

<b>APPLICATION NO.</b>	<a href="#">P20/V2180/HH</a>
<b>SITE</b>	22 Thornley Close Abingdon, OX14 1GQ
<b>PARISH</b>	ABINGDON
<b>PROPOSAL</b>	Erection of 1.8m fence. (Retrospective) (Additional information - visibility splays rec 29 Oct 2020) (Additional information - revised visibility splays and photo rec 11 Nov 2020)
<b>WARD MEMBER(S)</b>	Eric de la Harpe Robert Maddison
<b>APPLICANT OFFICER</b>	Mr. Sumon Bhattacharyya Susannah Mangion

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## **RECOMMENDATION**

**Planning Permission subject to the following conditions:**

**Standard:**

1. Approved plans

**Compliance:**

2. Materials in Accordance with Application

### **1.0 INTRODUCTION AND PROPOSAL**

- 1.1 The application has been brought to Planning Committee at the request of the Ward Councillor, Eric de la Harpe.
- 1.2 Thornley Close is a relatively small residential cul-de-sac of modern houses and flats, built around 2008. It lies off Colwell Drive, on the western side of Abingdon. The application site is a three storey, end-of-terrace town house on a corner plot. The site benefits from an existing access with off-road parking provision and an internal garage. The site lies within flood zone 3,
- 1.3 The application is retrospective. Originally, the rear garden was enclosed by a 1.8m high close boarded fence that ran in line with the flank wall of the house. Outside this fence, between it and the road, was the rest of the garden, a grass area that ran alongside the house and connected to the front garden. In August 2020 the existing fence was effectively moved out to the back of the pavement and extended alongside the house to a position level with the front of the house. The fence needs planning permission and so this application has been submitted.
- 1.4 A site location plan is provided below:



- 1.5 Photographs of the original fence and the fence for which retrospective permission is sought are included at paragraphs 1.6 and 1.7 over:

1.6



1.7



1.8 The application plans are attached at Appendix 1.

## 2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 This a summary of the final responses received from consultees and third parties to the application. The full responses can be viewed on the council website: [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

Abingdon Town Council	Object - the Town Council considers the application is out of character with the area and an overdevelopment, not responding positively to the site and surroundings, and that the development compromises highway safety as it obstructs vehicle sight lines.
Drainage Engineer	No objection
Highways Liaison Officer	Initial objection withdrawn further to submission of visibility splays which show an on-coming car could be seen, in accordance with Manual for Streets guidance, and subject to conditions to maintain splays in accordance with the details submitted. A site visit was made as part of this assessment
Contaminated Land	No observations
Neighbours	<p>One neighbour objects on the following grounds:-</p> <ul style="list-style-type: none"> <li>• The fence blocks sight lines for all road users impacting safety</li> <li>• There is in effect a T-junction where access is taken to 37-43 Thornley Close from which visibility is impacted by the fence. There has been a minor incident observed since the erection of the fence</li> <li>• Vehicles regularly park adjacent to the fence, including on the corner, obstructing the footway and effectively narrowing the road, which combined with the fence impacts visibility and safety.</li> <li>• The area was not fenced when the area was constructed in 2008 to ensure adequate vision splays and sight lines.</li> <li>• Concerns about consultation process and suggestion to prohibit on road-parking.</li> <li>• Concern the vision splay drawing does not reflect the design of the road and its use.</li> <li>• Query assessment of forward visibility and consider vision splay drawings incorrect.</li> <li>• Consider assessment has not considered vehicles reversing from driveways, cars or cyclists on the wrong side of the highway.</li> <li>• Safe, sustainable design should be promoted.</li> </ul>

### 3.0 **RELEVANT PLANNING HISTORY**

#### 3.1 VE20/274

Planning enforcement investigation.

#### P04/V2030

Erection of 18x1 bedroom apartments, 21x 2 bedroom apartments and 23 houses allowed at appeal on 18 May 2006.

### 3.2 **Pre-application History**

None.

### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal does not fall within a category of development that would be subject to EIA.

### 5.0 **MAIN ISSUES**

The relevant planning considerations are the following:

- Character and appearance of the surrounding area
- Highway safety
- Flood risk
- Community Infrastructure Levy

#### 5.1 **Character and appearance of the surrounding area**

A key issue with these proposals is the effect of moving the fence on the character and appearance of the area. The former grass area has been enclosed by the fence. Thornley Close is a modern development of relatively high density housing, containing three blocks of three-storey flats and a mixture of semi-detached and terraced houses. Hard surfacing for parking is a dominant component around the flats and in front of the houses. Areas of planting are relatively small and scattered. Two timber bin stores lie close to the road opposite the site, to serve the flats.

5.2 Viewed in this context, officers consider it is difficult to argue that the fence in its new position is out of keeping with the visual appearance of the area. Were the locality comprised of lower density housing with a greater component of planting and green space, it is likely that officers' view would be different. However, on the merits of this case, officers consider the visual impact to be acceptable.

#### 5.3 **Highway safety**

There is local objection to the highway safety implications of the fence being moved out and the potential interruption to vision for drivers at the corner. The objector argues that the corner is no longer safe for cars or cyclists. However, the Highways Liaison Officer has visited the site and considers that the vision available for drivers does meet safety standards. These standards are those appropriate to roads where vehicle numbers and vehicle speeds are relatively low. Despite the concerns of a local resident and of Abingdon Town Council, the Highways Liaison Officer maintains that it is not reasonable to apply

standard rules for visibility splays at this location due to the low traffic levels and vehicular speed at this cul-de-sac location.

5.4 The approach of the Highways Liaison Officer in this case is one that has been used by inspectors at appeal. Appeal decision P19/V2335/HH is **attached** at Appendix 2. The appeal site is 25 Livery Close in Abingdon. The application to which the appeal relates also concerns a fence erected on a cul-de-sac where traffic numbers and traffic speeds were considered to be low. In paragraphs 9 and 10 of his decision, the inspector noted that, although the appeal fence did restrict visibility, the fence would be unlikely to result in conflict between road users and pedestrians because of low vehicle numbers and slow speeds.

#### 5.5 **Flood risk**

The council's drainage engineer initially raised an objection to the proposed fence due its impermeable nature and the potential for it to deflect flood water elsewhere. However, his objection was withdrawn on the basis of the applicant's fallback position, that he could erect a one metre high fence at this location under permitted development rights, without requiring the benefit of planning permission. Such a fence would give rise to exactly the same impacts on any flood waters.

#### 5.6 **Community Infrastructure Levy**

The council adopted the Community Infrastructure Levy Charging Schedule on 1 November 2017. The proposed development would not be CIL liable.

### 6.0 **CONCLUSION**

6.1 The fence does not harm the character or appearance of the surrounding area. The siting and scale of the fence do not present unacceptable risks to highway safety, having regard to the cul de sac location. The impacts on any flood waters would be no greater than would occur from a one metre high fence that could be erected under permitted development rights. Officers consider the proposal accords with the aims of the development plan and the National Planning Policy Framework and planning permission should be granted.

The following planning policies have been taken into account:

#### **Vale of White Horse Local Plan 2031 Part 1 (LPP1) Policies:**

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP42 - Flood Risk

#### **Vale of White Horse Local Plan 2031 Part 2 (LPP2) Policies**

- DP16 - Access
- DP23 - Impact of Development on Amenity

**Neighbourhood Plan**

The site is not within a neighbourhood plan area.

**Supplementary Planning Guidance/Documents**

Vale of White Horse Design Guide (2015)

**National Planning Policy Framework and Planning Practice Guidance**

The National Planning Policy Framework (NPPF)

The National Planning Policy Guidance (NPPG)

**Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been considered in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application, the Council has regard to its equality obligations including its obligations under Section 149 of the Equality Act 2010.

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