

**East Malling &
Larkfield**
Larkfield North

569755 159519 6 November 2009

TM/09/02368/FL

Proposal: Move fence from its current location out to the footpath
Location: 6 Jerome Road Larkfield Aylesford Kent ME20 6UR
Applicant: Mr Ian Dunster

1. Description:

1.1 The proposal involves the repositioning of the fence within the side garden of the house from its current position approximately 4.5m from the back edge of the footway on Christie Drive to a position approximately 0.9m from the back edge of the footway. The fence would be approximately 1.8m in height and it is proposed to plant low level shrubs between the fence and the road. The existing three trees are to remain but the conifer hedge outside the existing fence is to be removed.

2. Reason for reporting to Committee:

2.1 This application is reported to Committee at the request of Members following the discussion of an application for a two storey extension at the same site at the 17 December 2009 Area 3 Planning Committee.

3. The Site:

3.1 Number 6 is a detached house on a corner plot set on the north side of Jerome Road and the east side of Christie Drive within the urban confines of Larkfield. The site forms part of an estate that was originally built as open plan, although a number of properties have now moved boundary fences out towards the highway. The site slopes down to the north towards the bungalows in Christie Drive to the rear of the site. Number 6 and the neighbouring two storey houses form a staggered building line along the Jerome Road frontage.

4. Planning History:

TM/71/11031/OLD Refuse 20 May 1971

Erection of dwellings.

TM/75/10391/FUL Application Withdrawn 21 October 1975

Residential development (171 houses).

TM/82/10922/REM Grant 3 July 1978

Approval of reserved matters pursuant to outline permission TM/74/27 in respect of 118 houses, bungalows, garages (Area 1).

TM/88/10087/FUL grant with conditions 3 July 1988

Erection of 2 metres high fence within 2 metres of boundary as variation of condition (xii) attached to TM/74/0027.

TM/88/11186/FUL Grant 19 September 1988

Garden shed to side.

TM/92/00431/FL grant with conditions 28 July 1992

Extension to form garage and conversion of existing garage to family room

TM/08/00432/FL Refuse 11 April 2008

3 bed detached dwelling

TM/08/02101/FL Refuse 29 August 2008

Proposed dwelling

TM/08/03009/FL Refuse 11 December 2008

Dwelling adjacent to current property

TM/09/01812/FL Refuse 24 August 2009

Two storey side extension to form 2 bedroom annexe and new single garage to side

TM/09/02576/FL Approved 22 December 2009

Part two/part single storey side extension (resubmission)

5. Consultees:

5.1 PC: No comments received.

5.2 KCC (Highways): No objection.

5.3 Private Reps: (9/0X/0S/2R) Two letters received from one neighbouring property raising the following concerns: The proposed fence would completely enclose the designated green area and would result in a loss of light and view for the property to the rear. The proposed works would result in the house to the rear losing its open aspect completely and there will be a permanent overbearing impact. It is also stated that the site is covered by covenants that require that the open plan area should be kept neat and tidy so that it does not detract from the open plan frontage of the estate. It is considered that the fence would destroy the open plan of the prominent corner and have a detrimental impact on the frontage of 2 Christie Drive.

6. Determining Issues:

- 6.1 The site is within the urban confines of Larkfield and as such there is a presumption in favour of development subject to compliance with all relevant policies. Given the nature of the proposal it is considered that the most relevant policy is Core Strategy CP24 which concerns the need to ensure a high standard of design that should not be detrimental to the built environment. The policy states that new development must, through its siting, character and appearance be designed to respect the site and its surroundings.
- 6.2 The principal considerations are therefore whether the re-siting of the fence would be detrimental to the character of the street scene and the open plan nature of the area and whether it would have an adverse impact on residential amenity.
- 6.3 It is acknowledged that the estate was originally designed to be open plan with no boundary treatments between any wall facing a road and back edge of the footway. It is also noted that there is a tall evergreen hedge and trees planted on the Christie Drive frontage, although these could be removed at any time without the need for planning permission.
- 6.4 The planning history indicates that the application considered in 1988 was for a 2m high fence within 2m of the boundary, as a variation of a condition attached to the original consent for the residential development. This was a general landscaping condition requiring the submission of details of all landscaping for the estate.
- 6.5 However, the current proposal would bring the fence significantly closer to the highway, and I believe that the introduction of a 1.8m high fence situated just 0.9m away from the back edge of the footpath would appear as a prominent and obtrusive feature, which would result in harm to the open plan nature of the corner plot. As a result the proposal would be contrary to the aims of policy CP24 as it would not respect the site or its surroundings.
- 6.6 The concerns of the resident to the rear are noted, however I consider that the re-positioning of the fence combined with the loss of the existing hedge would not result in a significant loss of light compared to the existing situation. The fence

would not be more overbearing than the hedge given how much higher the hedge is than the proposed fence. The issues raised regarding covenants are not a planning consideration as covenants are a private legal matter.

- 6.7 The applicant has referred to a few other sites in the vicinity where fences have been erected and where they consider there are similarities. At number 8 Jerome Road, which is on the opposite corner of Christie Drive, an application was made in 1980 to re-position the fence around the rear garden. This fence is of a similar height and location to that proposed at number 6. Number 8 is set further back from the Jerome Road frontage than number 6 and as a result the fence does not appear as such a prominent feature as you enter this open plan estate.
- 6.8 Reference has also been made to number 1 Jerome Road and 14 Christie Drive, although there is no planning history concerning fences for these properties. Following a visit to the site it was noted that there is a fence around the rear garden of 7 Orwell Close, but again there are no planning records for this property.
- 6.9 Whilst there may be other fences around garden areas in the vicinity none would seem to be directly comparable to the current proposal, because of variations in the layout of the various plots. It is the forward siting of number 6 Jerome Road in the street scene that results in the proposed fence having a more obtrusive appearance in the entrance to this open plan estate. For the above reasons it is recommended that planning permission is withheld.

7. Recommendation:

- 7.1 **Refuse Planning Permission** in accordance with the following submitted details: Drawing 6-JEROME-ROAD-B-F-01 A dated 06.11.2009, subject to the following:

Reason

1. The proposed location of the 1.8m high fence close to the back edge of the footway would be detrimental to the open character of the area by reason of its prominent siting adjacent to the junction of Jerome Road and Christie Drive, contrary to the aim of policy CP24 of the Tonbridge & Malling Borough Core Strategy.

Contact: Hilary Johnson