

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Dringhouses & Woodthorpe
Date: 2 October 2007 **Parish:** Dringhouses & Woodthorpe
Planning Panel

Reference: 07/01854/FUL
Application at: 9 Annan Close York YO24 2UY
For: Enclosed garden area with fence
By: D Nicholson
Application Type: Full Application
Target Date: 8 October 2007

1.0 PROPOSAL

1.1 This application is to enclose a side garden (adjoining a highway) with a 1.8m high fence to match the existing one on part of the same boundary. It is proposed to continue the existing fence to enclose part of the side garden. The style of the fence consists of 1.37m wide brick piers with 3.55m of vertically boarded timber fencing in between. It is proposed to enclose approximately 32sq m of currently open garden area between the property's drive and the highway (Moor Lane).

1.2 Planning History: No planning history.

1.3 This application is reported to the Sub-Committee because the applicant works for the City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

3.1 Internal.

Highway Network Management: No objections.

Design, Conservation and Sustainable Development (Landscape Architect): Acceptable to lose trees A-D provided tree E is retained, with a root protection area of 2.5-3m. The alignment of the fence will need to be slightly modified to accommodate the root protection area (RPA).

3.2 External.

Dringhouses/Woodthorpe Planning Panel: No objections.

3.3 Representations: None received.

4.0 APPRAISAL

4.1 Key issues: impact of the fence on the visual amenity of the wider area and its impact on the (unprotected) tree to be retained on site.

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 density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy NE1 stipulates that trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation or historical value, will be protected by a range of means including refusing development proposals which will result in their loss or damage.

4.3 The area of amenity space the subject of this application borders Moor Lane, which marks the edge of the Greenbelt. There are few significant trees along Moor Lane but where they do occur there are a welcome feature. The fence is proposed to enclose an area of side garden currently open to Moor Lane to increase shelter in the garden and improve site security. The area it is proposed to enclose is entirely within the ownership of the applicant and represents less than 50% of the side garden as a whole. Whilst the visual impact of the proposed fence is considered acceptable in planning and landscape terms one issue, regarding a root protection area to the Sycamore tree, remains outstanding. The most westerly extent of the fence is considered unsuitable in its current location by the Landscape Architect.

4.4 Following discussions with the Landscape Architect and the owner, two revised positions for the proposed fence have been suggested allowing the minimum 2.5m root protection area (RPA) to be established around the Sycamore tree illustrated as being retained. As yet a revised plan has not been received illustrating which new position for the fence will be pursued. Both locations are acceptable and as such it will be a matter of personal preference for the owner. The first location would reduce the enclosed area by 2.5m in depth whilst the second would increase it by the same amount. It is proposed to control this matter with the use of two conditions.

4.5 The first condition would ensure no brick piers are built within 2.5m of the tree, to protect its root system. The second condition would require the westerly extent of the fence to be agreed, in writing as the currently proposed extent is not considered appropriate.

5.0 CONCLUSION

5.1 Whilst the principle of this application is considered acceptable in terms of its impact on the visual amenity of the area, the exact position of the proposed fence is yet to be resolved.

5.2 Subject to the conditions detailed above the proposal is considered to be acceptable.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

A, C, E and D;

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 No trenches or other excavation works in connection with the brick piers and fence panels hereby approved shall be sited within a 2.5m metre radius from the centre of the trunk of tree E on the site without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard existing trees on the site and establish a suitable root protection area.

4 Details of the exact position of the means of enclosure on the westerly boundary of the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The materials and design of the means of enclosure on this boundary (vertically boarded timber fence panels with brick piers) shall match in size and design those hereby approved on the north and south boundaries of the side garden.

Reason: In the interests of the visual amenities of the area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the surrounding area and tree protection. As such the proposal complies with Policies GP1 and NE1 of the City of York Local Plan Deposit Draft.

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