

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01254/FUL

APPLICANT : Mrs E Houston Grundy

AGENT :

DEVELOPMENT : Erection of boundary fence (retrospective)

LOCATION: 1 Forley's Field
Goslawdales
Selkirk
Scottish Borders
TD7 4EP

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Proposed Plans & Sections	Refused

NUMBER OF REPRESENTATIONS: 3
SUMMARY OF REPRESENTATIONS:

Representations

Two representations have been received in which neighbours raise the following key concerns, in summary:

- o Adverse impact on surrounding area;
- o Service ducts, SUDs and street furniture can't be serviced;
- o Roads safety;
- o title deeds.

One letter was received in support of the application.

Consultations

Roads Planning Officer: I am unable to support this application as the fence has been erected within the public road verge. The existing service strip is demarcated by a flush pin kerb, to highlight where service cables and ducting will be present. The actual lighting columns sit behind the service strip in the verge to allow satisfactory set back from the carriageway to minimise the risk of columns being struck by vehicles. In addition, the fence impinges on a corner of the service strip to the rear of the visitor parking bays and abuts the lighting column in this area, which affects the future access to and maintenance of this column.

It should be noted that the Council as Local Roads Authority may seek to have this fence removed under section 87 of the Roads (Scotland) Act 1984.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD2: Quality Standards;
HD3: Protection of Residential Amenity.

Supplementary Planning Guidance:

Placemaking and Design January 2010

Recommendation by - Brett Taylor (Planning Officer) on 15th November 2019

Site

The site is a modern two detached dwellinghouse located at the junction of Forley's Field and Goslawdales. Similarly designed properties are located to the south west with open fields located to the south east and north. It is not listed and is not located within the conservation area.

Proposed development

This application is for the retrospective erection of three sections of timber fence. The three sections of fencing shown on the submitted plans - Fence A 1.8m in height and Fence B 1.6m in height are located to the rear of the property and positioned adjacent public road of Forley's Field. Fence C is one metre in height and is located at the front of the property. This is permitted development under Class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

Relevant planning history

05 July 2019 - Enforcement investigation pending consideration into the erection of a fence (Enforcement case reference: 19/00123/UNDEV).

14 December 2011 - Planning permission granted for the erection of six dwellinghouses (Planning permission reference: 08/00553/FUL).

Assessment

Siting and Design and Impact on Visual Amenities.

Policy PMD2 of the Local Development Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Forley's Field is characterised by detached dwellings that are set back from the public road and footpath and are set within generous areas of garden ground. The front gardens between the dwellings and the public road are open plan with various degrees of domestic scale landscaping. There are no defined fence boundaries to the front of the existing properties in Forley's Field. It was noted from the site visit that the property at No. 2 Forley's Field had a similar size fence to the application site which enclosed the rear garden of the property.

The issues with this application are the visual impact of the development at this particular location and any road safety concerns which will be addressed below. The fence ranges in height from 1.8m to 1.6m and appears to be unnecessarily high adjacent to the roadway and would have an intrusive impact upon the visual amenities of the area given this side of Forley's Field is open with fields behind. As such, the fence would appear as a rather awkwardly placed structure in this particular setting and forms an incongruous

feature that would not be in keeping with the surrounding area. I consider this to be contrary to policy PMD2. I accept that other high fencing exists nearby, but not to the visually obtrusive extent of this fencing.

Road Safety Issues

The Roads Planning Officer was consulted during the processing of this application. He is unable to support this application as the fence has been erected within the public road verge. The existing service strip is demarcated by a flush pin kerb, to highlight where service cables and ducting will be present. The actual lighting columns sit behind the service strip in the verge to allow satisfactory set back from the carriageway to minimise the risk of columns being struck by vehicles. In addition, the fence impinges on a corner of the service strip to the rear of the visitor parking bays and abuts the lighting column in this area, which affects the future access to and maintenance of this column.

I accept that the Council as Local Roads Authority may seek to have this fence removed under section 87 of the Roads(Scotland) Act 1984. Albeit refusal of this planning application may duplicate that power, this is insufficient to overcome conflict with Policy PMD2 since whether the power would be used is for a different decision maker.

Impact on Residential Amenities

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy.

I have considered the impact of the development on the neighbouring amenity of surrounding residential properties and the proposal will not cause any detrimental levels of loss of light, sunlight, outlook and privacy. The proposal is considered to comply with Policy HD3.

Letters of representation

I note the objections raised by third parties and would agree with their concerns that the fence would be inappropriate in this location.

The issues regarding land ownership/title deeds and common land are not material planning considerations and do not form part of the assessment of the application.

To conclude, the fence forms a prominent and inappropriate form of development on this section of Forley's Field and is contrary to Policy PMD2 in respect of visual amenity and road safety.

REASON FOR DECISION :

The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area and would potentially have adverse impacts on road safety. This conflict is not overcome by other material considerations

Recommendation: Refused

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area and would potentially have adverse impacts on road safety. This conflict is not overcome by other material considerations

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.