2010, which stated that the land was purchased from the builder of the development and the new fence was required due to problems experienced from gangs of youths drinking alcohol, taking drugs, disturbing the peace to the side of the property and throwing objects at the dwelling, for which the police have been called upon, on a number of occasions. Furthermore, the area was fouled by litter, beer cans and dog mess. Since the fence has been erected the problems have subsided. In addition, any trees that have been removed were firstly checked to ensure that they were not subject to any Tree Preservation Orders. The applicant has also confirmed that he is intending to landscape the margins of the site to soften the appearance of the fencing.

HISTORY

4. None relevant

PUBLIC CONSULTATION

5. Direct neighbour consultation was undertaken to which there were 26 objections and 2 letters of support received on the following grounds:
- The estate was planned as open plan by covenant on the deeds.
 - The new fence is obtrusive and has changed the outlook of the junction at Hartsbourne Drive and County Park.
 - Residents have periodically obtained open amenity areas on the Abbeyfields estate, which has changed the look and feel of the estate and making open/safe areas become enclosed, resulting in unsafe alleyways.
 - Approval of the application and removal of trees would set a precedent within the locality, reducing the visual amenity of the area.
 - Obstruction of sight lines.

- Objection in principle to granting of retrospective applications, particularly as the applicant works in the building trade and should be aware of the relevant permissions.
- The fence is a 'hard', ugly feature, elsewhere on the estate where fencing has been installed, the impact has been softened by planting and landscaping in front of the fencing.
- The fencing may attract graffiti.
- The proposal may lead to further extension of the dwelling house.

6. The letters of support raised the following points:

- The fencing has improved the walkway, making it safer by preventing the congregating of under age drinkers and smokers who often left litter behind.
- The fencing work is in keeping with similar schemes on the estate.
- The fence leaves ample green margin between the pavement and walkway.
- Better vision for motorists leaving and entering Hartsbourne Drive from County Park Avenue.

OTHER CONSULTATION

7. **The Group Engineer, Development.** No objections
8. **The Head of Environmental Health and trading Standards.** No objections
9. **The Tree Protection Officer.** No comments received.

RELEVANT PLANNING POLICY

10. Unitary Development Plan (2005)

- Policy DD1 (Urban Design)
- Policy DD4 (Development in Residential Areas)
- Policy DD6 (Access & Transport Infrastructure)

11. Supplementary Planning Document

- Design for Community Safety

ASSESSMENT

12. The key issues are the impact on:

- visual amenity of the area.
- highway safety.

Visual Amenity of the Area

13. Policy DD1 of the adopted UDP seeks to encourage good urban design by stating that development should make a positive contribution to the appearance of the area.

14. Policy DD4 of the adopted UDP seeks to protect residential amenity and allow development where it would have no adverse effect on the character of the area or upon residential amenity.

15. Design for Community Safety seeks to convey a positive image through quality of materials and design yet providing adequate security. It states that good boundary treatment and gated entrances should give the impression of a safer and more private situation increasing the potential for criminals to feel more vulnerable.
16. The application site is located in a residential area which generally is characterised by modern detached houses with several examples of high fences built in prominent positions and close to the public highway, within close proximity to the site.
17. It is considered that the location of the new fence would provide security to the occupiers of dwelling house, preventing anti-social use within the vicinity would not have an undue visual impact on the streetscene and residential amenity. It is therefore considered that the new fence would be in keeping with the character of the area and would thus be in accordance with policies DD1 and DD4 of the adopted Dudley UDP (2005).

Highway Safety

18. The Group Engineer, Development has no objections to the fencing. It is considered that the fence does not encroach on to public highway and does not represent a detrimental impact on secure by design for the public right of way. It is thus considered that the fencing would not hinder visibility when exiting from the junction of Hartsbourne Drive with County Park Avenue.
19. The proposal therefore conforms with Policy DD6 of the adopted Dudley UDP (2005)

CONCLUSION

20. The development would not detract from the character and appearance of the locality and there is no detrimental impact upon visual and residential amenity, or highway safety in accordance with Policies DD1, DD4 and DD6 of the Adopted Dudley UDP (2005).

RECOMMENDATION

21. It is recommended that this application be granted subject to a landscaping condition.

REASON FOR THE GRANT OF PLANNING PERMISSION

The development does not detract from the character and appearance of the locality and there is no detrimental impact upon visual or residential amenity and highway safety in accordance with Policies DD1, DD4 and DD6 of the Adopted Dudley UDP (2005).

INFORMATIVE

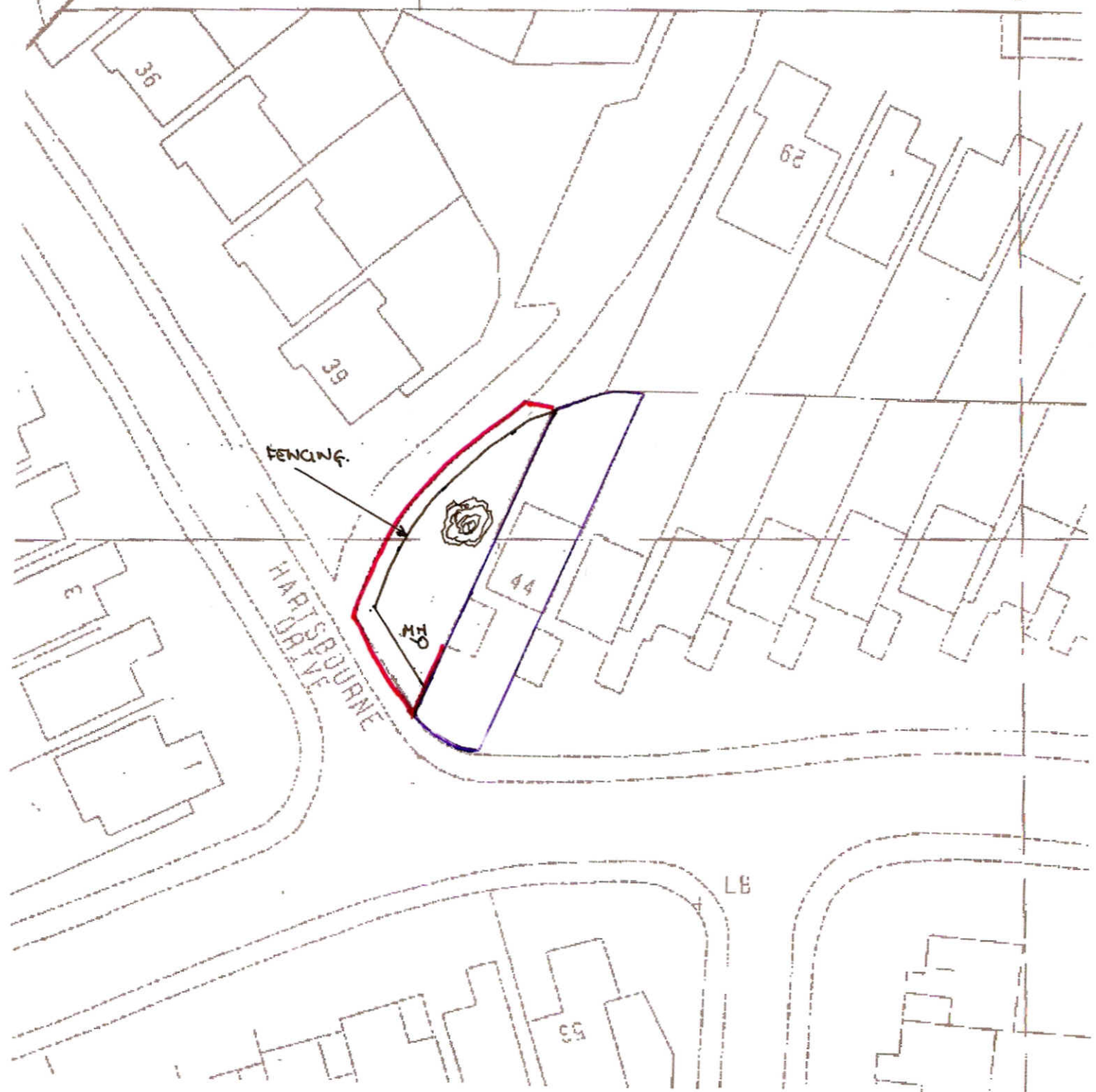
For the avoidance of doubt, this permission relates to drawing received on 30 November 2009.

Conditions and/or reasons:

1. A1011 Landscaping scheme to be submitted



182700



— LAND FOR PROPOSED CHANGE OF USE
— BOUNDARY FENCE

REF: 44. COUNTY PARK AVENUE 148

SCALE
1/500