

LOCATION: 39 Alphington Avenue, Frimley, Camberley, Surrey, GU16 8LL

PROPOSAL: Change of use of the land from privately owned amenity land to a private garden incidental to the enjoyment of the dwelling house at 39 Alphington Avenue, and enlargement of the curtilage of the dwelling house and erection of replacement fencing.

TYPE: Full Planning Application

APPLICANT: Mr Alan Ashbery

OFFICER: Shannon Kimber

This application is being reported to the Planning Applications Committee because the applicant is a Councillor.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 A part retrospective planning permission is sought for the part enlargement of the rear garden and residential curtilage over the grass verge along Tomlins Avenue to the east. This grass verge is owned by the applicant. This application also includes the erection and relocation of the boundary treatment with the former wall replaced by a close boarded 2 metre high fence. The new fence has already been erected in a relocated place, adjacent to the near-side-edge of the highway to the north-east, however it is proposed by this application to set the new fence back by 0.5 metres.
- 1.2 The principle of the development is considered acceptable. It does not result in an adverse impact on the character of the area, host dwelling or residential amenities of the occupiers of the neighbouring dwellings. The development does not have a detrimental impact on highway safety.
- 1.3 The application is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site lies within the settlement area of Camberley and is part of the Post War Open Estates Character Area. The application dwelling is located on the northwest corner of the Alphington Avenue and Tomlins Avenue junction and is a single storey detached property with a gable fronting Alphington Avenue. The dwelling is set back from the highway to the front. The property forms one of a series of similarly designed single storey dwellings on this side of the road, while on the opposite side are two storey dwellings which sit elevated from the highway.
- 2.2 There is a Tree Preservation Order covering the Oak in the rear garden close to the eastern boundary fence (reference: TPO 12/66). On the opposite side of Tomlins Avenue is a group Order and an area of open space that forms part of the western bank of Tomlin's Pond.

3.0 RELEVANT HISTORY

3.1 There is no relevant planning history.

4.0 THE DEVELOPMENT

4.1 Planning permission is sought (part retrospectively) for the change of use of the land from privately owned amenity land to a private garden incidental to the enjoyment of the dwelling house at 39 Alphington Avenue, and enlargement of the curtilage of the dwelling house and erection of replacement fencing.

4.2 The previous wall has been replaced with a 2 metre high fence. Some fence panels have additional trellis fixed to them, these do not form part of this application and will be removed. This runs for 13 metres along the rear boundary of the site and for 33 metres along the side boundary of the site. The unenclosed front garden is unaffected by this development.

4.3 The replacement fence has been erected. However there is a 14.7 metre long section, centrally located along the side boundary, which has been relocated from the original location of the previous boundary wall. Whilst currently this new fence is hard-against the boundary with the public realm, it is proposed to set this section of the fence back by 0.5 metres, in order to retain a section of soft landscaping to lessen the impact of the development on the street scene.

4.4 The area of land enclosed is wedged shaped with a maximum width of 2.4 metres and a minimum width of 1.7 metres. It has a depth of 14.7 metres.

5.0 CONSULTATION RESPONSES

5.1 The following external consultees were consulted and their comments are summarised in the table below:

External Consultation	Comments Received
County Highways Authority	No objections raised

5.2 The following internal consultees were consulted and their comments are summarised in the table below:

Internal Consultation	Comments Received
Arboricultural Officer	No objections raised.

6.0 REPRESENTATION

6.1 A total of 7 individual letters of notification were sent out on 27.06.2023. Following a revision to the wording of the description of the development, a revised neighbour letter was sent out on the 29.07.2023. To date no letters of representation have been received.

7.0 PLANNING CONSIDERATION

7.1 This application is considered against advice contained with the National Planning Policy Framework (NPPF) where there is a presumption in favour of sustainable development. Regard will be given to Policies CP1, CP2 and DM9 of the adopted Core Strategy and Development Management Policies Document 2012 (CSDMP). In addition, regard will be given to the adopted Supplementary Planning Documents (SPD) including the Western Urban Area Character Appraisal 2012 (WUAC) and the Residential Design Guide 2017 (RDG).

- 7.2 The site lies within the settlement area and therefore the principle of the development is acceptable. The main issues to therefore be considered with this application are:
- Impact on the character and appearance of the area, including trees
 - Residential Amenity
 - Highway Impacts
 - Other Matters
- 7.3.2 The Post War Open Estate (PWOE) Character Area of the WUAC hallmarks include estates of houses with a common age and architectural styling, no enclosure of front gardens by fences or walls, and long winding avenues with numerous cul-de-sacs. Mature vegetation is listed as a positive feature of this character area in the WUAC, and that an identified negative feature is a hard environment with a lack of mature vegetation to facilitate urban cooling in the summer periods.
- 7.3.3 The development does not enclose the front garden space of the application site, nor does it erode the space between built forms and so in this respect does not have a negative effect upon the characteristics of the PWOE Character Area. However, due to the corner plot location, the enclosing of part of the verge to the side of the plot is noticeable from the public realm.
- 7.3.4 The land germane to this application is under private ownership. Principle 6.11 of the RDG states the importance of clear definition between privately owned land and the public realm. As such, whilst it is considered that this section of verge, by virtue of the Silver Birch tree, does make a positive contribution to the character of the area, the development does not result in the loss of that vegetation. In addition, due to the height of this Silver Birch tree, being taller than the fence, it is still visible from the public realm and therefore still has a positive contribution. A gap of 0.5 metres is proposed between the new fence and the near-side-edge of the highway. The relocation of the boundary treatment, albeit a maximum of 2.4 metres closer to the public realm, does not result in a significant alteration to the existing street scene.
- 7.3.5 When approaching the site from Alphington Avenue from the west, the well vegetated front garden which has no hard boundaries dominates the site. As the application site is located on a corner plot, there are longer views of the site when approaching the site from Alphington Avenue from the east, from which the relocated fence can be glimpsed. As the site is viewed against a backdrop of housing, it is considered that the replacement and relocated fence does not result in a significant alteration from the previous situation when viewed from this direction.
- 7.3.6 The relocated boundary fence along the north-western side boundary is not parallel to the highway. There is an area of retained vegetation which has not been enclosed. When approaching the site from Tomlins Avenue to the north, this retained vegetation screens the fence from view. As such, the development does not result in an overly dominant impact on the street scene when viewed from this approach.
- 7.3.7 The development, amended as part of this retrospective application, will retain a 0.5 metre strip of amenity land between the fence and the near-side-edge of the highway. This retention of some soft amenity space between the fence and the highway to the north-east of the site along the whole side boundary softens the impact of the fence on the public realm. In addition, on the opposite side of Tomlins Avenue, there is green amenity space and Tomlin's Pond. This is a designated green space within the

settlement. As such, there is no built form opposite the side fence and therefore this area is already very open, therefore the small enclosed section to the side of the original residential curtilage of number 39 results in a limited impact on the character of the surrounding area in this instance.

- 7.3.8 There is an Oak tree, located beyond the rear boundary of the application site, which is covered by an individual Tree Preservation Order (reference: 12/66). The location of the boundary treatment, at the point closest to this protected tree, has not been altered. The development, therefore, does not result in an adverse impact on the health of this protected tree.
- 7.3.9 In addition, it is noted that there are other examples of plots within the same housing estate which have enclosed amenity land and erected panel board fences closer to the public realm, including at 57 Alphington Avenue, 1 and 2 Caroline Way, and 2 Alphington Green.
- 7.3.10 It is therefore considered that the development does not result in an adverse impact on the host dwelling or the street scene. It complies with the NPPF, policy DM9 of the CSDMP, principle 6.11 of the RDG and guiding principles PO1, PO2 and PO3 of the WUAC.

7.4 Residential amenity

- 7.4.1 Policy DM9 (iii) of the CSDMP is relevant as this requires development to respect the amenities of occupiers of neighbouring properties and uses.
- 7.4.2 No neighbouring dwelling is directly affected by this development given its north east location. Due to the scale and nature of the development, it does not result in a significant impact on the residential amenities of the occupiers of the surrounding dwellings.
- 7.4.3 The development therefore complies with Policy DM9 of the CSDMP.

7.5 Highway impacts

- 7.5.1 Policy DM11 of the CSDMP is relevant stating that development would not be acceptable where there is an adverse impact on the safe and efficient flow of traffic.
- 7.5.2 The development does not alter the number of bedrooms at the application property, nor does it alter the existing parking situation. The new fence is located 23 metres away from the junction with Tomlins Avenue and Alphington Avenue. Due to this separation distance, the fence, in its proposed location, would not affect the visibility splays, and therefore would not have an impact on vehicles leaving or entering the junction. County Highways has raised no objection and has no requirements to make.
- 7.5.3 As such, it is considered that the development does not have a negative impact on highway safety. The development complies with policy DM11 of the CSDMP.

7.6 Other matters

- 7.6.1 The development is not CIL liable.

8.0 PUBLIC SECTOR EQUALITY DUTY

- 8.1 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The development is not considered to conflict with this duty.

9.0 CONCLUSION

- 9.1 The development is acceptable in principle. It does not result in an adverse impact on the character of the area, host dwelling or residential amenities of the occupiers of the neighbouring dwellings. The development does not have a detrimental impact on highway safety. The development complies with the NPPF, policies DM9 and DM11 of the CSDMP, the RDG and the WUAC.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

1. The development shall comply with the following approved plans:
Site Location Plan, Drawing reference: DRG #1, Received 12.06.2023
Proposed Block Plan, Drawing reference: DRG #3, Received 12.06.2023
Proposed Fence Elevation and Layout Plan, Drawing reference: DRG #5, Received 12.06.2023
Tree Site Plan, Drawing reference: DRG #6, Received 12.06.2023
Unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

2. Within 3 months of the development hereby approved, the fence shall be relocated and the trellis removed to comply with approved plan Proposed Fence Elevation and Layout Plan, Drawing reference: DRG #5.

Reason: To ensure visual amenities are not prejudiced and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and National Planning Policy Framework.

Informative(s)

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Further information on how this was done can be obtained from the officer's report.
3. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.