

# Planning Committee

8<sup>th</sup> May 2024



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| <b>Application No.</b> | 24/00178/FUL  |
| <b>Site Address</b>    | Harper House, 29-31 Fordbridge Road, Ashford  |
| <b>Applicant</b>       | Spelthorne Borough Council  |
| <b>Proposal</b>        | Erection of a fence with a trellis along the boundary wall with the neighbouring property (33 Fordbridge Road).<br><br>As shown on location plan received 15.03.2024, block plan received 11.03.2024 and existing and proposed elevations of fence received 01.03.2024. |
| <b>Case Officer</b>    | Susanna Angell  |
| <b>Ward</b>            | Ashford Town  |
| <b>Called-in</b>       | This application is required to be reported to the Planning Committee for a decision as the applicant is Spelthorne Borough Council (the property is owned by the Council).   |

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| <b>Application Dates</b>    | Valid: 15.03.2024  | Expiry: 10.05.2024 | Target: within 8 weeks |
| <b>Executive Summary</b>    | <p>The application property is a detached building with 3 floors of accommodation. It is located on the western side of Fordbridge Road and on the corner of Chesterfield Road. The building was erected in the early 2020s following the grant of planning permission in October 2019 (19/01028/FUL). It provides 20 units of emergency temporary accommodation for homeless households. There are no relevant development constraints.</p> <p>The application is for a fence consisting of timber fencing panels with square trellis panels fitted above. It extends along the side boundary of the garden of No. 33 Fordbridge Road. The fence has already been erected and retrospective planning permission is therefore being sought. It stands a maximum height of 2.514m and is considered acceptable in appearance.</p> <p>The relationship with No.33 Fordbridge Road is also considered to be acceptable.</p> |                    |                        |
| <b>Recommended Decision</b> | Approve the application.   |                    |                        |

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- Policy EN1 (Design of New Development)

1.2 The following policy of the draft Spelthorne Local Plan 2022-2037 is of relevance:

- Policy PS2 (Place shaping)

1.3 The Local Plan was submitted to the Planning Inspectorate under Regulation 19 on 25 November 2022. An Examination into the Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved the following: Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed. At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide 'critical friend' support to inform the options for taking the plan process forward. On 14 September 2023, the Council considered a report following the deferral in June. The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive. The revised NPPF was published on 19 December 2023 and the Council considered its position in light of the implications on the Local Plan and whether Members wished to propose modifications as a result. At an Environment & Sustainability Committee meeting on 29 February 2024, Members agreed to the proposed modifications relating to Green Belt allocations, flood risk sites and the Staines Development Framework, which have been conveyed to the Inspector for his consideration on whether the examination will be able to resume.

1.4 As such the policies (of the emerging local plan) carry limited weight in the decision-making process of this current planning application.

### 2. Relevant Planning History

2.1 The site has the following planning history

|              |  |            |
|--------------|--|------------|
| 19/01029/FUL | Demolition of existing buildings and erection of a new building with 3 floors of accommodation to provide 20 units of emergency temporary accommodation for homeless households, together with | 31.10.2019 |
|--------------|--|------------|

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|  | associated plant room, car parking, bin store, and other associated facilities. |  |
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### 3. Description of Current Proposal

- 3.1 The application property fronts the western side of Fordbridge Road and adjoins Chesterfield Road to the north. There are residential properties bordering the site to the side and rear.
- 3.2 The proposal is for the erection of a fence with a trellis element standing 2.514m in overall height. The fence is approximately 30m in length and extends along the northern boundary of the rear garden with No.33 Fordbridge Road.
- 3.3 The proposed fencing was erected in March 2024. The applicant states that this was in response to requests from the adjacent neighbour at 33 Fordbridge Road, to add height to the boundary wall between their property and Harper House.

### 4. Consultations

The following table shows those bodies consulted and their response.

| Consultee                               | Comment      |
|---|--------------|
| Environment Health<br>(noise and odour) | No objection |

### 5. Public Consultation

- 5.1 No representations received

### 6. Planning Issues

- Impact on Character.
- Impact on Residential Amenity.

### 7. Planning considerations

#### Design

- 7.1 Policy EN1 of the Core Strategy and Policies DPD states that proposals for new development 'should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 7.2 In terms of design, the fencing consists of 1.8m high 'hit and miss' style fencing, with square trellis panels above. It stands 2.514m in overall height and extends along the northern boundary of the rear garden of No.33 Fordbridge Road. Due to the position of Harper House it is not readily visible from Fordbridge Road. The proposal is considered acceptable in appearance in accordance with policy EN1.

### Amenity

- 7.3 In terms of impact on neighbouring amenity, Policy EN1(b) of the Core Strategy & Policies DPD (CS & P DPD) states that the Council will require proposals for new development to demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 7.4 As noted above it is relevant to note that the fencing and trellis was erected in response to a request by the occupants of No.33.
- 7.5 In terms of impact on amenity, No.33 has an existing block work boundary wall, which stands between 1.78m and 2.1m in height. The proposed fencing is located adjacent to this standing 2.514m in height.
- 7.6 It is possible to construct fencing up to 2m in height adjacent to the boundary with another property (not fronting a highway) without requiring planning permission. The proposed fencing stands 2.514m in height. However, the additional 560mm of trellis is not solid and allows light through and it is considered that the proposed fencing has an acceptable relationship with No 33 avoiding significant loss of light or overbearing impact.
- 7.7 The impact on other adjoining residential properties is also considered to be acceptable.

### Equality Act 2010

- 7.8 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### Human Rights Act 1998

- 7.9 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.10 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.11 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e., peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

7.12 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, officers have concluded on balance that the rights conferred upon the applicant/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

7.13 Conclusion

It is considered that the proposed development has an acceptable impact on the character of the area and does not have a significantly harmful impact on the amenity of neighbouring residential properties

**8. Recommendation**

To GRANT planning permission. As the proposal is retrospective there are no conditions to be imposed.