Report of the Chief Officer Economy and Planning

Application Reference
P/2024/1213

Applicant
Mr Greg Hanford

Agent

Site Address
3 OAKFIELD COURT, NEW BROUGHTON, WREXHAM, LL11 6ER

Description of Development
NEWID DEFNYDD O DIR I GWRTIL PRESWYL A ADEILADU FFENS / CHANGE OF USE OF LAND TO RESIDENTAL CURTILAGE AND ERECTION OF FENCE

Ward
New Broughton/New Broughton

Community
Broughton/Brychdyn

Recommendation
Grant

Officer Report

Site Description
The site area is a strip of land located next to no.3 Oakfield Court in the settlement of New Broughton as defined by the adopted Wrexham Local Development Plan. It was previously communal land on the edge of the Gatewen Village estate with views to the open countryside. However, the applicant purchased a section of the land earlier this year so it is now in private ownership.



Proposal
The proposal is for the change of use of the land to be used as private garden and to be incorporated into the residential curtilage of 3 Oakfield Court and for the erection of a 1.8m fence around this area of land.

Reason for Committee Determination
More than 3 representations from different households received objecting to the proposed development.

Site History
P/2010/0253 - Submission of reserved matters pursuant to outline planning permission no P/2008/0790 - landscaping details for residential development - granted 14/03/2011.

P/2007/0700 - Outline application for residential development and retention of habitat woodland. Construction of new vehicular and pedestrian access and alteration of existing vehicular access - granted 01/10/2007.

Development Plan
Wrexham Local Development Plan (2013 - 2028)

SP2 Location of Development
DM1 Development Management Considerations
T1 Managing Transport Impacts

Local Planning Guidance

Local Planning Guidance Note 10 - Public Open Space in New Housing Development
Local Planning Guidance Note 14 - Garden Extensions in the Countryside

Local Planning Guidance Note 16 - Parking Standards
Local Planning Guidance Note 21 - Space Around Dwellings

Relevant National Policy
National Planning Policy & Guidance

Future Wales: The National Plan 2040
Planning Policy Wales (Edition 12, 2024)
Technical Advice Note 12: Design

Consultation Responses

Community Council:
No response received.

Local Member:
No response received.

Highway Officer:
Raises no objection.

The 1m set back appears adequate to be outside of the adopted highway and verge.

Advises the applicant to exercise all safety precautions and employ competent contractors to erect the fence, noting the potential for buried services and drainage, as well as ensuring that the highway is not obstructed or damaged in any way, and that any surplus material/dirt is not left on the road. Requests the applicants confirm that there is no highway drainage present below in the ground being fenced off/landscaped.

Publicity Undertaken:
Notification Letters sent to the owners/occupiers of 4 nearby properties.

Responses to Publicity:
5 representations objecting to the application and expressing the following concerns:
• Detrimental effect on residential amenities
• Adverse overbearing effect that would result in an unduly oppressive living environment
• Impact on the 'outstanding beauty' of Oakfield Court
• Communal Land Use
• Affect property value
• Not in-keeping with the rest of the court
• Sets a precedent of fences higher than 1m
• The site is open plan – would affect the views
• Enclosing land sets a precedent – lead to lack of wellbeing

• Any fences have to be ranch style fences in keeping with what's already there - a tall fence would not be in-keeping

Principle of Development

There are no LDP policies that impose any specific limitation on the erection of fences. The site is also within a defined settlement limit and built-up residential area. The principle of development is therefore acceptable, subject to further assessment of all relevant material considerations.

Design

Policy DM1 (i) requires all development proposals to enhance the character and appearance of the locality, streetscene and wider surrounding townscape.

It is noted that the application site was formerly a small area of incidental landscaping, forming part of the wider modern residential development and housing estate within which it is located. It is understood that this land has been used as such by local residents over the years, albeit the extent of that use will have been limited due to the size constraints of the land. The land is considered to be of limited recreational value due to its modest size.

This land has recently been purchased by the applicant, with title deeds having been supplied confirming this to be the case. As such, the land is now in private ownership and can no longer be used or considered as a public realm with permitted communal use.

It is acknowledged that the proposed fence enclosing the site would change the visual impact of the street scene. However, it is worth noting that under permitted development rights, a 1m high fence could be erected under permitted development and without the need for planning permission. Therefore, it is the extra height of 0.8m and the design of the fence that needs to be assessed regarding the visual amenity.

The fence would be painted dark brown to ensure visual consistency with the existing fence at no.3 and other fences within the locality and wider housing estate. To soften the visual impact, shrubs are proposed to grow against the fence to create more of a hedge appearance which again would be in-keeping with the street scene. It is noted that opposite the site is an example of a similar fence with ivy grown along the panels that can be seen from the street scene.

There are numerous examples of similar fences in terms of height and design within the surrounding and wider housing estate. Many of these are also approximately 1m from the highway and have been used to create boundaries between houses and gardens. The applicant has proposed a similar style fence made from locally sourced timber fence panels.

Considering that it is only a small section of land that has been purchased for the proposed enclosure, the effect on openness would be marginal. There would be some visual impact but this would be similar to the fencing on the opposite side of the site and would be seen as a continuation of the fencing already at

no.3. As such, it is considered that the visual impact on the street scene would be acceptable, with views to the surrounding open countryside still permitted further along Oakfield Court.

Overall, the design and visual impact of the proposed development is considered to be acceptable and would not result in adverse harm being caused to the character, nature or appearance of the surrounding built environment or existing street scene. As such, it is considered that the proposal would accord with the requirements of Policy DM1 (i) of the Local Development Plan.

Impact on Neighbouring Amenity

Policy DM1 (ii) requires that development proposals do not result in adverse impacts upon the amenity of neighbouring properties and preserves satisfactory standards of amenity for future occupiers/users.

The proposed development would not cause any demonstrable adverse impact upon any neighbouring dwellings. The purpose for the change of use of the land is to use it as private garden space. Local Planning Guidance Note 21 states that: *'appropriate screening with hedges, walls or fencing may be necessary to ensure that the garden space is not overlooked from surrounding houses or gardens.'*

As the area of land is no longer communal use and now privately owned by No.3, it is not considered that there would be any adverse neighbour impacts regarding the change of use of the land to be used as a private garden.

The proposed fence would not impact upon light levels given that there are no neighbouring properties next to the area of land, as they are located on the opposite side of Oakfield Court and nor would it appear overbearing. The proposed fence would ensure that the application site would be enclosed as a private garden area; thus would not present any overlooking opportunities to any neighbouring properties.

It is considered that the fence would be located a sufficient distance from nearby dwellings to ensure that it would not harm the living conditions of the neighbouring occupiers in any way.

Overall, it is considered that the development is compliant with the requirements of Policy DM1 (ii) and Local Planning Guidance Note 21 in terms of its impact upon neighbouring residential occupiers.

Highway Considerations

The change of use of the land and the erection of a 1.8m fence would not impact upon the existing off street parking area at No.3, neither would it lead to an increased parking demand on site in accordance with Local Planning Guidance Note 16. The dwelling is served by an existing access which would be retained and unaltered as part of the development.

A Highways Officer was consulted as part of the application and states that as the fence would be setback 1m outside of the adopted highway and verge, this is considered acceptable in terms of achieving appropriate levels of visibility and there are no highway grounds to object to the proposal.

Given the scale and nature of the development, it is considered that there would be no material impact upon existing highway conditions from a safety perspective, in-line with Local Development policies T1 and DM1 (vi).

Natural Environment

Regarding net biodiversity benefit measures, the additional planting of shrubs is proposed to soften the visual impact of the fence whilst also providing net benefit for biodiversity. The hedging will be based on a similar species to the hedging already found on the estate e.g. Privet or Ivy.

The applicant also intends to install both bird and bat boxes, the applicant has sought advice from Wales Diversity Partnership and the Bat Conservation Trust and the positioning will depend on their expert consultation. Due to the small scale of development, these measures are considered sufficient. They would provide a better outcome than if the site was left undeveloped and as such are considered acceptable. The implementation of these measures will be secured by condition as part of any permission granted.

A green infrastructure statement has also been provided which states that the area at present is just a grassed area. The application includes provision for shrubs. The current green infrastructure is minimal and the proposed changes will enhance green infrastructure at the site.

Other Considerations

One of the main concerns from the neighbours was that this area of land was used as a communal space; however, given that the applicant has purchased the land, it is now in private ownership and therefore no longer communal space. Under Permitted Development Rights, the owner could erect a 1m fence or plant a hedge on this land; thus, it is the nature of the fence that we are assessing.

Whilst concerns have been raised that the fence would ruin views, this is not a material consideration as there is no right to a view in planning terms. It is also worth noting that the fence will only cover half of the strip of land and therefore there will still be a public vantage point for the views further down the road.

Conclusion

The proposed change of use of the land to residential use and the erection of an enclosing fence is considered to be acceptable in principle given the built-up residential nature and location of the application site. The proposal would result in no demonstrable or adverse harm to the visual character or appearance of the locality and wider street scene. Despite concerns to the contrary from objectors, there would be no adverse impacts to the amenity of any neighbouring property;

there would be no adverse loss of public open amenity space; and there would be no adverse or material impacts upon the existing public highway.

Therefore, subject to the imposition of conditions and taking into account the provisions of the development plan and all other material planning consideration, it is recommended that planning permission be granted.

Conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s): Location Plan, Site Plan and documentation contained within the application.

3. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) shown within the email dated 14/10/2024 and 26/09/2024 have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

3. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

Notes

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on

0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority