

TWC/2015/0811

7 Cloisters Way, St Georges, Telford, Shropshire, TF2 9FY

Erection of 600mm high Diamond Rail and Bird mouth railing to rear (Retrospective)

**APPLICANT**

Mr & Mrs R Hammond

**RECEIVED**

02/09/2015

**PARISH**

St. Georges and Priorslee

**WARD**

Priorslee

**OFFICER** Tom Carruthers

**CLLR VERONICA FLETCHER HAS REQUESTED THIS APPLICATION BE DETERMINED BY MEMBERS OF PLANNING COMMITTEE**

OBJECTIONS: Yes

**1. THE PROPOSAL**

- 1.1 This is a retrospective application for the erection of a 600mm high Diamond Rail and Bird Mouth railing. The area of land which the railing is enclosing, is along a shared access that leads to a parking court.
- 1.2 The railing has been erected outside of the residential curtilage of the property, but it is to enclose land entirely within the applicant's ownership. The existing 1.8m high boundary fence is still in situ.
- 1.3 The piece of land has not been included into the existing garden. The railing is purely around the existing landscape area and therefore, no change of use has taken place. The railing has been erected to protect the existing landscaping from damage by vehicles driving over the land when entering the parking area.

**2. SITE AND SURROUNDINGS**

- 2.1 The application site is within St Georges which is a predominately residential district to the north of Telford Town Centre.
- 2.2 The site is within a residential street on a newly erected, modern housing estate.
- 2.3 The properties in the immediate vicinity are a mixture of detached, semi-detached and terrace houses and are in varying size gardens. The property is on a T junction. The area of land subject to the application is at the rear of 7 Cloisters Way.

**3. PLANNING HISTORY**

- 3.1 TWC/2010/0152 Reserved Matters for the erection of 337 dwellings, NEAP, Balancing pond, associated highway and landscaping works RMG 13/5/11

**4. PLANNING POLICY CONTEXT**

- 4.1 National Planning Guidance  
National Planning Policy Framework

- 4.2 Wrekin Local Plan Saved Policies  
UD2 Design Criteria
- 4.3 Core Strategy  
CS15 Urban Design

## **5. CONSULTATION RESPONSES**

- 5.1 St Georges & Priorslee Parish Council: Support
- 5.2 Highways: No objection
- 5.3 Shropshire Fire: No comment
- 5.4 Neighbourhood Consultation

Two letters of objection were received following neighbour consultation. The points raised were:

- It is a considerable safety risk to children using it as a place to sit and congregate.
- It is at the entrance to a shared car park and there is a significant amount of vehicular movement and has very restricted views. The entrance to the car park is difficult to negotiate as it is almost a blind turn.
- A previous fence has already been removed to try to stop a potential accident.
- Since the railing has been installed, there have been occasions where cars have had to break suddenly to avoid injury to children.
- This area which belongs to number 7 has been left open to allow drivers the best possible view of traffic on St Georges avenue. By the placing this fence on the boarder, the applicants have restricted the space that is within the right of all properties to use. This is not saying access onto the property of 7 Cloisters Way is allowed, but the access is restricted and the whole of the shared area tarmac cannot be used to its full potential, without damage to the Vehicle.
- The fence itself is not in keeping with the estate it does not match the existing fencing.
- The applicant should have followed the lead of previous applicants and erected a fence once planning had been approved and by moving the posts back 6-12 inches they would have provided no risk to the use of the shared area, and still fenced off the area.
- The applicants did not inform the residents, the council, or Taylor Wimpey before they erected their fence. Therefore we object to the application.

## **5. PLANNING CONSIDERATIONS**

- 6.1 Having regard to the development plan policy and other material considerations, including comments received during the consultation process, the planning application raises the following main issues.
  - The principle of development
  - Highway Safety
  - Appearance

- Other Matters

### **The principle of development**

- 6.2 The railing has been erected outside of the applicant's boundary fence, but around land that is within their ownership. However, as the existing garden fence is in situ, no change of use has occurred. The railing that has been erected is 0.6m in height and therefore comes below the permitted development allowance of 1m. However, as permitted development rights have been taken away from properties on the estate, a planning application is required.

### **Highways Safety**

- 6.3 The objections received on the application mainly relate to highway safety issues. It has been stated that children congregate at and sit on this railing. Whilst this is not what the railing has been designed for and this is not a reason to refuse planning permission.
- 6.4 It has been stated that this area of land has been left open to allow drivers the best possible view of traffic on St Georges Avenue. The railing is only 600mm in height and it is not considered to detrimentally impact on highway visibility.
- 6.5 The comments make reference that the position of the railing has restricted access to the shared tarmac area at the rear of no. 1, 3, 5 and 7 and it cannot be used to its full potential, without damage to vehicles. Photos that have been submitted with one objection appear to show that 2 vehicles cannot get through at the same time as each other. This maybe the case but it is considered that even if the fence was removed, the tarmac access would not be made any wider and the situation would remain, but with vehicles going onto the private land owned by the applicant.
- 6.6 In response to comments received, the applicants have stated the reason for the railing to be erected in this location, is to protect the landscaping on this area as cars have cut across this area which has resulted in one of the trees dying.
- 6.7 The Council's highways department have been consulted on the application and have no objection to the railing. Therefore, there are no technical highway reasons to refuse this planning application.

### **Appearance**

- 6.8 The railing is a modest 600mm in height. It is used as a barrier to protect the existing landscaped area and not as a means of enclosure for additional garden. The style of the railing is similar to many others around the Borough and there is also this style of railing on other parts of Cloisters Way and at the ends of Pains Lane also on this estate. It is considered that the railing that has been erected is suitable in appearance. Only 2.2m of the rail faces on to the street. The section of railing facing onto the shared access which leads to the parking court is in two separate sections. The first section is 2.5m in length and the second is 2.45m. There is a gap of 2.1m between these two sections.

### **Other matters**

- 6.9 It has been mentioned that as the application is retrospective, it should be refused as a matter of principle. This is not a valid planning reason for

refusal. The applicants have stated that they believed that as the fence did not exceed 1m, they did not require consent. It is regrettable that the application is retrospective, but there is a procedure in place to deal with retrospective applications, and they have to be treated on their own merit like any other application.

- 6.10 One of the objections state that the railing should be set back 6-12 inches so that vehicles can still use this area of land. This land is within the ownership of no.7 and is not part of the shared area or a parking space. Even if we were to ask for the relocation of the railing, vehicles still shouldn't be cutting over the land as it would be trespassing. It is considered that there are no technical planning reasons to request the relocation of the railing.

## **6. CONCLUSIONS**

- 7.1 The erection of a 600mm high railing is considered appropriate in terms of scale and design. The development respects the scale, design and context of the property and would not detract from the street scene. The development does not impede visibility or adversely impact on highway safety for a shared access leading to a private drive and accordingly the proposal is considered compliant with policy CS15 of the Core Strategy, policy UD2 Wrekin Local Plan and national guidance in the NPPF.

## **7. RECOMMENDATION**

- 8.1 Based on the conclusions above, it is recommended that the committee **GRANT PLANNING PERMISSION** subject to the following conditions:
1. C38 Development in accordance with plans