

Application Number	10/0262/FUL	Agenda Item	
Date Received	25th March 2010	Officer	Mr Marcus Shingler
Target Date	20th May 2010		
Ward	Cherry Hinton		
Site	23 Kelsey Crescent Cambridge Cambridgeshire CB1 9XT		
Proposal	Erection of a part 1800mm, part 1200mm fence, enclosing existing grass verge area and change of use from public amenity space to private garden.		
Applicant	Mr Simon Desborough 23 Kelsey Crescent Cambridge Cambridgeshire CB1 4XT		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 23 Kelsey Crescent is a semi-detached two-storey dwelling and its associated front, side and rear gardens situated on the north western side of the main access road serving Kelsey Crescent. The area is residential in character containing a mixture of semi-detached and terraced dwellings. The subject dwelling is finished in red brickwork under a tiled roof.
- 1.2 The site does not lie within a Conservation Area or the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 The application follows the earlier refusal under Officers delegated powers of an application that sought to reposition the existing boundary fence (09/0840/FUL). Permission is now sought for the erection of boundary fencing and change of use of the existing verge from public amenity space to private garden. The fencing is to the south eastern boundary of the plot and is 1.8m high falling to 1.2m high towards the eastern section (front of site). The fencing

that is the subject of this application has already been erected and the land enclosed and in use as private garden.

- 2.2 The application is reported to Committee for determination at the request of Councillor Newbold. Reports relating to the erection of fencing at 113 Kelsey Crescent and 44 Kelsey Crescent appear elsewhere on the Agenda. An application has also been made in relation to a similar fence at 54 Kelsey Crescent however this application is not valid because insufficient information has been submitted with it.

3.0 SITE HISTORY

Reference	Description	A/C,REF,W/D
09/0840/FUL	Repositioning of boundary fence (retrospective)	REF

4.0 PUBLICITY

- 4.1 Advertisement: No
Adjoining Owners: Yes
Site Notice Displayed: No

5.0 POLICY

- 5.1 Central Government Advice

- 5.2 PPS1 Delivering Sustainable Development (2005): Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

- 5.3 PPG13 Transport (2001): This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and

services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.

- 5.4 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.5 **East of England Plan 2008**
- ENV7 Quality in the built environment
- 5.6 **Cambridge Local Plan 2006**
- 3/4 Responding to context
- 5.7 **Supplementary Planning Documents**
- 5.8 **Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

No objections.

- 6.1 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 One objection from the occupiers at No. 16 Kelsey Crescent has been received. The issues raised are summarised below: -

*The fencing results in the loss of grass verge and is out of keeping with the open plan nature of the area;
The fence blocks views of the road and is hazardous to traffic safety.*

- 7.2 At the time of compiling this report no other representations had been received, however the neighbour consultation period does not expire until 28 April 2010. Any further comments that are received will be reported on the Amendment Sheet.

8.0 ASSESSMENT

- 8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Context of site, design and external spaces
2. Residential amenity

Context of site, design and external spaces

- 8.2 The boundary fencing that is the subject of this application had already been erected at the time of the Officers original site visit in 2009. It is therefore possible for a clear assessment of its impact on the character and appearance of the locality to be made.
- 8.3 The erection of the fence has led to the loss of the grass verge to the side of the property. Such verges contribute significantly to the character and appearance of the locality, giving it an open and

spacious appearance. The installation of fencing abutting the public footpath has created a hard and urban appearance that is alien to the generally open and spacious character. Given that the site is at a prominent corner position, I consider that this exacerbates the impact of the fencing and the visual intrusion.

- 8.4 For the above stated reasons I consider the development is in clear conflict with East of England Plan 2008 policy ENV7 and Cambridge Local Plan (2006) policies 3/4.

Residential Amenity

- 8.5 The proposed fencing is sited to the south eastern boundary of the plot and well away from neighbouring properties and would not give rise to any significant impact on light, outlook or privacy to neighbouring dwellings. I note the comments received from neighbouring objectors concerning potential sight line and highway safety issues but the Highways Officer has raised no objections to the development and I do not consider that refusal on this ground could be justified or sustained at appeal.

- 8.6 In my opinion the proposal adequately respects the residential amenity of its neighbours.

9.0 CONCLUSION

- 9.1 For the reasons set out above, the fencing and consequent enclosure of land is visually unacceptable and refusal is recommended.

10.0 RECOMMENDATION

1. REFUSE for the following reason/s:
 1. The boundary fencing, by reason of its height, position abutting the public footway and its prominent corner location, is a visually dominant and intrusive feature in the street scene that is alien to and out of context with the open and spacious character of the locality. The fencing fails to respect the site context and causes demonstrable harm to the character and appearance of the area. For these reasons the application is contrary to policy ENV7 of the East of England Plan 2008, to policy 3/4 of the Cambridge Local Plan 2006 and to advice provided by PPS1 Delivering Sustainable Development.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.