

Application Number

P/2012/0283

Site Address26 Broadpark Road
Paignton
Devon
TQ3 2QD**Case Officer**

Miss Alix Cathcart

Ward

Clifton With Maidenway

Description

Variation of condition to application P/2011/0990/HA - condition 2 - trellis panel in place of Leylandii

Executive Summary/Key Outcomes

The proposed alterations to the approved boundary screening are considered, in the particular circumstances of this case, to be acceptable and to meet Local Plan policy criteria.

Recommendation

Approval

Site Details

Semi-detached bungalow, standing in line with the other houses on the east side of Broadpark Road, all set back from the road up steeply sloping front gardens. The applicant's house is stepped up a little, relative to its attached neighbour. The front gardens contribute to the pleasant character of the road. Some have a parking bay or garage at road level. There is a variety of terracing and balconies.

The decking structure which was the subject of approval decision P/2011/0990 has not yet been completed.

The application is being brought before the Committee at the request of Councillor Pentney.

Detailed Proposals

Permission ref P/2011/0990, for decking at the front of the applicant's house (see below), provided for a margin and boundary screening for the benefit of the attached neighbouring property, 24 Broadpark Road.

The applicant is now requesting to change the details of the boundary screening, so as to be able to use the decking as soon as it has been constructed, instead of having to wait until the planting has grown to the 2m height required by Condition 2.

The proposal is (1) to form a 2m high temporary screen on the boundary which would have immediate screening effect, using a product described as an artificial hedge, constructed of wire netting and artificial ivy. This is a one-sided product. The intention is that the “good” side would face towards the neighbour and the reverse side towards the applicant’s garden. (2) A planter would be sited within the 0.8m margin, along the foot of the fence, in which evergreen plants would be established. These plants would, in time, form the permanent screening feature and the temporary artificial hedge would be removed.

The application has been revised since its original submission, to clarify the reasons for wishing to change the condition and to clarify the details of the proposal.

Summary Of Consultation Responses

No comments

Summary Of Representations

One letter of objection has been received, from the attached neighbouring property 24 Broadpark Road. Points raised include: Fence panels were earlier considered unsuitable; fencing and small plants would not occupy the whole 0.8m margin; and querying the need for for changing the condition.

One letter of support has been received from the neighbour on the other side, 28 Broadpark Road.

These are reproduced at Page P.202.

Relevant Planning History

P/2011/0990 Formation of decking at front of dwelling; leylandii screening between property boundary and 400mm fencing along front (part retrospective). Approved.

The permission was subject to two conditions:

1. The decked surface of the terrace, hereby approved, shall not be constructed closer to the boundary with 24 Broadpark Road than 0.8m, this margin to be used for the boundary hedge as shown on the approved plan.
2. The terrace, hereby approved, shall not be brought into use until the screen hedge, shown on the approved plan on the boundary with 24 Broadpark Road has been established to form a continuous screen with a height of 2m, measured from the level of the decking, such hedge to be retained at, or about, that height at all times, including replacement as may be necessary from time to time.

The reason for the conditions were “in the interests of privacy”, and “privacy and

amenity” respectively.

Key Issues/Material Considerations

Family circumstances continue to be relevant to this proposal. The decking will improve the outside amenity area available for family members and they wish to be able to take advantage of it this coming summer.

While artificial planting would, in many instances, not be considered an appropriate material, in the circumstances of this case it is considered that the proposal represents a practical solution to the timing issue, which would also safeguard the reasonable privacy and amenity expectations of the neighbouring occupiers. The submitted details show the ivy material to be densely made, restricting views through; the planter would maintain the 0.8m margin; and the evergreen planting would, in due course, grow to the thickness and height envisaged in the original condition. It is considered reasonable to specify that the artificial hedge is to be installed on a temporary basis only and that it be removed when no longer needed to fulfil its function.

Response to points made in representation/s: As discussed above, the fencing would be temporary only; shrub planting is proposed, not flowers, and would have a suitable thickness; the principal reason for the change is to meet the personal needs of a family member.

S106/CIL - Not applicable

Conclusions

For the reasons discussed in this report, the proposal is considered to address adequately privacy and amenity considerations and to meet Local Plan policy criteria.

Condition(s)/Reason(s)

01. The terrace approved under permission ref. 2011/0990 shall not be brought into use until boundary screening on the boundary with 24 Broadpark Road, comprising an artificial hedge 2m high with the good side facing towards 24 Broadpark Road, and planter containing evergreen hedging plants, all as shown on the approved plan, has been installed and the hedge planting shall be established to form a continuous screen with a height of 2m, measured from the level of the decking, such hedge to be retained at, or about, that height at all times, including replacement as may be necessary from time to time.

Reason: In the interests of privacy and in accordance with the objectives of Policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

02. Unless otherwise agreed in writing by the Local Planning Authority, the artificial ivy hedge hereby approved, together with the outermost supporting

fence post, shall be removed when the evergreen planting, shown on the approved plan has reached a height of 2m or by two years from the date of this decision, whichever is the sooner.

Reason: In the interests of amenity and in accordance with the objectives of Policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

03. The 0.8m margin adjacent to the boundary with 24 Broadpark Road shall not be used other than for the siting of a planter containing hedge plants and for the temporary siting of an artificial hedge, as shown on the approved plan, and, for the avoidance of doubt, shall not be used as an amenity area for sitting out etc.

Reason: In the interests of privacy and amenity and in accordance with the objectives of Policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

Informative(s)

01. Summary of reasons for the grant of permission: This proposal meets Local Plan policy criteria because of its size, siting and design. The scheme is appropriate in respect of its appearance and its impact on nearby residential occupiers.

Relevant Policies