

## COMMITTEE REPORT

**Committee:** West/Centre Area                      **Ward:** Micklegate  
**Date:** 17 September 2009                      **Parish:** Micklegate Planning Panel

**Reference:** 08/02056/GRG3  
**Application at:** Millthorpe School Nunthorpe Avenue York YO23 1PF  
**For:** Erection of 2.9m high weld meshed material fencing to tennis court (Retrospective)  
**By:** Millthorpe School  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 16 October 2008

### 1.0 PROPOSAL

1.1 The application relates to the tennis courts at Millthorpe School. The tennis courts are located at the North Eastern boundary of the site, adjacent to main the School entrance. Millthorpe School is situated in a residential area and Victorian Terrace properties border the tennis courts to Nunthorpe Avenue and the rear of properties on Millfield Road. A gated alleyway runs between the tennis courts and the properties on Millfield Road.

1.2 The application seeks retrospective permission to retain new tennis court fencing which was erected in 2007. The new fence is mesh welded and powder coated green. As originally erected the fence measured 2.9 metres high on three boundaries of the tennis court and 4.1m high on the eastern boundary, facing the rear of Millfield Road. However the fence on the eastern boundary has been reduced on site to 2.9m and it is now considered that the application is to retain the fence at 2.9m in height along all four boundaries.

1.3 The school has stated that the old chain link fence was corroded and falling into disrepair and that the new fence is only 40mm higher than that replaced.

1.4 Councillor Merrett has requested that the application be reported to Committee and that a Site Visit be conducted from a resident's house on Millfield Road to assess the impact of the application.

### 2.0 POLICY CONTEXT

CYGP1 Design

### 3.0 CONSULTATIONS

#### GUILDHALL PLANNING PANEL

3.1 No objection in principle. Unclear whether the fencing is any higher. If there is any change in the height of the fencing, residents' views must be given proper consideration.

## NEIGHBOURS

3.2 Three letters have been received from local residents objecting to the application. The main issue relates to highest part of the fence facing the rear of properties on Millfield Road and the objectors' properties are located directly behind this section of fencing.

3.3 The objections relate to the design and height of the mesh, that it is visually oppressive and gives the impression of a high security compound. That the new fence is significantly higher than that replaced. That the fence is only 3.9 metres away from the rear of one of these properties (7.6 metres from the nearest window) and it projects above the first floor bedroom window by 0.6 metres. It is noted that the rest of the fence is set at a much lower level (2.9 metres high) and that the higher section should be reduced to match. The remainder of the fence is at a similar height to that which was replaced. The purpose of the fence is to reduce tennis balls coming over the fence, but just as many have been returned since the new fence has been installed. The fence blocks and impairs views and reduces property values.

## HIGHWAY NETWORK MANAGEMENT

3.4 No objection.

## 4.0 APPRAISAL

### POLICY

4.1 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted.

4.2 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a design that is compatible with neighbouring buildings and spaces and ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

### ASSESSMENT

4.3 The key issue relates to the visual impact of the proposed fence and the impact upon residential amenity of the neighbouring occupiers.

### VISUAL IMPACT AND IMPACT UPON THE AMENITY OF NEIGHBOURING PROPERTIES

4.4 As originally submitted the 2.9 metre high fence installed to three sides of the tennis courts was considered to be acceptable with the main issue being the higher section of fence. That section of fence faced the rear of properties to Millfield Road, the closest of which are located approximately 4.5 metres away (just 2.5 metres to

the rear garden boundary). The properties are also set down at a lower level than the tennis courts and a gated alley way runs between the properties and tennis courts. Because the properties are set at a lower level (some 0.4 metres) and because the mesh, although painted green, is substantial, the fence appeared over bearing. This section of the fence has now been reduced to 2.9m, to bring it in line with the fencing to the other 3 sides. There remains a projection above the red brick wall to the rear of about 1m, however this is considered to strike an acceptable balance between the needs of the school and the living conditions of the residents. The revised proposal therefore meets the requirements outlined in Policy GP1 of the City of York Development Control Local Plan 2005.

## **5.0 CONCLUSION**

The height of the proposed fence nearest to the neighbouring properties on Millfield Road has been reduced to 2.9 metres in line with the rest of the fencing already installed to the tennis courts. There would still be some projection above the red brick wall to the rear, but this is considered to be acceptable. The reduction in height means that the fencing would appear less visually intrusive and would not adversely impact upon the neighbouring properties. The application is considered to accord with the requirements of policy GP1 of the local plan.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 Notwithstanding the annotation on drawing number 4229/08/PP3 the fencing shall be retained at its existing height of 2.9m.

Reason: For the avoidance of doubt and to ensure that residents backing on to the site are not unduly dominated by the fence in accordance with policy GP1 of the Development Control Local Plan.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the revised proposal, subject to the condition listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual impact and the impact upon residential amenity. As such the proposal complies with Policy GP1 of the City of York Development Control Local Plan and PPS 1 'Delivering Sustainable Development'.

### **Contact details:**

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