

**A03**

**FH/TH/24/0652**

**PROPOSAL:** Erection of 2.7 metre and 2.45 metre high slatted fence with 2.2m high close boarded fence to east boundary and 2.4 metre high close boarded fence to west boundary (retrospective application)

**LOCATION:** 31 Dane Crescent Ramsgate Kent CT11 7JU

**WARD:** Eastcliff

**AGENT:** No agent

**APPLICANT:** Mr Daniel Stewart

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 12, received 12 July 2024.

**GROUND;**

To secure the proper development of the area.

**SITE, LOCATION AND DESCRIPTION**

The property is a two storey dwelling located in Dane Crescent which comprises predominantly two storey dwellings set back from the highway with small front gardens. The property forms a semi-detached pair with No 33.

**PLANNING HISTORY**

FH/TH/16/0182 GTD 15 April 2016

Erection of single storey rear extension following demolition of existing outbuilding

FH/TH/16/1038 GTD 22 September 2016

Retrospective application for erection of single storey rear extension following demolition of existing

FH/TH/24/0650 - Erection of dormer to rear elevation together with 2No rooflights to front elevation and installation of cladding to rear dormer (retrospective application) - decision pending

FH/TH/24/0653 - Installation of decking to rear and erection of bike shed (retrospective application) - decision pending

## PROPOSED DEVELOPMENT

This is a retrospective planning application. High level timber fences have been erected in the rear garden along the common side boundaries with Nos 29 and 33 Dane Crescent. The fence along the boundary with no.29 is up to 2.4m in height, and the fence along the boundary with no. 33 is up to 2.7m in height.

## PLANNING POLICIES

### **Thanet Local Plan 2020**

SP35 - Quality Developments

QD02 - General Design Principles

QD03 - Living Conditions

## NOTIFICATIONS

Neighbours have been notified and a site notice posted and no representations have been received.

## COMMENTS

This application is reported to the Planning Committee at the request of Cllr Albon to enable Members to consider the impact of the development on the neighbours and the street scene.

The main considerations in assessing the application are the impact on the character and appearance of the area and impact on the living conditions of neighbouring residential occupiers.

### **Character and Appearance**

Thanet Local Plan Policy QD02 requires new development to be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality. The development itself must be compatible with neighbouring buildings and spaces. This policy is further supported by paragraph 135 of the NPPF which states that decisions should ensure that development will function well and add to the overall quality of the area, and are sympathetic to local character and history, including the surrounding built environment.

The development relates to the erection of a 2.7 metre and 2.45 metre high fence on the boundary with No 33, with a 2.2 metre high section of fence at the far end of the garden alongside the outbuilding. Along the boundary with No 29 a 1.95 metre and 2.4 metre high fence has been installed. The fences are visible from neighbouring gardens, however they are not visible from Dane Crescent as there is a high level wall and gate between the side of the property and the neighbour's garage. The fences are unlikely to be easily visible from wider public views, and any views would be at a significant distance and therefore the fences have limited impact on the wider public realm.

Given the limited opportunities to view the fences from the wider public realm it is considered the development has limited impact on the character and appearance of the area and the development therefore accords with the requirements of policy QD02 and the NPPF.

### **Living Conditions**

There is a significant drop in land levels within the rear garden from north to south and east to west. A 1.95 metre high close boarded fence has been erected along 4 metres of the boundary with No 29, alongside the raised decking area and extending to the bike shed. The fence commences beyond the wall and additional fencing, timber lattice fencing and bamboo screening erected on the neighbouring property closest to the dwelling. Within the neighbouring garden there is a row of conifer type trees growing above the height of the fence. Beyond the bike shed, where the garden is at a lower level, a 2.4 metre high close boarded fence and trellis has been erected. This section of fencing extends approximately 7.6 metres towards the end of the artificial grass area, where the outbuilding is located. There is dense vegetation growing within the neighbouring property (No 29) which is visible above the height of the fence and overhangs the boundary into the application site.

High level walls and fences forming garden boundaries to a height of 2 metres are permitted, subject to conditions, through Part 2, Class A, of the General Permitted Development Order. In this instance the finished height of the fences exceeds this limit, and it should be noted that the height of the fences have been measured from the level of the decking and artificial grass areas of the upper and lower parts of the garden, which is not from the natural ground level which varies as the land levels drop away. Whilst it is difficult to accurately measure how much the fence height exceeds the 2 metre permitted height the main issue is to consider whether the additional height of the fences adversely impacts upon the residential amenities of the immediate adjoining neighbours.

The fences are located along the side boundaries of the garden and therefore have no impact on properties fronting St Luke's Road to the south.

The fence alongside the boundary with No 29, provides screening of the neighbouring garden and rear facing windows within the property. It also holds back the foliage of the trees and bushes and prevents the bulk of it from overhanging into the garden. The 3 metre section of boundary wall nearest to the dwellings has been increased in height by the addition of lattice fencing and bamboo screening, within the neighbours garden. The close boarded high level fencing erected within the application site (annotated as 1.95 metres in height) commences beyond the end of the wall where it is unlikely to be significantly higher than the permitted 2 metres height taking into account the change in land levels through the site. The outlook and light level from rear facing windows within the neighbouring property will be impacted by the high level boundary treatment, including trees, within the neighbouring site. The high level fencing erected alongside the area of decking extends approximately 4 metres and commences approximately 4 metres beyond the rear elevation of the neighbouring property. There is a gap of approximately 1.5 metres between the side boundary and the neighbouring property, and given the presence of trees, lattice work and bamboo above the wall, it is unlikely that the close boarded fence would adversely affect light or outlook to the neighbouring windows.

The lower section of boundary treatment is annotated as being 2.4 metres in height and is clearly above 2 metres in height, however this section of fence is located more than 8 metres beyond the rear elevation of the neighbouring property and therefore unlikely to impact on light and outlook to windows of main habitable room in the neighbouring property. Whilst there may be some loss of light to the rear garden from the fence, the trees planted along the boundary will have an existing impact on light levels reaching the garden. Furthermore it is noted that these are south facing gardens and have the benefit of natural sunlight for the majority of the day.

The slatted fence along the common boundary with the adjoining property, No 33, is 2.7 metres high alongside the raised decking for a distance of approximately 6 metres. The fence commences from the bottom steps and partially overlaps the end 0.2 metres of the neighbouring extension. A photo has been included on the submitted plan showing detail of the fence being set within the application site with a narrow section of timber preventing immediate views through the gap into the neighbouring garden. The fence is unusually high at this point of the garden, and given the measurement declared above the decking, it is likely that with the drop in land levels the fence is approximately 1 metre higher than the permitted 2 metres.

The land levels within the neighbouring site are slightly higher than that of the application site and therefore, the additional height of the fence above the height of the original boundary fence would appear slightly lower on the neighbour's side. Notwithstanding the variation in height differences between sites, for the purposes of planning where the ground level is uneven, the measurement is normally taken from the lowest level of the surrounding natural ground level.

There is a window and patio doors within the rear elevation of the neighbour's extension. The window nearest to the boundary fence is obscure glazed, which the applicant advises serves a wetroom, and the patio doors are located further away from the boundary. Whilst there may be some loss of light and outlook from these windows, there is unlikely to be a significant loss of light or outlook from the windows of the patio doors serving the main habitable room. Whilst the raised height of the fence is a fairly dominant feature on the boundary it prevents overlooking from the garden into the neighbouring garden and towards rear facing windows. The drop in land levels towards the end of the garden is likely to allow for a high degree of mutual overlooking between gardens if the high level fence were not in place.

The 7.2 metre section of slatted fence, alongside the artificial grass at the lowest part of the garden, is 2.45 metres high, and a shorter 2.2 metre high section runs alongside the outbuilding at the far end of the garden. This fencing is set some distance from neighbouring windows and would not impact on light or outlook. Taken as a whole, the length of fence has a dominant appearance when viewed from within the site, with only the uppermost section of fence projecting above the height of the original fence from the neighbour's view. The fence would result in some loss of outlook from the garden, however the applicant has installed the fence to provide privacy to the garden and prevent mutual overlooking between neighbouring gardens which would have some amenity benefits for the use of the garden as a safe and secure playspace.

Given the above it is considered the high level fencing would not result in unacceptable loss of residential amenity through overlooking, overshadowing, loss of natural light or sense of enclosure to neighbouring occupiers, and would therefore the development meets the requirements of Thanet Local Plan Policy QD03 and the NPPF.

### **Conclusion**

The development is considered to be acceptable in terms of the character and appearance of the area and the living conditions of surrounding neighbouring residential occupiers. The proposed development therefore accords with Policies SP35, QD02 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

It is therefore recommended that Members approve the application.

### **Case Officer**

Rosemary Bullivant

TITLE:

FH/TH/24/0652

Project

31 Dane Crescent Ramsgate Kent CT11 7JU

