

TOWN & COUNTRY PLANNING ACT 1990

MR A SHONE

PLANNING STATEMENT

**1 WHEELTON CLOSE
EARLEY
BERKSHIRE
RG6 7YD**

**Change of use of amenity land to residential garden
and erection of a 1.8m high brick wall**

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1. INTRODUCTION

1.1 This statement is submitted in support of a planning application by Mr A Shone for the '*Change of use of amenity land to residential garden and erection of a 1.8m high brick wall*'.

1.2 This planning statement is divided into the following sections:

- Site and Surrounding Area
- Planning History
- Planning Policy Context
- The Application Proposal
- Summary and Conclusions

1.3 The application submission is accompanied by the following:

- Arboricultural Implications Assessment and Method Statement – Merewood

1.4 This statement will set out how the proposal is in accordance with local and national planning policy. In particular, it will be demonstrated that the proposal is consistent with other similar development in the area and will not result in material harm to the character and appearance of the area. It will also demonstrate that the proposal will not give rise to any highway safety concerns.

2 SITE AND SURROUNDING AREA

- 2.1 The application site comprises a detached two storey dwelling which is located within a corner plot. The dwelling fronts onto Wheelton Close whilst Skelmerdale Way lies to the east. It is located within a residential estate of mainly detached and semi-detached houses of a similar character and appearance.
- 2.2 The side (eastern) boundary of the dwelling is formed by a 1.5m close boarded fence. An area of amenity land, which is owned by the applicant, lies directly adjacent to the fence directly fronting onto Skelmerdale Way. The area has a depth of about 3.25m and is currently grassed with overgrown/unkempt hedging and other nondescript shrubs adjacent to the boundary fence. There is also a small tree (Hybrid cockspur thorn) adjacent to the flank wall of the dwelling, together with a Whitebeam tree in the rear garden, close to the boundary enclosure (see below):

Application site from Skelmerdale Way looking southwards



Application site from Skelmerdale Way looking southwards



- 2.3 Throughout the estate, rear garden boundary enclosures comprise of both walls and close boarded fencing. The amount of amenity land on similar corner plots varies considerably in the immediate locality, as does the contribution it makes to the visual amenities of the area. This is particularly the case for side garden boundaries flanking onto Skelmerdale Way. On the opposing side of Skelmerdale Way (i.e. its eastern side) are Nos.10 and 17 Blackley Close. Both of these properties have side flank walls extending almost to the footway (see below). Further to the south, a number of properties have retained the amenity land space to the side of the flank wall but the gardens themselves extend right up to the footway such a No.1 Melling Close (see below). This is also on the western side of Skelmerdale Way.
- 2.4 The site is located within the defined settlement of Earley (Major Development Location) where the principle of new development is acceptable subject to meeting detailed national and local policies.

View looking north of the eastern side of Skelmerdale Way (10 and 17 Blackley Close)



View look south of side elevation of No.1 Melling Close with brick wall extending to footway



3 PLANNING HISTORY

3.1 The planning history of the site is set out below.

222592 – Householder application for the proposed erection of an 1800mm high brick wall to the side of eastern boundary. Withdrawn 21 October 2022 for procedural reasons (incorrect forms and description of development).

4 PLANNING POLICY CONTEXT

- 4.1 Relevant planning policy guidance falls within the National Planning Policy Framework and the Development Plan which comprises of the Core Strategy and the Managing Delivery Development LP.

i) National Planning Policy Framework (2021) (NPPF)

- 4.2 Paragraph 10 of the National Planning Policy Framework states that there is a presumption in favour of sustainable development. In this respect, development proposals that accord with the development plan should be approved without delay (paragraph 11).
- 4.3 Paragraphs 126-136 are concerned with design. It states that good design is a key aspect of sustainable development. Paragraph 130 states that planning policies and decisions should aim to ensure that developments (among other things):
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture layout and appropriate and effective landscaping.
 - Sympathetic to local character and history, including the surrounding built environment and landscape setting; while not preventing or discouraging appropriate innovation or change;
 - Establish or maintain a strong sense of place;
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future

users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

ii) **The Development Plan**

Core Strategy (2010) (CS)

- 4.4 Policy CP1 (Sustainable Development) requires that a number of criteria are met. These include: maintaining or enhancing the high quality of the environment; providing attractive, functional, accessible, safe, secure and adaptable schemes; demonstrate how they support opportunities for reducing the need to travel particularly by the car; and contribute towards reaching zero – carbon development as soon as possible.
- 4.5 Policy CP3 states that planning permission will be granted for proposals that:
- Are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life;
 - Provide a functional, accessible, safe, secure and adaptable scheme;
 - Have no detrimental impact upon important ecological, heritage, landscape or geological or water courses.

Managing Development Delivery Local Plan (2014) (MDD LP)

- 4.6 Policy CC01 states that there will be a presumption in favour of sustainable development. Planning applications that accord with policies in the Development Plan will be approved without delay unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant permission unless material considerations indicate otherwise.

- 4.7 Policy CC03 is concerned with Green Infrastructure, trees and landscaping. It states that development proposals should protect and retain existing trees, hedges and other landscape features.
- 4.8 Policy TB21 concerns landscape character. It states that proposals shall retain or enhance the condition, character or features that contribute to the landscape.

5 THE PROPOSAL

- 5.1 The application proposal is for the change of use of part of the amenity land to the side of the house and for the erection of a wall of 1.8m height.
- 5.2 Planning law and the NPPF (para 2 and para 11) requires development proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 15 of the NPPF states that the planning system should be genuinely plan-led. Therefore, the Development Plan should be the starting point for decision making and development that conflicts with the development plan should be refused unless material considerations indicate otherwise. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute towards the achievement of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 5.3 The main considerations are considered to be as follows:
- i) The impact of the proposal on the character and appearance of the area; including on trees and other landscape features;
 - ii) The impact of the proposal on highway safety.
- i) Character and appearance of the area*
- 5.4 The area of land adjacent to the flank wall of the dwelling will remain open and unenclosed. This is an important material consideration as the same characteristics and design have been adopted in other similar locations along this stretch of Skelmerdale Way (see chapter 2). It will ensure that visibility sightlines are maintained (see proposed layout) as well as a degree of openness adjacent to the junction of Wheelton Close/Skelmerdale Way.

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- 5.5 There is a small tree in this area ((Hybrid cockspur thorn) which would be retained (see AIA and Method Statement) and would continue to contribute to the character and appearance of the area. The side boundary which currently encloses the rear garden of the dwelling would be removed and would be replaced by a brick wall which would be set in 250mm from the adjacent footpath. The area of amenity land proposed to be enclosed has a depth of 12.25m (i.e. the depth of the rear garden) and a width of about 3.25m.
- 5.6 The land to be enclosed is grassed, with hedging and other shrubs running adjacent to the boundary fence. This area is difficult to maintain and as a result of this, it has an unkempt and untidy appearance. Overall, it only makes a minor contribution at best to the landscape qualities of the area (see photographs at chapter 2).
- 5.7 The proposed 1.8m high brick wall would be in keeping with other boundary enclosures in the local area, which mainly comprises of 1.8m fences, walls, or a combination of both. The new boundary enclosure would therefore not be out of keeping with the street scene or harmful to existing character.
- 5.8 As stated in chapter 2, there are also numerous examples in the immediate area where houses on similar corner plot have side boundaries that abut the pavement. These garden boundaries appear to be part of the original layout of the estate and the current proposal merely reflects the siting of other existing boundary enclosures. One such example is at 1 Melling Close which is the next road junction off Skelmerdale Way, immediately to the south of the application site. No 1 is a detached house located to the south of the junction of Melling Close and Skelmerdale Way in a similar arrangement to the appeal property. There is an area of open space next to part of the flank wall of the dwelling however most of the side boundary enclosing the rear garden abuts the footpath. It is of about 1.8m in height and comprises a mix of sections of brick wall and fencing panels as shown in the photographs in chapter 2.
- 5.9 The side boundary of 9 Ribbleton Close adjoins that of 1 Melling Close and continues the same alignment, with no set back from the footpath. This boundary also comprises of 1.8m sections of brick wall and fencing / gates (see chapter 2).

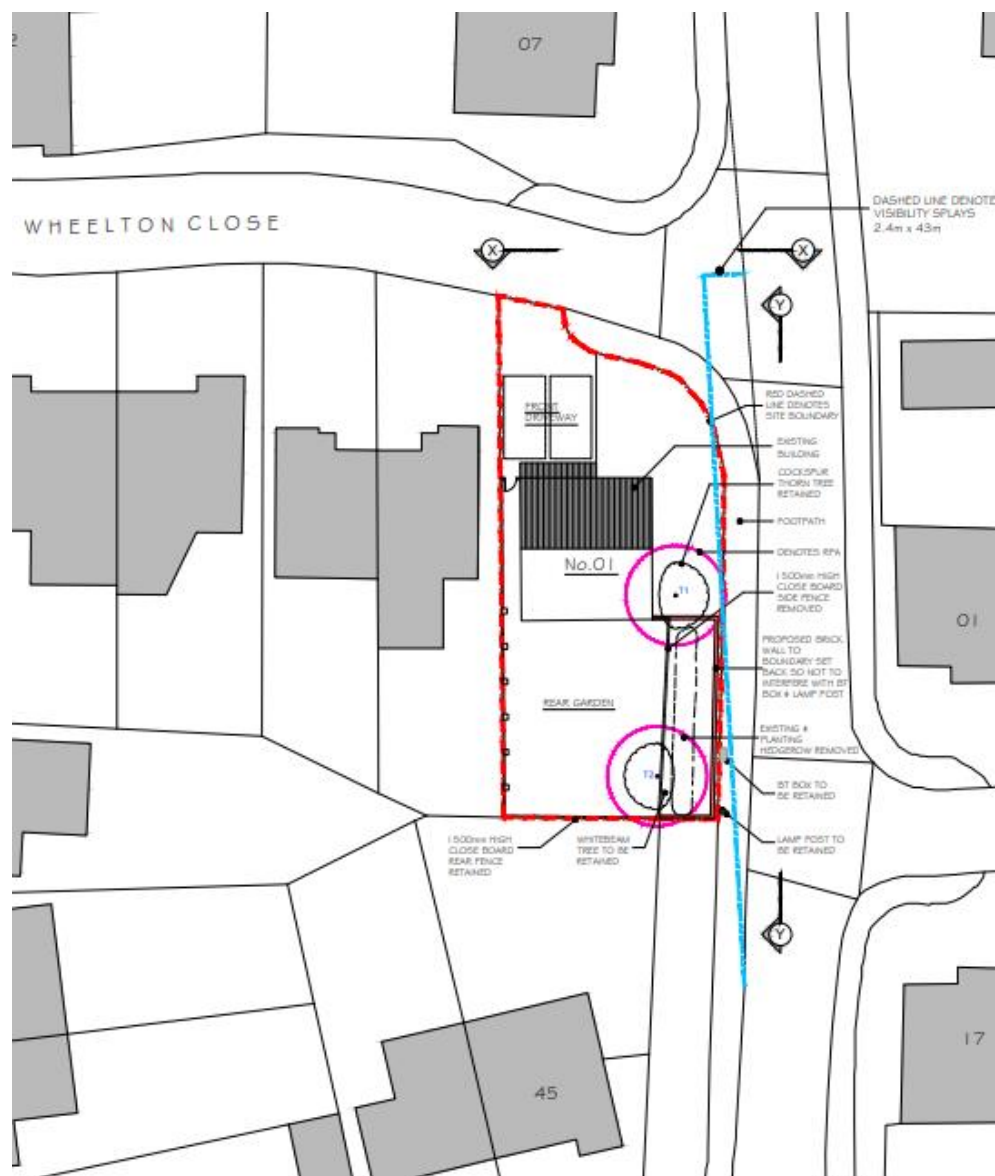
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- 5.10 Finally, the example at 1 Freshfield Close, which is immediately to the north of the application site, on the eastern side of Skelmerdale Way. No 1 Freshfield Close is a detached dwelling located on the northern side of Freshfield Close. As with the application proposal, there is an open area adjacent to its flank elevation and a 1.8m high brick wall / close boarded fence boundary enclosing the rear garden adjacent to the footpath.
- 5.11 It should also be noted that 11 Freshfield Close has a side extension that is in close proximity to the footpath along Skelmerdale Way, with very little setback.
- 5.12 The proposed change of use of amenity land and the siting of the proposed 1.8m brick wall would not therefore be at odds with the original layout of this part of the estate. The proposed brick wall would maintain and even enhance the quality of the environment and would be appropriate in terms of its mass, built form, height and materials. It would reflect other existing boundary treatments in the immediate area and accordingly, would therefore comply with Policies CP1 and CP3 of the CS.
- 5.13 The proposal ensures that the adjacent trees (Hybrid cockspur thorn and Whitebeam) will not be adversely affected by the proposed development. This is confirmed in the Arboricultural Implications Assessment and Method Statement which concludes that the wall can be built with minimal impact to the surrounds. Full provision can be made for the protection of all trees to remain in order to ensure their continued viability following the completion of construction. The two trees are considered to be the most importance landscape feature of the site and the removal of the short row of mixed hedging would have no significant effect on the landscape character and appearance of the area. The proposal therefore complies with CS Policy CP3 and Policies CC03 and TB21 of the MDD LP as well as paragraphs 130-131 of the NPPF in this regard.

ii) Highway safety

- 5.14 The area to the front of the dwelling and the amenity area to the side of the flank wall of the house would be unaffected by the proposal. The proposed wall would be well set back from the junction of Wheelton Close and Skelmerdale Way. The

visibility splay at the junction is shown on the submitted plan and is also illustrated below. This demonstrates that the sightlines from Wheelton Close onto Skelmerdale Way will not be impeded by the proposed wall. The proposal would not affect existing parking provision and the proposal would not therefore have any adverse effect on highway or pedestrian safety.

Visibility sightlines



6 SUMMARY AND CONCLUSIONS

6.1 The application for planning permission should be supported for the following reasons:

- i) The site is located within the defined settlement of Earley (Major Development Location) where the principle of new development is acceptable subject to meeting detailed national and local policies.
- ii) The proposed change of use of land and 1.8m high brick wall would be in keeping with other boundary enclosures in the immediate area and would reflect the original layout of other parts of the estate such as at 1 Melling Close, 9 Ribbleton Close and 1 Freshfield Close. The new boundary enclosure would not therefore be out of keeping with the street scene or harmful to existing character and the proposal therefore complies with Policies CP1 and CP3 of the CS in this regard.
- iii) The Arboricultural Assessment and Method Statement confirms that the proposal will not require the removal or pruning of any of the trees and that full provision can be made for their protection. The two trees are considered to be the most importance landscape feature of the site and the removal of the short row of mixed hedging would have no significant effect on the landscape character and appearance of the area. The proposal therefore complies with CS Policy CP3 and Policies CC03 and TB21 of the MDD LP as well as paragraphs 130-131 of the NPPF.
- iv) The proposal would not have any effect on existing sightlines and accordingly would not have a harmful effect on highway and pedestrian safety. This is demonstrated by the visibility splay shown on the proposed site layout.