

PLANNING APPLICATION NUMBER:P09/0235

Type of approval sought	Full Planning Permission
Ward	KINGSWINFORD NORTH & WALLHEATH
Applicant	Mrs L Stanley
Location:	83, CHARTERFIELD DRIVE, KINGSWINFORD, DY6 7RS
Proposal	ERECTION OF BRICK BOUNDARY WALL AND RAILINGS TO THE FRONT ELEVATION AND PART SIDE ELVATION OF THE PROPERTY (RETROSPECTIVE)
Recommendation Summary:	APPROVE

SITE AND SURROUNDINGS

1. The application site is located at the junction of Hawkeswell Drive with Charterfield Drive and comprises a detached property orientated to allow for a forward facing gable and bay window with hung tile cladding to the upper floor fascia. The dwelling benefits from a high pitched roof over with the ridge running from front to rear. A flat roof side dormer is inserted into the northern roof plain whilst a large integral garage with flat roof over is positioned abutting the southern elevation of the main dwelling. The dwelling also benefits from a rear projecting Victorian conservatory positioned centrally of the rear elevation.
2. The dwelling is set back 11 metres from the back edge of the pavement and benefits from a gravel driveway to provide ample off street parking provision. Set in 0.3 metre from the back edge of the pavement is positioned boundary treatment comprising of a low level brick wall with raised brick pillars and railing inserts standing at a maximum height of 1.1 metres above the front garden level. This frontage boundary treatment which also wraps around the side elevation also encompasses a 4.25 metre gap in front of the garage and a further 2.4 metre gap whereby double leaf gates which open inwards are hung standing at 1.4 metres in height.

3. The site is located within a residential area comprising properties of a similar age, though of a varying type and style with most benefiting from moderate alterations. The site backs onto properties fronting the highway of Hawkeswell Drive whilst opposite the site are further residential properties and located on the opposite side of the junction of Hawkeswell Drive with Charterfield Drive is positioned Charterfields Shopping Centre.

PROPOSAL

4. The retrospective application is for full planning permission for the erection of the front / side boundary treatment set in 0.3 metre from the back edge of the pavement. The boundary treatment comprises a low level brick wall with raised brick pillars and railing inserts standing at a maximum height of 1.1 metres and double leaf gates which open inwards standing at 1.4 metres in height.

HISTORY

Application Site

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/56/1858	Outline planning permission for the erection of dwelling houses	Refused	25 May 1956
BH/58/2605	Outline planning permission for the layout of roads and sewers	Approved with conditions	31 July 1958
BH/60/3589	Outline planning permission for residential development	Refused	12 October 1960

BH/64/5065	Outline planning permission for use of land for residential development	Refused	09 March 1964
DB/66/622	Outline planning permission for the layout of roads and sewers and development as housing estate	Refused	17 January 1967
DB/68/4506	Outline planning permission for residential development	Approved with conditions	03 December 1969
DB/71/8716	Full planning permission for residential development (554 houses and garages, roads and sewers)	Refused	06 October 1971
DB/71/9136	Full planning permission for the construction of roads and sewers and erection of 548 dwellings)	Approved with conditions	01 December 1971
CC/74/1733	Full planning permission for the erection of 183 dwellings	Approved with conditions	11 March 1975
CC/76/2354	Full planning permission for the erection of garage	Approved with conditions	14 February 1977
P02/2125	Full planning permission for the conversion of the existing car port to store room and erection of conservatory at rear	Approved with conditions	06 December 2002

PUBLIC CONSULTATION

- The application was advertised by way of neighbour notification letters being sent to the occupiers of three properties within close proximity to the site. No comments or objections have been received to date however; the final period for comment expires on 26 March 2009. If any comments relating to the scheme are received, they shall be reported to Development Control Committee through a Pre-Committee note.

OTHER CONSULTATION

- Group Engineer Development: Note that the erected boundary treatment to the frontage encroaches on to the required visibility splay of 2.4 metres by 59 metres and clear above 1.05 metres above the carriageway measured at the junction. The

visibility splay was measured at 2.4 metres by 38 metres which was significantly below the required standard and therefore represents a road safety hazard.

RELEVANT PLANNING POLICY

- Dudley Unitary Development Plan (2005)
- DD4 Development in Residential Areas
DD6 Access and Transport Infrastructure

ASSESSMENT

7. Key Issues

- Impact upon the character of the area
- Highway Safety

Impact upon the character of the area

8. Policy DD4 (Development in Residential Areas) of the adopted Dudley Unitary Development Plan (2005) applies in the consideration of development proposals within residential areas. Policy DD4 seeks to ensure that development would not adversely affect the character of the area or residential amenity. Policy DD4 also states that the scale, nature and intensity of the proposed development should be in keeping within the character of the area.
9. The character of the area comprises of relatively open frontages however, boundary treatments of a similar height abutting the back edge of the pavement of both Charterfield Drive and Hawkeswell Drive are present. Whilst these treatments are typically of brick construction, all do not exceed one metre in height to ensure that they fall within the limits of permitted development as prescribed in the Town and Country Planning (General Permitted Development) Order 1995 thereby not requiring planning consent from the Local Planning Authority.
10. As the erected boundary treatment exceeds the permitted development height limit by 0.1 metre to measure an overall maximum height of 1.1, metres with the gates

measuring 1.4 metres in height The wall and railings the subject of this application were erected to improve security to the private front amenity area of the application site to prevent people from using the previously open frontage as a shortcut to effectively cut off the corner of the highway to straighten out the route from Charterfield Drive to Charterfields Shopping Centre positioned on the opposite side of the junction to the application site. It is clear that the boundary treatment has been erected to increase security to the privately owned frontage of the application site to prevent people crossing the applicant's front garden. Notwithstanding this, the wall and railings are of attractive appearance and are not detrimental to the area.

Impact upon residential amenity

11. The need for security and clear boundary marking of the site's frontage is understandable as it abuts the public domain. It is acknowledged that the boundary treatment occupies a prominent position, projecting further forward than the existing high level conifer tree hedge which acts as the side boundary treatment barrier between public and private domains along Hawkeswell Drive. It is considered that the use of a decorative wall with brick pillars and blue brick edge with modest railing inserts would allow the residential character and amenity of the area to remain. The boundary treatment is therefore considered appropriate for the locality and would represent an appropriate design for the residential locality whilst not forming an obtrusive conspicuous feature within the area. The scheme as proposed is therefore considered to comply with Policy DD4 of the adopted Dudley Unitary Development Plan (2005).

Highway Safety

12. The erected boundary treatment to the frontage encroaches onto the required visibility splay at the junction of Hawkeswell Drive with Charterfield Drive reducing it from 2.4 metres by 59 metres to 2.4 metres by 38 metres. Whilst the Group Engineer considers this reduction would prejudice highway safety, it is considered that only part of the front element of this boundary treatment falls within the visibility splay and of this, only 0.1 metre sits above the level as prescribed in the Town and Country

Planning (General Permitted Development) Order 1995. Whilst this treatment consists of both brick and railing construction, it is considered that the open railings would allow visibility. Furthermore, it is considered that the height above the permitted development limit is negligible whilst the 1.4 metre high double leaf gates which open inwards are positioned at the furthest possible point from the highway junction to reduce encroachment upon the visibility splay ensuring highway safety would not be significantly prejudiced.

CONCLUSION

13. The boundary treatment, despite its prominent locality is considered to be of an appropriate scale and character within this predominantly residential area. The boundary treatment makes a positive contribution to the locality when viewed from the surrounding area and whilst visibility splays are considered to be compromised, if the boundary treatment were to be marginally reduced in height to one metre, planning permission would not be required.

RECOMMENDATION

14. It is recommended that the application be **approved**.

Reason for approval

The boundary treatment, despite its prominent locality is considered to be of an appropriate scale and character within this predominantly residential area. The boundary treatment makes a positive contribution to the locality when viewed from the surrounding area and whilst visibility splays are considered to be compromised, it is only by 0.1 metre. If the boundary treatment were to be reduced in height by 0.1 metre, planning consent would not be required.

The decision to grant planning permission has been taken with regard to the policies in the adopted Dudley Unitary Development Plan (2005) and to all relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Note to Applicant

This permission relates to the submitted Plan and associated detailed information contained within the submitted planning application.

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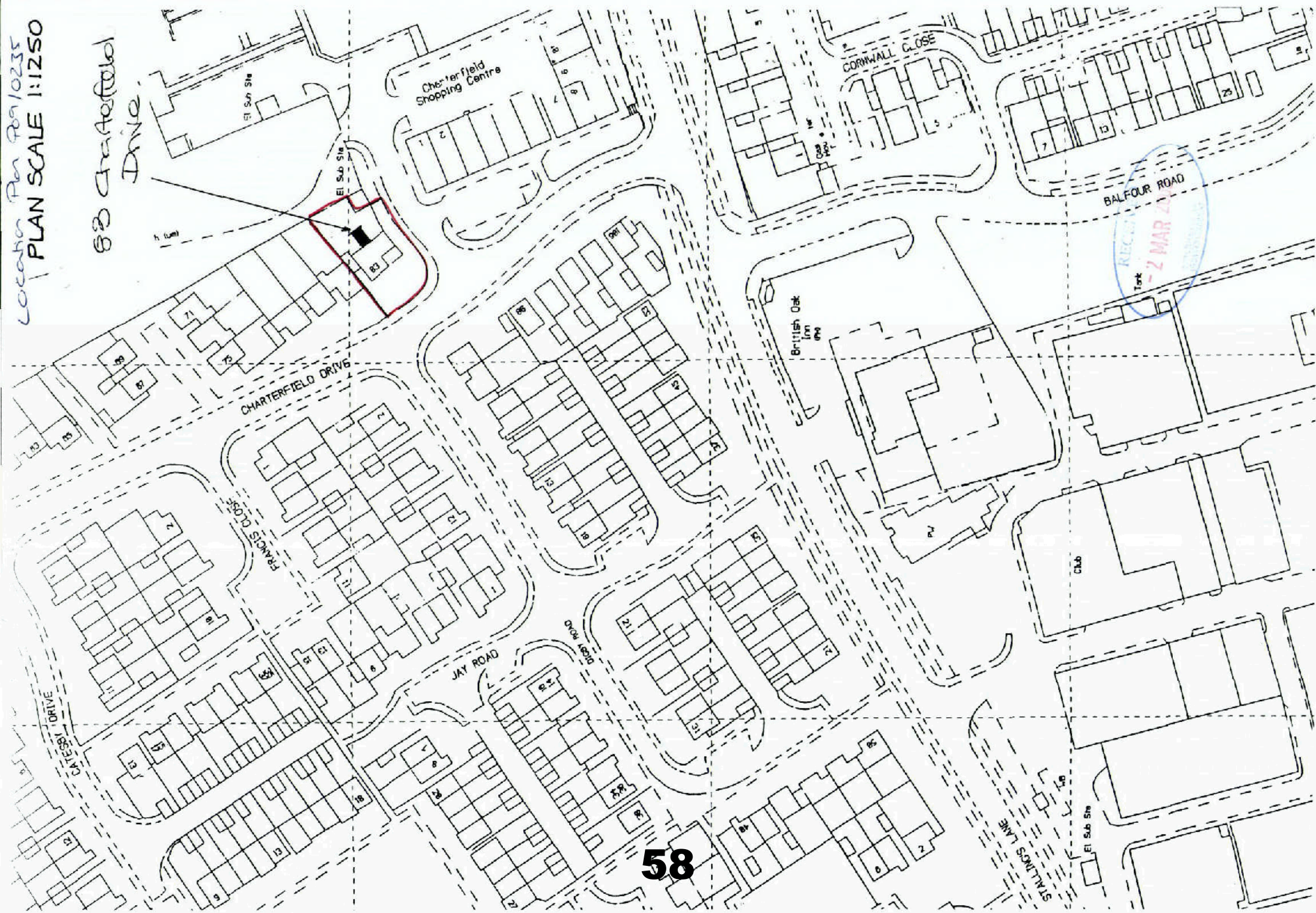
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Location Plan 709/10235
PLAN SCALE 1:1250

83 Charterfield Drive.



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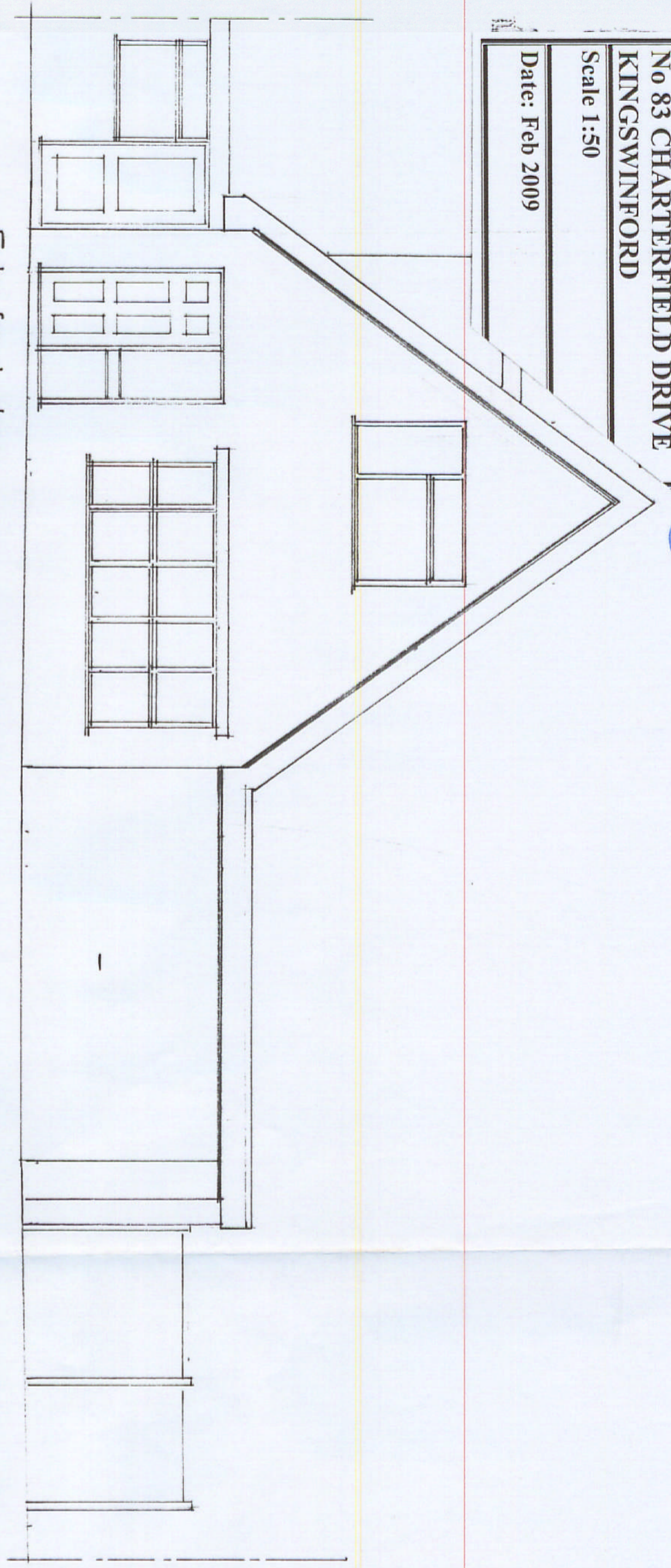
PROPOSED NEW BOUNDARY
WALL AND RAILINGS AT
No 83 CHARTERFIELD DRIVE
KINGSWINFORD

Scale 1:50

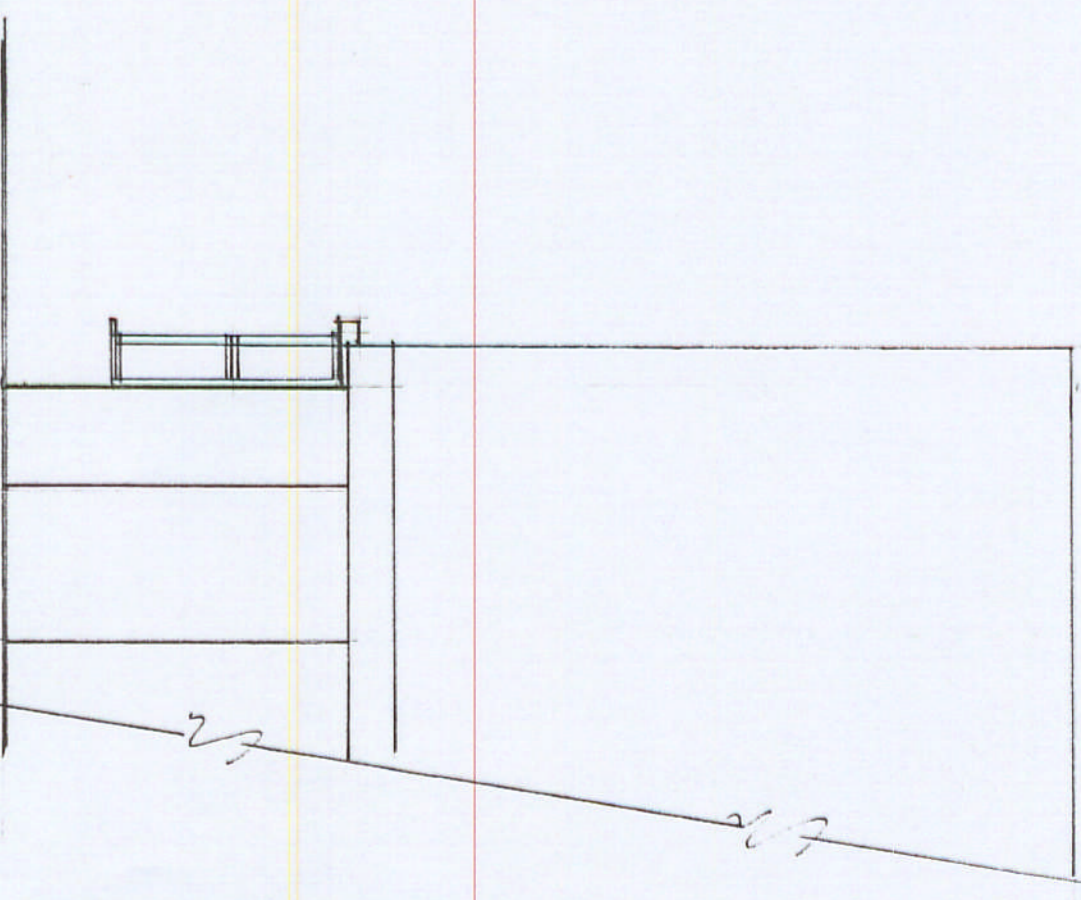
Date: Feb 2009

RECEIVED
-2 MAR 2009
KINGSWINFORD TOWN COUNCIL

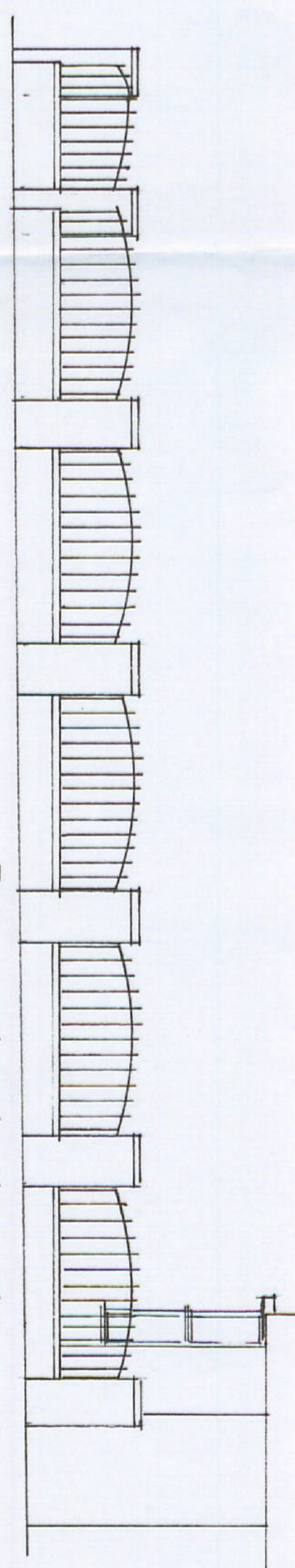
Extg front elev



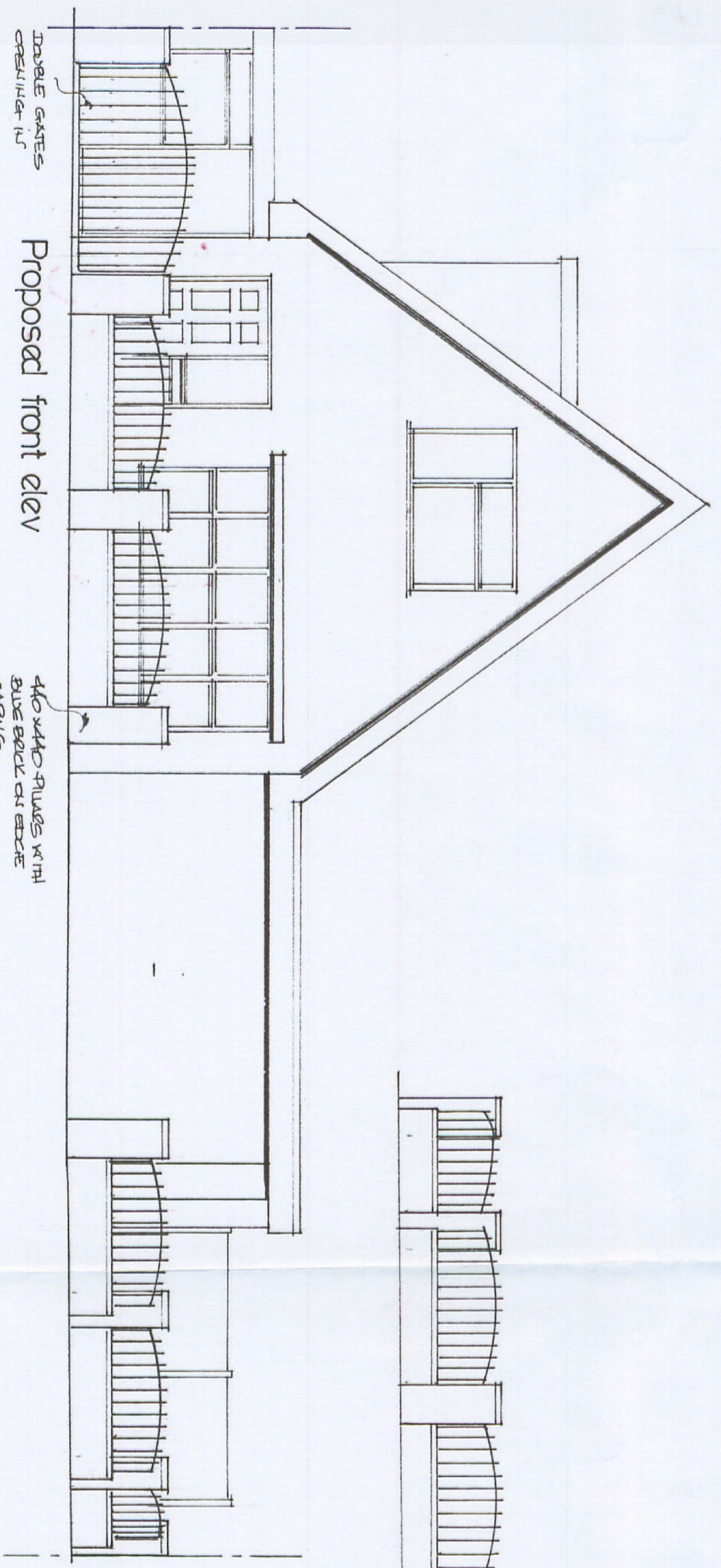
Extg side elev right



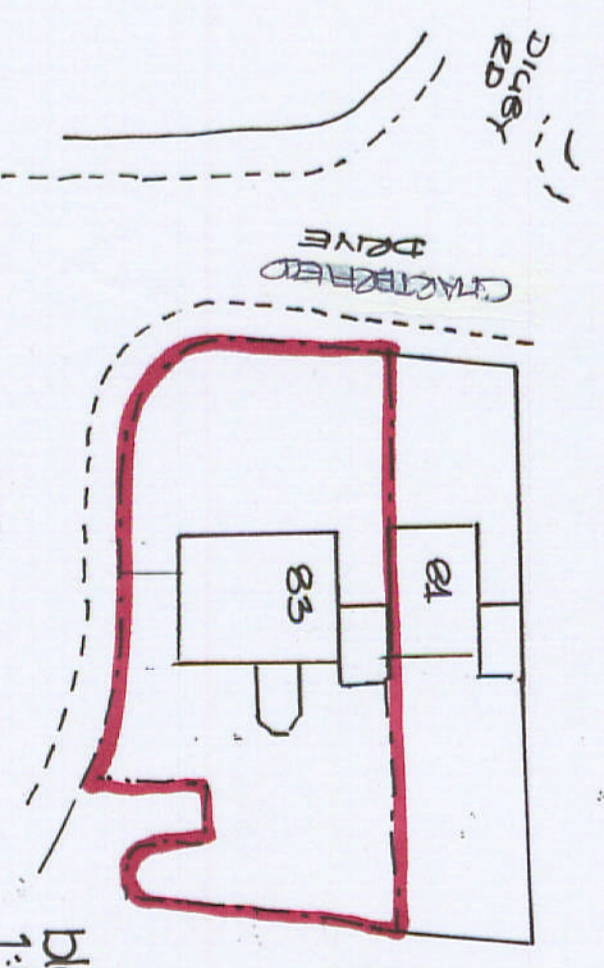
Proposed side elev right



Proposed front elev



Also add flues with
blue brick on side
carriage



block plan
1:500