

Application Number	10/0248/FUL	Agenda Item	
Date Received	7th May 2010	Officer	Mr Marcus Shingler
Target Date	2nd July 2010		
Ward	Cherry Hinton		
Site	54 Kelsey Crescent, Cambridge, CB1 9XY		
Proposal	Erection of a new 2metre fence, following removal of existing (retrospective application).		
Applicant	Mrs Beryl Fairweather 54 Kelsey Crescent, Cambridge, CB1 9XY		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 54 Kelsey Crescent is the south-western half of a semi-detached pair of houses located on the north western side of Kelsey Crescent at its junction with Burnham Close. Kelsey Crescent is residential in character with a mix of mainly semi-detached and detached two-storey housing.
- 1.2 The application dwelling itself is a chalet bungalow style dwelling and is finished in brown facing bricks, cream render and tiles. Site inspection revealed that the property has a modest rear garden and the rear elevation is clearly visible from the street when viewed from Burnham Close. At the time of the Officers site visit, it was noted that the fencing that is the subject of this application had already been installed.
- 1.3 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 of planning permission for an identical retrospective application (09/1052/FUL) and again seeks retrospective planning permission for the erection of a 2m high boundary fencing abutting the public footpath on Burnham Close.
- 2.2 The application is reported to Area Committee at the request of Councillor Newbold.

3.0 SITE HISTORY

Reference	Description	Outcome
09/1052/FUL	Retrospective application for the erection of a 2m high fence.	REF

The previous application was refused for the following reason:

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.

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Guidance 13: Transport (2001)

Circular 11/95 – The Use of Conditions in Planning Permissions

5.2 East of England Plan 2008

ENV7 Quality in the built environment

5.3 Cambridge Local Plan 2006

3/4 Responding to context

3/14 Extending buildings

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No comments received but raised no objections to previous application.

6.2 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 In total 4no. representations have been received. The issues raised can be summarised as follows: -

*The fencing is unsightly and destroys the appearance of the area.
Some other properties have been sympathetic to the surroundings by planting shrubs instead, which enhance the 'greenery' and look very pleasant;
The fencing was erected without permission;
The fence is an eyesore;
The fencing encloses the estate and makes it unattractive;
The estate should remain open plan;
The fencing causes difficulties for pedestrians when cars are parked on the pavement*

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file. The issues raised, where pertinent to the determination of this application are considered below.

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
3. Third party representations

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 site visit and thus a clear assessment of its impact on the character and appearance of the locality can be made. In this respect, the erection of the fence has led to the loss of the grass verge to the side of the property. Two trees have also been removed since the land has been enclosed. In respect of the earlier application (091052/FUL), I considered that such verges contribute significantly to the character and appearance of the locality, giving it an open and spacious appearance and that although the area of grass verge lost was not substantial in this instance, the installation of fencing abutting the public footpath had created a harsh and urban appearance that was alien to the generally open and spacious character of the locality. Given that the site is at a prominent corner position, I further considered that this exacerbated the impact of the fencing and the visual intrusion on Kelsey Crescent and Burnham Close.

8.3 However, since the determination of the earlier application, three similar applications for retrospective permission for the erection of boundary fencing at No's 23, 44 and 113 Kelsey Crescent (ref; 10/0262/FUL, 10/0249/FUL and 10/0254 respectively) have all been approved. They were reported to the previous meeting of South Committee, held on 13 May 2010. These applications were recommended for refusal, but the Committee resolved to approve all three applications. In these circumstances therefore, I consider the position of the Council has been clearly established and although retaining reservations about what the introduction of this sort of fencing, in this manner, will do to the appearance of the estate as a whole, I do not consider that it would be reasonable or even handed to recommend refusal for a development that is very

similar to these earlier approvals. I conclude therefore, in these circumstances, that the proposals are acceptable from the visual perspective.

- 8.4 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/14.

Residential Amenity

- 8.5 The proposed fencing is sited to the south-western side 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. No other neighbouring properties are adversely affected by the development, which is considered to be acceptable from the neighbourliness perspective.
- 8.6 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4 and 3/14.

Third Party Comments

- 8.7 I have considered the comments raised by neighbours, particularly the concerns about the fencing causing difficulty for pedestrians and others. Given the alignment of the boundary and the existing boundary position, I do not see any difficulty that would warrant refusing the application.

9.0 CONCLUSION

- 9.1 The proposals are considered to be acceptable and approval is thus recommended.

10.0 RECOMMENDATION

APPROVE without condition.

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.