

## Item No. 1

**Application Reference Number** P/19/2403/2

**Application Type:** Householder                      **Date Valid:** 26/11/19  
**Applicant:** Mr Julian Berrill  
**Proposal:** Retrospective application for timber fencing 2.5 metres high and 5 metres in length to the side boundary.  
**Location:** 53 Meeting Street  
Quorn  
Leicestershire  
LE12 8EU  
**Parish:** Quorn    **Ward:** Quorn & Mountsorrel  
**Case Officer:** Manju Mistry                      **Tel No:** 01509 634772

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This item is referred to Plans Committee at the request of Councillor Richard Shepherd who is concerned about the loss of daylight/sunlight and over bearing impact of the development.

### Description of the Site

53 Meeting Street is a stone and brick, terraced cottage located within Quorn Conservation Area. The property shares a brick garden wall with 51 Meeting Street. This garden wall previously formed part of a single storey extension to No. 51 which was demolished prior to the height of the boundary wall being reduced by the occupiers of No. 51.

Surrounding land uses are as follows:

<b>Boundary</b>	<b>Adjacent land use</b>
Northeast	51 Meeting Street – residential dwelling
West	59 Meeting Street – residential dwelling
Northwest	Gardens
South	Open land & Meeting Street

The site lies within Quorn Conservation area and is close to several listed buildings.

### Description of the Application

This is a retrospective planning application for a 2.5m timber screen which is 5 metres in length to the rear of 53 Meeting Street. The fence sits entirely within the curtilage of 53 Meeting Street immediately adjacent to the boundary wall with 51 Meeting Street. It is approximately 60cm higher than this wall. The fence is made up of horizontal slatted timber with 3 small lights located near the top. The garden to 53 Meeting Street is good sized and well screened.

The following documents and plans accompany the application:

- Site location plan – Scale 1:1250,

- Location plan – Scale 1:5000,
- Block plan – D20190916QUO-02,
- Fence Elevation – D20190916QUO-03,
- Photographs – received 21<sup>st</sup> November 2019

## **Development Plan Policies**

### Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS14 – Heritage – this requires development to conserve and enhance historic assets for their own value and the community, environmental and economic contribution they make. This will be achieved by requiring development to protect heritage assets and their setting; supporting development which prioritises the refurbishment and re-use of disused or under-used buildings of merit; supporting development that is informed by and reflects relevant Landscape and Conservation Area Character Appraisals and Village Design Statements; and development that incorporates Charnwood's distinctive local building materials and architectural details.

### Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

The saved policies relevant to this proposal include:

Policy EV/1- Design- Seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers, and is compatible in mass, scale, layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

### Quorn Neighbourhood Plan

Policy S2 – deals with design of new development and states that his should respect its context and comply with the guidelines within the Quorn Village Design Statement.

Policy ENV5 seeks to protect heritage assets.

## **Material considerations**

### The National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

Chapter 12 of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between the permission and completion, as a result of changes being made to the permitted scheme.

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

Paragraphs 192 - 197 sets out the weight that should be given to impact on the significance of heritage assets and how this should be assessed in the planning balance.

#### National Planning Practice Guidance

This sets out relevant guidance on aspects of design, and heritage assets, supporting the policy framework as set out in the NPPF.

#### National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

#### Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. The document is a material consideration in the determination of planning applications.

#### Quorn Village Design Statement

The Quorn Village Design Statement seeks to ensure that future developments preserve the essential character of Quorn and suggests opportunities for appropriate restoration or enhancement. It recognises the importance of traditional boundary treatments such as walls and hedges within the village but in the context of those which face the public realm rather than along private boundaries.

#### Quorn Conservation Area Character Appraisal

This appraisal examines the historical development of the Conservation Area and describes its present appearance in order to assess its special architectural and historic interest. The appraisal is used to inform the consideration of development proposals within the Area.

Planning (Listed Building and Conservation Areas) Act 1990

This requires local planning authorities to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Considerable importance and weight should be attached to any harm to heritage assets.

**Relevant Planning History**

The following planning applications are of relevance:

Ref.	Description	Decision	Date
P/88/2276/2	Extension to rear of end-terrace dwelling for conservatory.	Grant Conditionally	04/10/1988
P/19/0836/2	Reduce height of 1 holly and 1 contoneaster	TPO is not Considered necessary.	09/05/2019
P/19/1745/2	Reduction of boundary wall at 51 Meeting Street	Grant Conditionally	11/11/2019

**Responses of Consultees**

Councillor Richard Shepshed is concerned about loss of daylight/sunlight and overbearing impact from the development.

**Other Comments Received**

Shire Properties Limited on behalf of the neighbours of Numbers 61 and 63 Meeting Street, Quorn, objects to the planning application on the following grounds:

- The fence is visible from first floor windows to 61 & 63 where it is out of context with the surroundings.
- Its purpose is unclear and appears engineered to block light to the adjoining cottage.
- It exceeds permitted development and is too high
- Permission would set a precedent

The letter also references a similar fence to the rear boundary and suggests that enforcement action should be instigated for this.

The Neighbour at Number 51 Meeting Street objects on the grounds that the fence causes harm to amenity by way of loss of daylight and sunlight and overbearing impact. Reference is made to an earlier application, (P/19/1745/2) to reduce the height of the

boundary wall between the two properties, (by No. 51) and the fact that this current application negates that.

The neighbours at Number 51 have written to the local planning authority requesting that Members of Plans Committee and Officers visit their property to fully understand the impacts of the fence on their amenity. The Case Officer has visited both the application site and Number 51 Meeting Street, whilst considering the application and prior to making their recommendation. Due to the current pandemic it is not considered appropriate or necessary for Members to visit the application site. Members will be showed a number of photos during the Plans Committee, include some taken from within the garden of 51 Meeting Street, to ensure they fully understand the relationship of the fence with the adjacent properties.

### **Consideration of the Planning Issues**

The key issues in considering this application are considered to be:

- Whether the development is out of context with the surrounding area
- The design and impact of the proposal on the residential amenity of 51
- The impact of the proposal on heritage assets

#### Whether the development is out of context with the surrounding area

Policies CS2 and EV/1 of the Development Plan require new developments to be in keeping with the context of the area. The proposal is for a relatively small area of wooden screen erected within a residential garden. It cannot be readily seen from the public realm although it is visible from neighbouring properties and gardens. From the majority of the immediately surrounding properties this view is a relatively distant one with the screen viewed against the backdrop of existing gardens, walls, vegetation and domestic paraphernalia. It is not considered to be at odds with this context and as a result visually harmful to the character of the area.

From the closest property, No. 51 Meeting Street, only the topmost part of the structure, (approximately 60cm), is visible above the existing boundary wall. This relatively small section of timber screen is not atypical of a garden boundary treatment and is not considered to be visually out of context with the area of domestic gardens it sits within.

Accordingly the proposal is considered to comply with the relevant provisions of policies CS2 and EV/1 and national and neighbourhood guidance relating to design

#### The design and impact of the proposal on the residential amenity of 51 Meeting Street

The fence is perpendicular to the rear elevation of No. 53 and extends 5.1 metres along the shared boundary. It has a height of 2.55 metres, as measured at No. 53, although it is noted that the ground level at No. 51 is 75cm lower meaning that the top of the fence is 3.3m above the ground level at this property.

As the fence lies due north of no. 51 there is no material loss of sunlight to this property. Given its height, relative to ground levels at no. 51, and projection it does, however, have the potential to have some impact on daylight to the rear patio doors to no. 51. However,

the existing boundary wall has a very similar effect due to the change in levels, the fact it is closer and its height. As a result this impact does not represent a material increase in harm to the amenity of no. 51 in terms of daylight. When outlook from no. 51 is considered a similar assessment needs to be applied. The fence is relatively high in proportion to the garden and windows at no. 51 but not substantially higher than the existing wall. As a result there would not be a material increase in harm to the amenity of no. 51 as a result of over dominance.

Additionally the provisions of the General Permitted Development Order Schedule 2 Part 2 allow a 2 metre high fence to be erected under permitted development rights from the ground level that that structure is erected upon. This is a material consideration as a fence just 55cm lower could be erected in this location without the need for planning permission. Such a structure would remain visible, (albeit less so), above the boundary wall.

Overall, it is considered that the development does not materially impact upon the residential amenity of No. 51 and would therefore accord with Policies CS/2 and EV/1 of the Development Plan and the planning principles of the Framework which seeks to protect the amenity of nearby residents.

#### The impact of the proposal on heritage assets

Policy CS14 of the Core Strategy reflects advice in the National Planning Policy Framework and sets out that the Borough Council will expect proposed development to protect heritage assets and their settings. The proposal is located within Quorn Conservation Area and close to several listed buildings. It is sufficiently small scale and distant from the listed buildings that it would not be harmful to the significance of those heritage assets or their settings.

Meeting Street itself is important within the conservation area as it forms part of the historic core of the village. It is particularly characterised by the tight enclosure provided by terraced groups of housing and the granite walls and trees along the brook. The proposal would not harm this significance as it does not alter this form in any way and is located to the rear of the housing and away from the described features of value. The adjacent wall to the rear of no. 51 is not a listed wall and was assessed by English Heritage as part of the planning application to reduce it. This assessment concluded it had no current historic value as its context had been eroded. Accordingly there is no harm to the historical significance of the conservation area in this regard. As a result the proposal would not result in harm, (either substantial or less than substantial), to the conservation area.

Additionally, it is considered the proposal would not harm and would conserve the significance of the Conservation Area and nearby listed buildings and their settings as heritage assets and this should be given weight in the planning balance as it would accord with Policy CS14 and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act.

#### **Conclusion**

The proposal would not be harmful to the character and appearance of the area and would not result in a material increase in harm to the amenity of adjacent properties. It would not cause harm to either the conservation area or nearby listed buildings and their settings and would preserve the character of these designated heritage assets. The proposal accords with relevant policies of the Development Plan, national and local guidance and Statutory provisions relating the protection of heritage assets.

### **RECOMMENDATION A:**

Grant Conditionally

- 1 The development hereby permitted shall be carried out in accordance with the following plans:  
Site location plan - Scale 1:1250,  
Location plan - Scale 1:5000,  
Block plan - D20190916QUO-02,  
Section plan - D20190916QUO-03,  
Photos - received 21st November 2019  
REASON: For the avoidance of doubt and to define the terms of the permission.

The Following Advice notes will be attached to the decision

- 1 **DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION**  
Policies CS2 and CS14 of the Charnwood Local Plan (2011-2028)  
Core Strategy and Policy EV/1 of the Borough of Charnwood Local Plan have been considered in reaching a decision on this application. The proposed development complies with the requirements of these saved policies.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accordance with the terms of the above-mentioned policies
- 3 The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

