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**F/YR18/0839/F**

**Applicant: Mrs H Mueller**

**Agent : Mr Ted Brand  
Brand Associates**

**6 Papworth Road, March, Cambridgeshire, PE15 9EU**

**Change of use of land for domestic purposes, the erection of a wooden shed and a 1.1 metre timber fence (retrospective)**

**Reason for Committee**

The application is before the committee due to the officer recommendation being contrary to the views of six or more residents.

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**1 EXECUTIVE SUMMARY**

This is a retrospective application for a large garden shed which has been erected forward of the established building line along Papworth Road. The development is considered to be unacceptable as it is out of character with the surrounding area.

With regard to other issues such as amenity impacts and highways matters, the development would not be of any unacceptable harm. The harm is confined to a visual impact.

Consideration has been given to the representations made by both the applicant and other interested parties who have supported the application. However, in the interests of continuity in decision making, local planning policy should be the over-riding factor in this case. A shed in the front garden of a property in such a visible location would normally be refused as it damages the character and appearance of the area. Flexibility cannot be given in planning terms for a retrospective application. The Local Planning Authority's response to this application would influence the determination of similar applications in the future.

Therefore, to give consent would be to undermine the established Local Plan Policy LP16 which seeks to protect high quality environments, and only permits development which can demonstrate it makes a positive contribution to the local distinctiveness and character of the area.

The recommendation is therefore to refuse the application.

**2 SITE DESCRIPTION**

The property is an end terraced two storey dwelling set within a small plot which provides a rear, side and front garden. The adjacent bungalow sits within a corner plot at the junction of Papworth Road and Henry Orbell Close. There is a timber shed to the side of the two storey dwelling, which does not come forward of the principal elevation, and was constructed under permitted development rules.

To the side of number 6 Papworth Road and the bungalow at number 1 Henry Orbell Close is a strip of open land adjacent the public footpath. There are no wooden fences or brick walls to the front gardens apart from some post and rail fencing down Henry Orbell Close. There are, however, some short hedges in the

immediate locality. The only tall fences in the area enclose rear gardens or side gardens, but front gardens forward of the principle elevation of a dwelling house are generally unfenced in this area.

### **3 PROPOSAL**

The applicant seeks planning permission to change the use of the open land, which is located to the side of 1 Henry Orbell Close and 6 Papworth Road, to residential garden land. The application also seeks to retain an existing timber shed which has been erected on the open land and associated fencing.

The dimensions of the timber shed are 5 metres in length, 4 metres in width, and 2.6 metres in height.

Full plans and associated documents for this application can be found at: (link to be added).

### **4 SITE PLANNING HISTORY**

F/0096/78/F	Erection of 19 bungalows and 13 houses Land between Papworth Road and Grounds Avenue March	Deemed Consent 12/04/1978
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### **5 CONSULTATIONS**

#### **March Town Council**

*'The shed is not fixed and is not in front of the building line, it should be considered permitted development, neighbours are content and consequently there is no apparent reason to object to it.'*

#### **CCC Highways**

Highways indicated they would like the necessary visibility splays to be detailed on the plans. They state that 'vehicle to vehicle visibility splays should be proposed as 2.4m x 43m with no obstruction over 0.6m and vehicle to pedestrian splays detailed as 2m x 2m with no obstruction over 0.6m'.

Highways also pointed out that the access had been moved and the dropped kerb should be regularised as part of this planning application.

#### **Local Residents/Interested Parties**

##### **Objectors**

- 1 objection has been received. The shed creates:
- A blind spot for pedestrians and road users; and
  - A parking problem.

##### **Supporters**

12 letters of support have been received expressing the following opinions regarding the shed:

- Improves the property and the appearance of the road;
- Is of a high standard and will be well maintained;
- Does not look out of place but enhances the area;
- Is not an obstruction or an eyesore;
- Does not block views when driving past;
- Does not block views or light;
- Is better than the usual scrap metal or broken washing machine or the odd sofa left in front gardens, and
- The applicant has worked hard to erect the shed at great expense.

There has been a petition with 96 signatures which says that the shed only improves the aesthetics of the area.

## **6 STATUTORY DUTY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF)**

38 – Local Planning Authorities should approach decisions on proposed development in a positive and creative way;

47 – Planning law requires applications to be determined on accordance with the development plan unless material considerations indicate otherwise;

124 – The creation of high quality buildings and places is fundamental to what the planning and development process should achieve;

127 – Planning decisions should ensure that developments function well adding to the overall quality of the area and are visually attractive as a result of good architecture, layout and landscaping;

130 – Permission should be refused for poor design that fails to take opportunities available for improving the character and quality of an area;

### **Fenland Local Plan 2014**

LP14 – Responding to climate change and managing the risk of flooding in Fenland,

LP16 – Delivering and protecting high quality environments across the district

### **March Neighbourhood Plan 2017**

There are no specific policies relating to developments such as this, however the visions, aims and objectives of the Plan is that the quality of the built and natural environment is improved.

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and appearance**
- **Residential amenity**
- **Highways**

## **9 BACKGROUND**

The agent argues that the site is not part of a strong linear settlement pattern being an end terrace property on a corner plot adjacent Henry Orbell Close. It is therefore a unique one-off location that fits in with the wider general streetscene, characterised by varied and changing frontages. Several gardens have, he points out, been enclosed by hedges or fences rather than keeping open frontages which tend to be unkempt. The area is of poor townscape value with the opportunity to enhance. The shed would be further improved by re-colouring it to match the host dwelling, and landscaping around the shed to soften its already acceptable appearance. The agent stresses that the application would not set a precedent as this plot is unique and similar applications would be controlled by the planning process whereby they would be refused on the grounds 'they would be a different location, with different circumstances and significant parking reasons for refusal.'

## 10 ASSESSMENT

### **Principle of Development:**

Local Plan Policy LP16 of the Fenland Local Plan 2014 seeks to deliver and protect high quality environments throughout the district by ensuring new development 'makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area'.

Criteria (e) also considers the impact of development on the amenity of neighbouring dwellings relating to noise, light pollution, loss of privacy and loss of light.

These policies are supported by the aims and objectives of the March Neighbourhood Plan which aims to improve the quality of the built and natural environment by securing high quality development in all schemes.

The application should, therefore, reflect the character and appearance of the area and also the existing and future residential amenity in order to comply with the above policy principles.

### **Character and appearance**

The character of this established residential estate is largely open plan. However, permitted development rights have not been removed for fences, and the fence proposed is only marginally higher at 1.1 metres than would have been permitted under the General Permitted Development Order. The fence around the original front garden should therefore be considered acceptable.

It is noted that wherever there is a junction leading into a side road, there is an established area of open space which enhances both visibility when entering or leaving a side road, and a sense of openness in the area which improves the overall outlook of the area and improves the wellbeing of residents due to the open space.

A part of the open land between number 6 Papworth Close and 1 Henry Orbell Close has been sold to the applicant. The timber shed subject of this application

has been constructed on the land purchased while the rest of the open land is still retained.

The impact of the erection of the shed is to create a visually prominent structure which does not relate well to the existing street scene. This is due to its location on former open land which extends beyond an established building line. This positioning of the shed disrupts the important relationship between the main buildings and the public realm, and which adversely affects the quality of the streetscape. A timber shed in such a visually dominant location within the street scene is a substandard form of development traditionally constructed to the rear or side of dwellings. Development to the frontage would normally expect the design, materials and construction to be of the same quality as the dwelling, and would only be approved if a development to the front of the dwellings could be accommodated within the existing pattern of development. The shed, as constructed, is considered to be an incongruous feature which impacts negatively on the existing character and visual amenity of the area.

The agent has pointed out that this is the only instance that a shed to the front of a dwelling would be acceptable due to its unique one-off location, and that similar applications would be expected to be refused. The agent, however, has not adequately stated why the location is so unique as to be acceptable where similar applications would not. Retention of the shed to the frontage of 6 Papworth Close, irrespective of any re-colouring or additional landscaping, would be considered contrary to planning policy, and could therefore not be recommended for approval as it conflicts with the aims of Policy LP16 in protecting high quality environments, particularly criteria (d) and conflicts with the aims and objectives of the March Neighbourhood Plan which aims to secure high quality development which would improve the quality of the built environment.

### **Residential amenity**

There is little impact on existing residential amenity. The shed is located away from other properties to minimise its impact. The only dwelling close enough to be impacted by the location and size of the shed is number 1 Henry Orbell Close. However, the side of the property only has one window facing the shed which is a high window to allow light into the dwelling rather than views out. The property is to the north west of the shed, and would therefore not have the light blocked from the window to an unacceptable degree. The application therefore conforms to Local Plan Policy LP16( e).

### **Highways**

Highways requested visibility splays to be detailed on the plans and the access regularised as it had been moved. Papworth Road, however, is not a classified road. Therefore, visibility splays and dropped kerbs cannot be asked for. The Highways Officer also commented that by erecting the shed, vehicle to vehicle and vehicle to pedestrian visibility at the access would be obscured, and possibly the vehicle to vehicle visibility splays at Henry Orbell Close. This could therefore be a breach in condition. If however, the original consent didn't have any visibility splay conditions imposed then they cannot now reasonably ask for them to be secured as part of this application. It can be confirmed that there were no conditions regarding visibility splays on the original application.

Papworth Road is not a busy main road. The shed is set back from Henry Orbell Close so does not immediately block views for motorists as they exit the Close.

There is also no regular bus stop visible to the opposite side of the road which may be impacted by the shed. The objection received regarding a blind spot due to the shed and a parking issue appear to be unfounded.

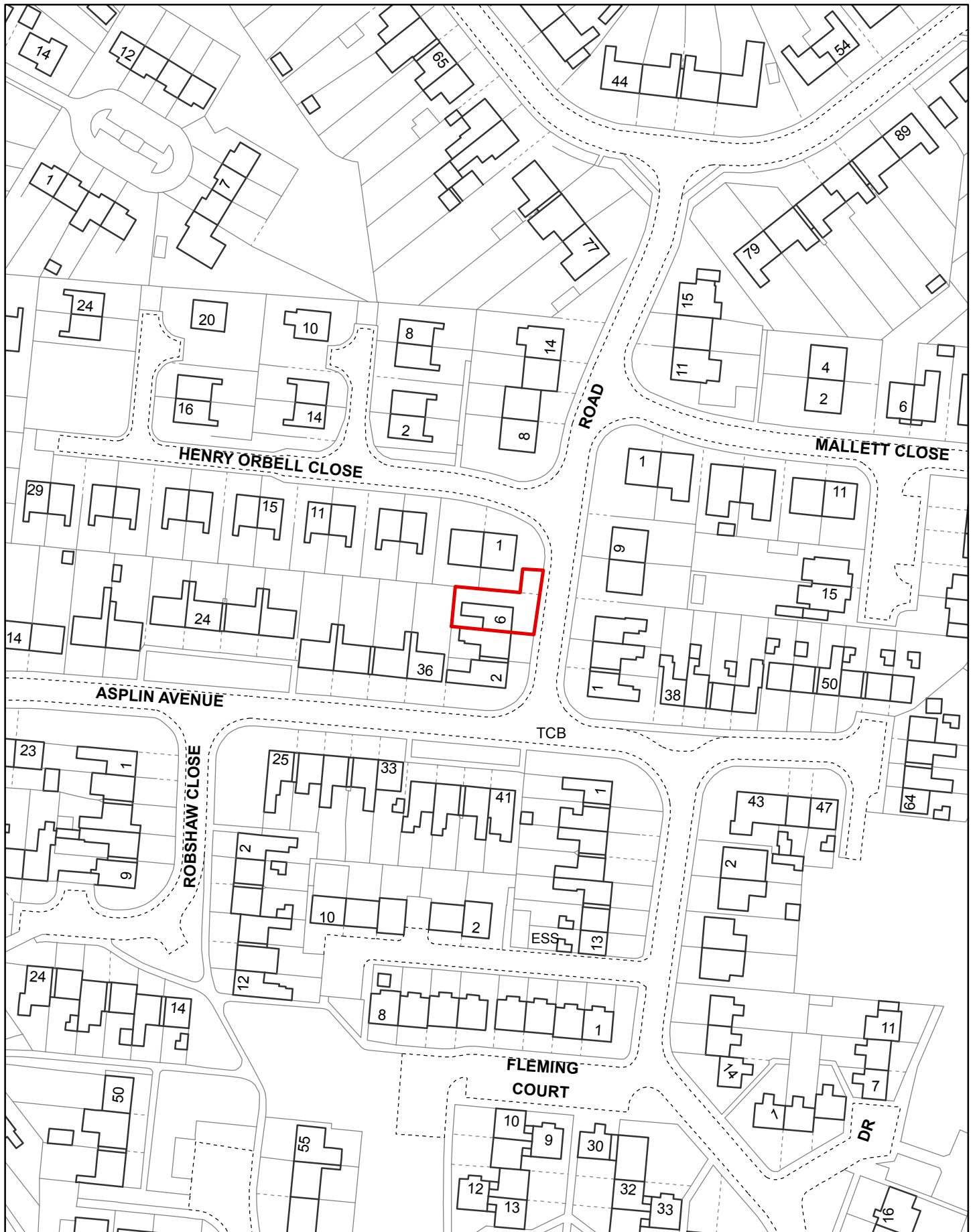
## **11 CONCLUSIONS**

The main issue is the visual harm of the shed due to its positioning and materials of construction. No other property in the area has a shed positioned forward of the established building line, and which does not conform to the established pattern of development, or match the materials of the main dwelling house. The shed is over prominent in this location, and should be resisted under Local Plan Policy LP16(d).

## **12 RECOMMENDATION**

### **Refuse for the following reason:**

Policy LP16 of the Fenland Local Plan 2014 seeks to deliver and protect high quality environments throughout the district by ensuring new development 'makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area'. The proposed timber shed, by reason of its prominent position to the front of the dwelling, and its size, scale mass and materials, constitutes an unnecessarily large and dominant form of development which would be considered harmful to the character of the host dwelling and the immediate street scene of which it forms a part, and would therefore conflict with Local Plan Policy LP16.



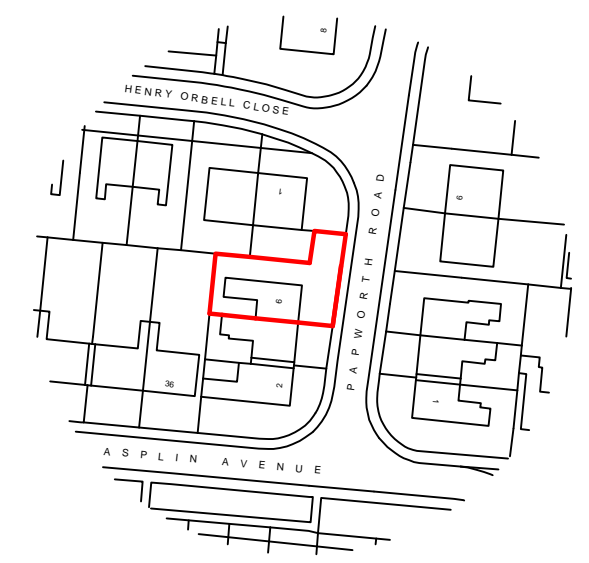
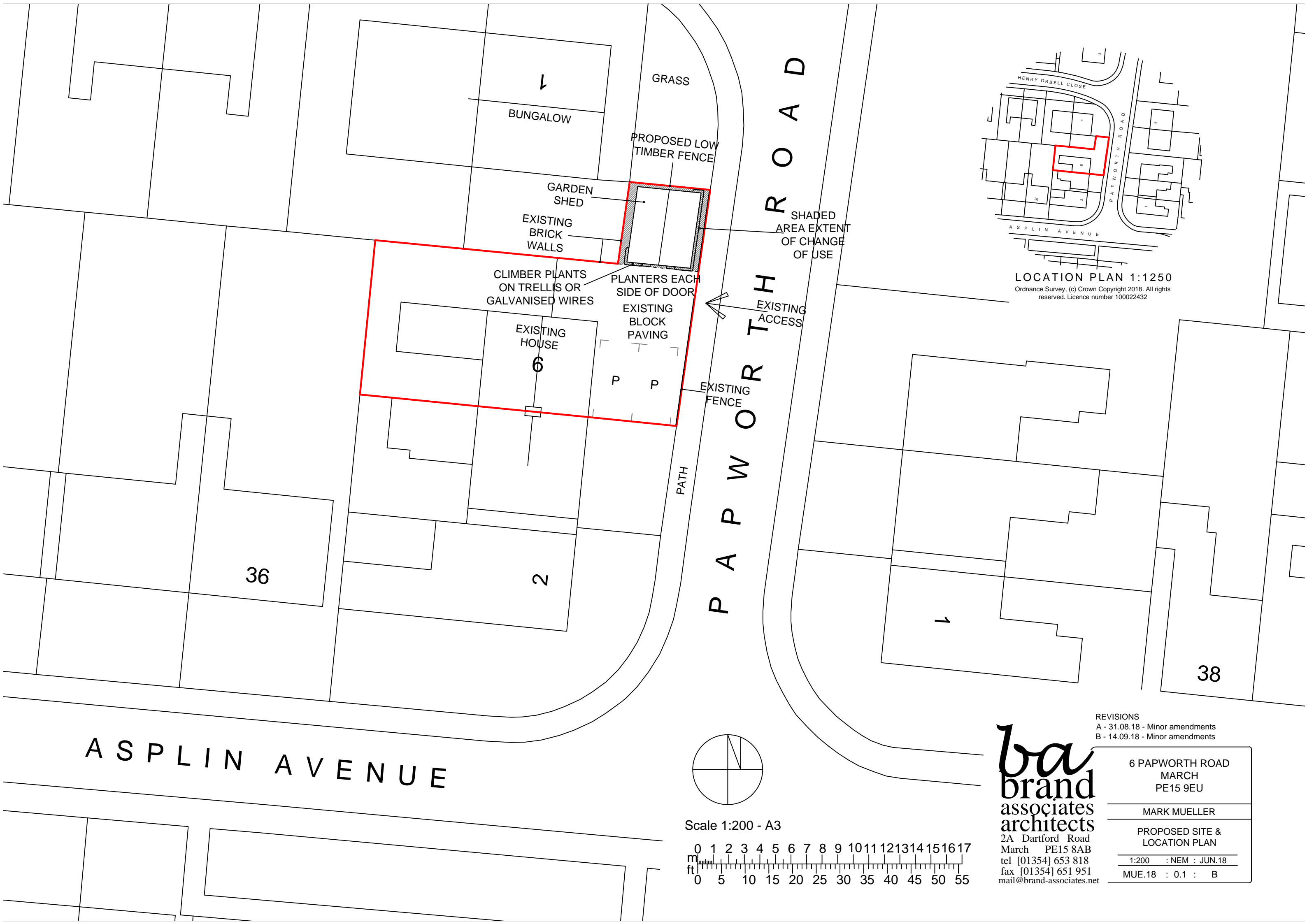
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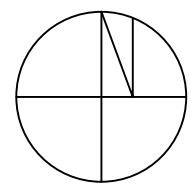




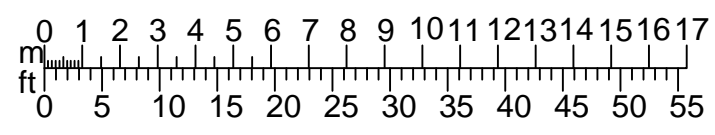
**LOCATION PLAN 1:1250**  
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P A P W O R T H R O A D

A S P L I N A V E N U E



Scale 1:200 - A3

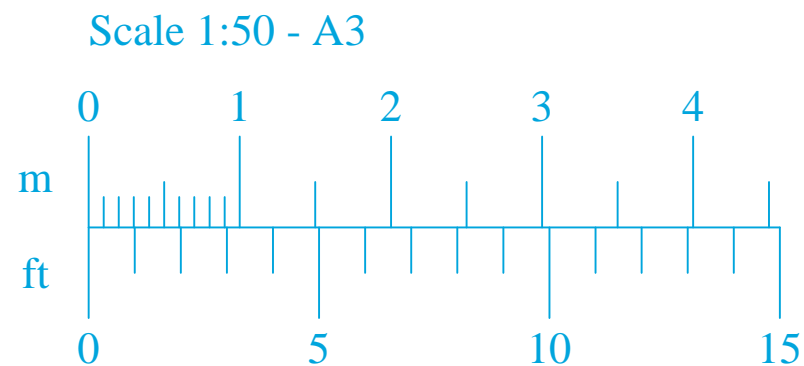
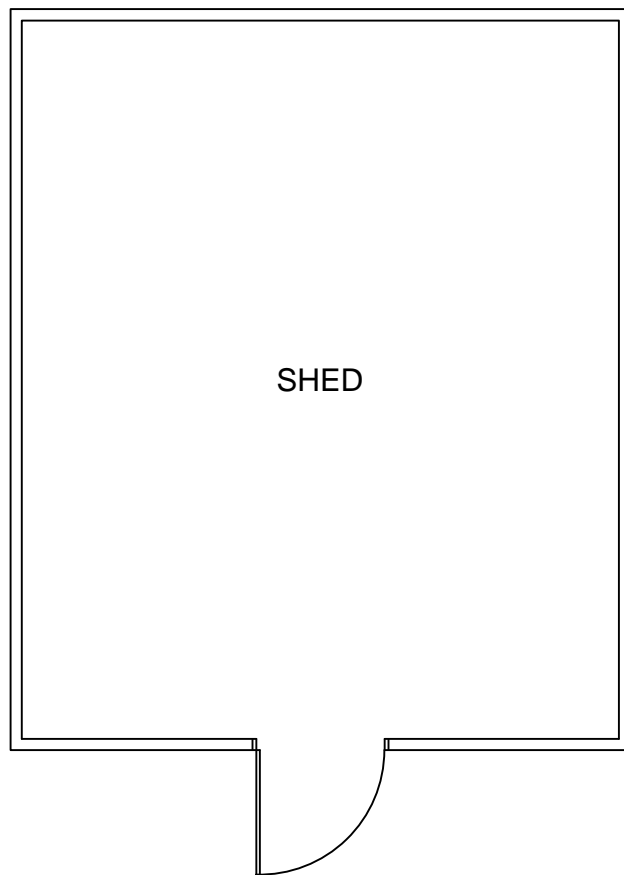
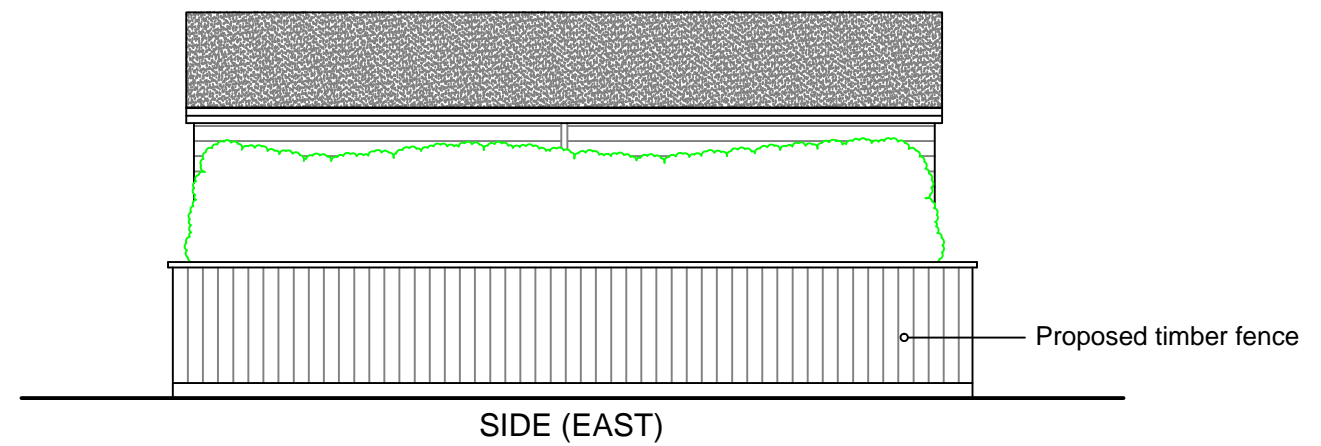
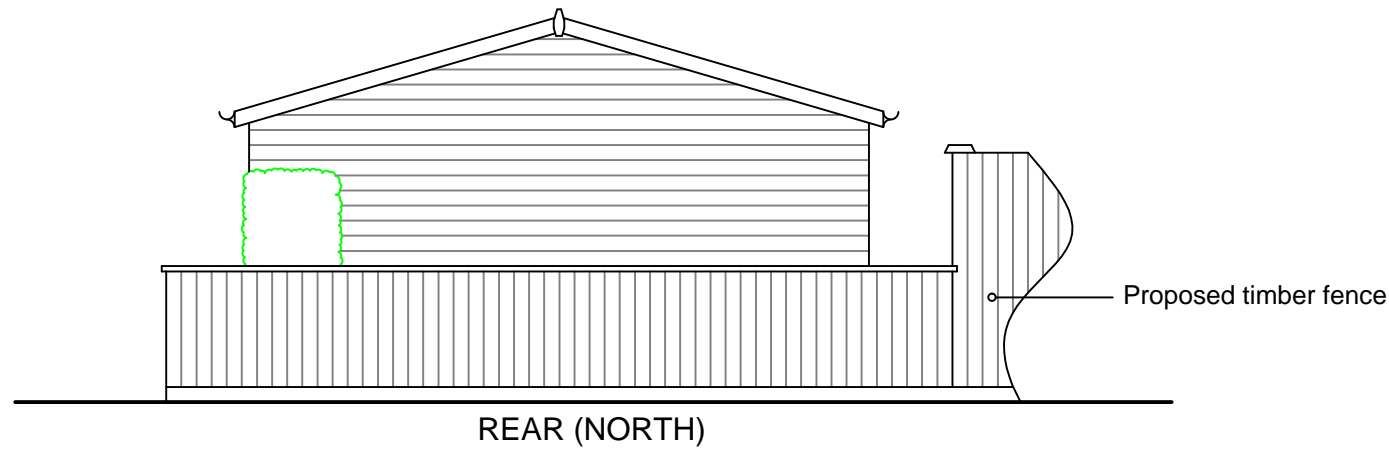
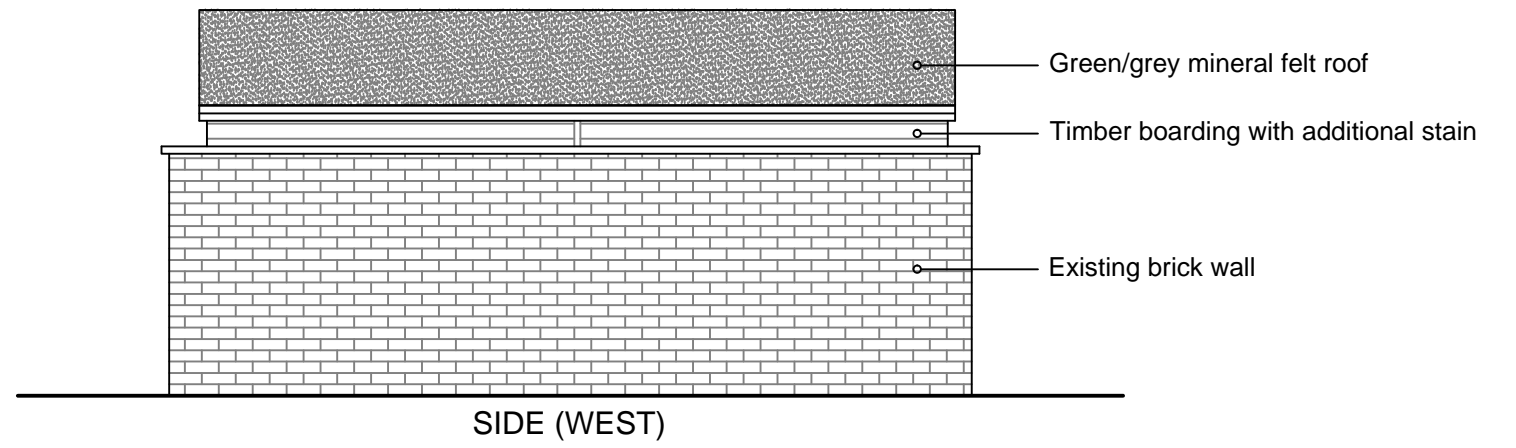
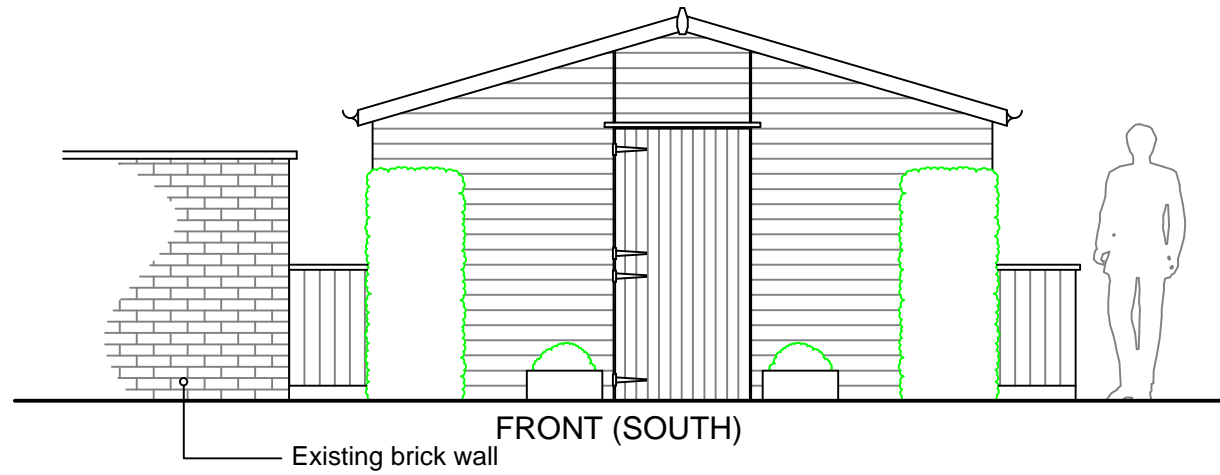


REVISIONS  
 A - 31.08.18 - Minor amendments  
 B - 14.09.18 - Minor amendments

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PROPOSED SITE & LOCATION PLAN		
1:200	:	NEM : JUN.18
MUE.18	:	0.1 : B





REVISIONS  
 A - 04.09.18 - Additional info added  
 B - 14.09.18 - Validation

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PLANS	
1:50	: NEM : JUN.18
MUE.18	: 2 : B