

Application Number	14/0414/FUL	Agenda Item	
Date Received	10th April 2014	Officer	Mr Sav Patel
Target Date	5th June 2014		
Ward	Market		
Site	Milton House Christs Pieces Cambridge Cambridgeshire CB1 1LG		
Proposal	Retrospective application for a wooden fence above existing wall.		
Applicant	Mr Patman Milton House Christs Pieces Cambridge CB1 1LG		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The three sections of fence do not have a significantly adverse impact on the character and appearance of the Conservation Area or setting of the adjacent listed building. <input type="checkbox"/> The section of fence on top of the existing trellis on the common northern is considered to be unacceptable as it would appear dominant and create an adverse sense of enclosure on the residential amenity of the adjoining neighbour.
RECOMMENDATION	PART APPROVE AND PART REFUSE

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Milton House is a detached two storey dwelling, which faces towards Christ's Piece. The dwelling has a small courtyard garden to the side, which is set behind a 2.5 metre high brick wall. The wall is set slightly higher than the adjoining wall for the

public house, which has a section of iron railing on top. The railing section is approximately 600mm in height above the wall. There is a footpath (Milton Walk) that runs directly in front of the dwelling which provides access to the rear of the properties fronting King Street.

- 1.2 To the rear (north) of the application site is no.90 and no.94 Kings Street. Incidentally, the ground level in the courtyard of no.90 is on a lower level (approx. 700mm lower) than the courtyard for the application site. To the east is Pikes Walk. To the south is a landscaped parcel of land which separates the site from the fence-enclosed tennis courts in Christ's Pieces. To the west is the rear of public house. There is a spiral staircase adjacent to the side boundary of the application site which provides access/egress for a residential unit above the public house. Access to the staircase is via a gated entrance from off the footpath. The staircase is located on top of a single storey flat roof section.
- 1.3 The site is located within a Conservation Area and controlled parking zone. Milton House is also adjacent to a grade II listed building – no.90 and 94 Kings Street. The adjoining public house is also a listed building.

2.0 THE PROPOSAL

- 2.1 The application seeks planning permission for retrospective development consisting of the installation of three sections of timber fence. The most visible section is located on top of the existing wall adjoining the footpath. The timber panel section projects approximately 600mm above the existing 2.5 metre high wall and along the entire 4.5 metres width of the wall.
- 2.2 The second section of fence is located on the wall defining the western boundary of the site. The fence infills the step in a section of the wall. The fence is 1.35 metres wide and 650mm in height. The fence does not materially project above the height of the highest section of the wall (2.85 metres).
- 2.3 The third section of fence is located on top of the existing 1.9 metre high trellis fence which defines the rear boundary with no.90. This section of fence would be approximately 1 metre wide and 900mm in height resulting in part of the boundary being 2.8 metres in height.

3.0 SITE HISTORY

Reference	Description	Outcome
	No relevant planning history	

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2012
Planning Practice Guidance 2014
Circular 11/95 – The Use of Conditions in Planning Permissions
(Annex A)

5.2 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/11 The design of external spaces
4/10 Listed Buildings
4/11 Conservation Areas

5.3 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

6.1 No comments to make.

Urban Design and Conservation team

6.2 Whilst the additional height provided by the fence is not ideal, in this back lane context, it does not stand out as hugely intrusive.

6.3 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 Councillor Blencowe has requested this application to be considered at West/Central Area Committee so the merits of the application can be considered by committee.

7.2 The owner/occupier of the following address has made representations:

90 Kings Street

7.3 The representations can be summarised as follows:

- o The fences restrict light into rear windows on ground and first floor
- o The fences restrict views of Christ's Pieces
- o The fence above the existing boundary wall exceeds the normally permitted height – on what grounds is this increase in height necessary?
- o Timber material is out of character with other boundary treatment in this area

7.4 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.

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 Milton House is the only property within the row that fronts Milton Walk. The rest of the properties within the row appear to front Kings Street with the rear elevations facing Christ's

Pieces. In terms visual amenity, the row of rear elevations of the adjacent properties are not attractive due to the appearance of kitchen extractors, fire escapes, wheelie bins and other back-lane services. The fence above the brickwall is not noticeable from Christ's Pieces due to its location behind the tennis courts. Whilst it would have been more suitable to continue the railings treatment from on top of the adjoining boundary wall across, the timber fence is not intrusive and does not have a significant adverse impact on the character and appearance of the Conservation Area to insist on this.

- 8.3 The section of fence on the western boundary is even less visible from Christ's Piece as it is hidden under the metal staircase which is adjacent to it on the adjoining site. Therefore, I have not concerns with this section of fence and it would not have any adverse impact on the character and appearance of the Conservation Area.
- 8.4 The section of fence on the northern boundary is completely out of sight from the Christ's Pieces as it is hidden by the two other sections of fence. Therefore I have not considered with this section of fence.
- 8.5 Whilst the use of railings would have been more in keeping with the boundary treatment on the adjoining site, the use of timber is considered to be an acceptable compromise, as it has a soft appearance and is not of a scale that makes it appear intrusive. I am therefore satisfied with these sections of fence, in terms of their visual appearance, would not have a detrimental impact on the character of the Conservation Area and setting of the adjoining listed buildings such that it would warrant refusal.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14, 4/10 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 The fence sections have been installed by the applicant to allegedly secure the courtyard area, which would otherwise be accessible from the adjoining flat roof section to the rear of the public house. However, whilst the fence sections on the southern and western boundary, do not in our view, have an

adverse impact on the residential amenity of the adjoining neighbour, such that it would warrant refusal, the section of fence, which is directly adjacent to the rear elevation of no.90 is considered unacceptable. This section of fence does not in my view perform any security function. The 900mm high x 1 metre wide fence panel is located on top of the existing 1.9 metre high trellis fence and within 2.4 metres of the rear elevation and ground floor window at no.90 Kings Street. The combination of the overall height of the boundary fence and its proximity to the rear elevation and ground floor window in no.90, in my view, results an unduly dominant feature that creates an adverse sense of enclosure issue, which has an intrusive impact on the residential amenity of the neighbouring occupier. In my opinion therefore, this section of fence does not adequately respect the residential amenity of its neighbours and so is contrary to policy 3/7 of the Local Plan.

- 8.8 On this basis, my recommendation is for this section of the fence (on the northern boundary) to be refused and other two sections to be approved.

Third Party Representations

- 8.9 I have addressed some of the concerns raised in the third party representations in the above section. However, I set out below my response to the remaining concerns.

Restrict Views of Christ's Pieces

- 8.10 This is not a material planning consideration, as no one has a right to a view.

Is the additional height of the fence above the existing brick wall necessary

- 8.11 All planning applications are considered on their own merits. Therefore, whilst there is no prescribed restriction on the height of a boundary (other than for permitted development compliance), consideration needs to be given to whether the additional height (above 2 metres) is acceptable within its context and what impact it would have on the area and on the residential amenity of adjoining occupiers. Having assessed the additional height increase and use of material, I do not consider the additional height in this back-land context would

have a detrimental impact on the character and appearance of the Conservation Area or on the residential amenity of the adjoining occupier.

9.0 CONCLUSION

- 9.1 The sections of fence on the southern and western boundary of the application are considered to be acceptable as they would not have an adverse impact on the Conservation Area, setting of the listed building and residential amenity of the adjoining occupier. However, I have significant concerns with the section of fence on the northern boundary which faces the rear elevation of no.90 Kings Street. This section of fence due its height (900mm on top of the 1.9 metre trellis fence) and distance from the rear elevation of no.90 (2.4 metres) would create an adverse sense of enclosure on the ground floor window in no.90. The impact would be exacerbated by the variation in ground level between the courtyard in Milton House and no.90 Kings Street. The courtyard of no.90 is 700mm lower than that of Milton House. Therefore the section of fence on the northern boundary would appear even more dominant from the ground floor window at no.90. My recommendation is therefore to part approve and part refuse this application.

10.0 RECOMMENDATION

PART APPROVE and PART REFUSE, subject to the following conditions and reason:

1. The section of fence erected above the existing trellis fence on the northern boundary of the site, which faces directly towards the rear elevation of no.90 is, by virtue of its height and proximity to the rear elevation and ground floor window, an unduly dominant and visually intrusive feature, which creates an adverse sense of enclosure on the residential amenity of the adjoining occupier. This section of fence therefore conflicts with policies 3/7 and 3/11 of the Local Plan (2006) and government guidance in Section 7 of the National Planning Policy Framework 2012.