

PARISH

Glapwell Parish

APPLICATION New boundary fence and gates (retrospective)
LOCATION 48 Rowthorne Lane Glapwell Chesterfield S44 5QD
APPLICANT T Roper 48 Rowthorne Lane Glapwell Derbyshire S44 5QD
APPLICATION NO. 25/00421/FUL **FILE NO.** PP-14379995

CASE OFFICER Jack Clayton
DATE RECEIVED 3rd October 2025

SUMMARY

This is a domestic development seeking retrospective planning permission for a front boundary treatment which consists of fencing panels and a gate finished in solid accoya timber in dark grey. The development has taken place adjacent to the classified highway to the west of Rowthorne Lane, Glapwell. The key issues to address in this report are the visual impacts of the proposed development on the streetscene and highway safety hazards.

Call in Request

The application is referred to Planning Committee for determination due to a call-in request from Cllr John Ritchie who wishes to discuss the Highway Authority's recommendation.

Site Location Plan

OFFICER REPORT ON APPLICATION NO. 25/00421/FUL

SITE & SURROUNDINGS

The subject site is a two-storey, semi-detached dwellinghouse to the west of Rowthorne Lane, Glapwell. The property is finished in render, white uPVC windows and doors, and concrete roof tiles. To the rear of the property is a landscaped garden which consists of various outbuildings which do adhere with the applicant's permitted development rights and is enclosed by a circa 1.80m timber fence.

Fronting the property is a hard surfaced driveway which gently slopes towards the property where an Aco Drain diverts any surface water to an existing drain. The driveway is large enough to accommodate two off-street vehicular parking spaces. Also fronting the property, is a front boundary treatment which consists of solid grey fencing panels and a gate which is between 1.54 and 1.88m high. This is an unauthorised development which this application is seeking the retention of.

The subject site is located in an established residential estate, in the development envelope of Glapwell, where adjacent properties vary greatly in style, design and size.

BACKGROUND

The applicant recently had permission granted for planning application reference number 25/00267/FUL which proposed a single-storey rear extension. However, during the site visit for this application two unauthorised developments at the site were identified - a canopy on the principal elevation and the aforementioned front boundary treatment. The applicant was invited to amend their application to seek the retention of these unauthorised developments. However, the applicant's agent only included the retention of the canopy and declined the opportunity to include the retention of the fence and gates at that time, following which, this planning application was submitted to regularise the development.

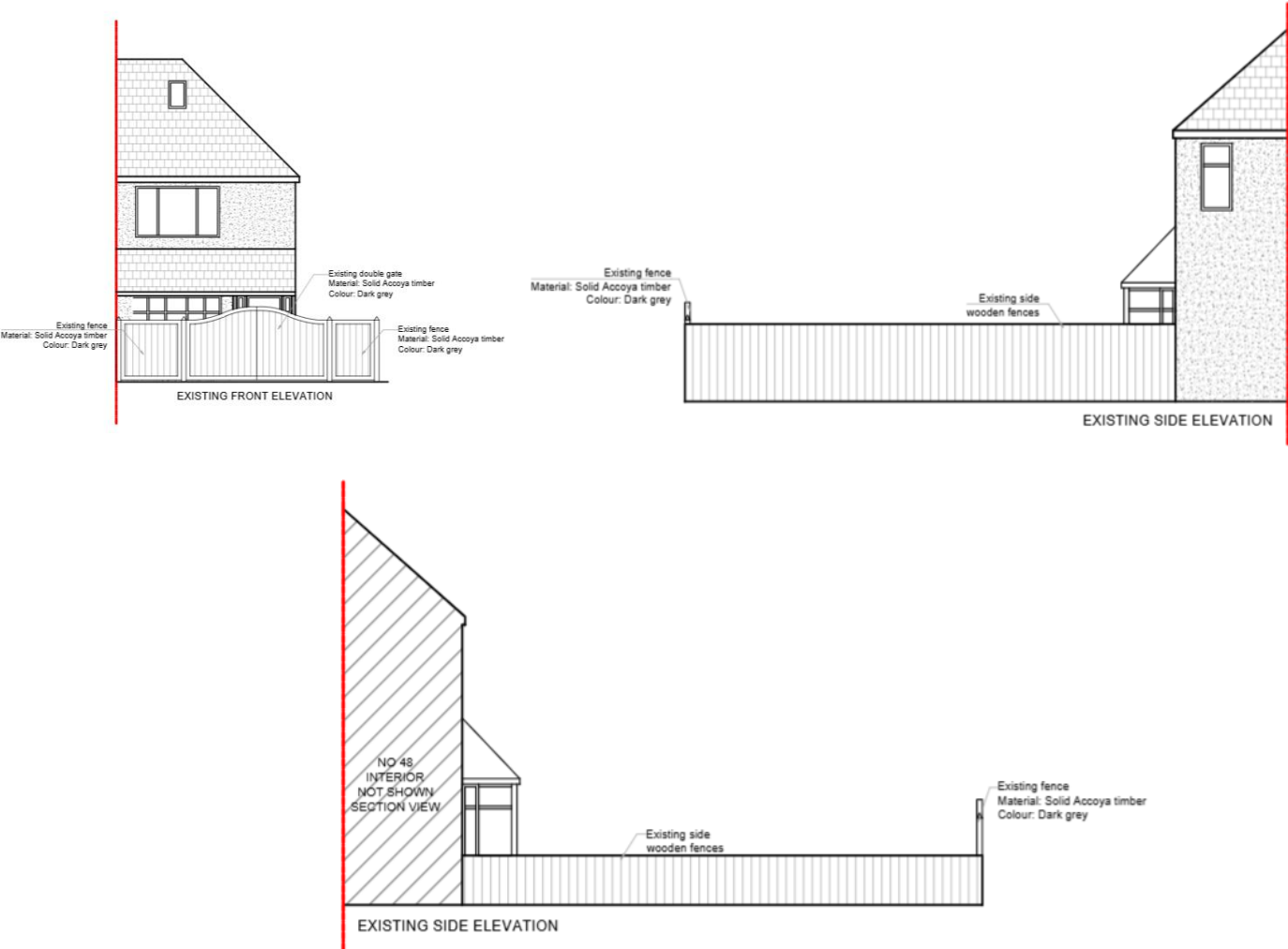
It was also noted that the existing timber boundary treatments on northern side elevation of the driveway would have required planning permission, but this has been neither applied for nor granted. However, information available on Google Earth shows that the construction of these developments had been completed by May 2019. Therefore, sufficient time had passed since the works were substantially completed (4+ years) before the 25th of April 2024 to render the development as immune from any planning enforcement action by the Council, and so this matter has not been pursued further.

PROPOSAL

The application is seeking retrospective approval for the front boundary treatment which consists of dark grey accoya timber. The fence panels are 1.55m in height and the gate is between 1.55m and 1.88m due to its curved nature as demonstrated by the photograph on the overleaf. The production of Accoya is based on the process of wood acetylation to enhance its durability

As previously stated, due to the age of the timber fence on the northern boundary it is exempt from enforcement action and the boundary treatment on the southern boundary is under 1.00m and therefore compliant with the relevant provisions of the Town and Country Planning

(General Permitted Development England) Order 2015 (as amended). As such, it is just the front boundary treatment under assessment in this application.



SUPPORTING DOCUMENTS

Design and Access Statement prepared by Studio Charette

AMENDMENTS

No formal amendments have been received.

SUMMARY OF SUBMISSIONS

For clarification this recommendation is based on the following plans:

- Existing (Retrospective) Layout – Received on the 3rd of October 2025.
- Proposed (Retrospective) front and side elevations – Received on the 3rd of October 2025.
- Pre-existing front and side elevations – Received on the 3rd of October 2025.
- Pre-existing layout – Received on the 3rd of October 2025.

HISTORY

| | | |
|--------------|--------------------------|--|
| 99/00538/FUL | Granted Conditionally | Erection of a first floor extension to rear and erection of conservatory to rear |
| 25/00267/FUL | Granted Conditionally | Retention of the canopy and porch to the front and proposed single storey orangery to the rear |

CONSULTATIONS

Glapwell Parish Council – no representations have been received.

Highway Authority (Derbyshire County Council) – recommends refusal on the following grounds:

The proposed development would severely restrict emerging vehicular and pedestrian visibility onto the highway network due to the height of the gates and fencing resulting in an unacceptable impact on the highway safety which is contrary to paragraphs 115 and 116 of the National Planning Policy Framework.

(All consultation responses are available to view in full on the Council's website).

PUBLICITY

The application has been publicised by way of a site notice and letters sent to four adjacent residential properties – no representations have been received.

POLICY

Local Plan for Bolsover District (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 Sustainable Development
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC11 Environmental Quality (Amenity)
- ITCR11 Parking Provision

National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.

Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design, Adopted 2013:

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

Local Parking Standards:

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking. The design supersedes the parking design section included within the existing Successful Places SPD (2013).

Biodiversity Net Gain Design Note:

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- *the principle of the development.*
- *the landscape and visual impact of the proposed development*
- *residential amenity.*
- *whether the development would be provided with a safe and suitable access and impacts on highway safety.*

These issues are addressed in turn in the following sections of this report

Principle

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires planning applications to be made in accordance with the Development Plan, unless material planning consideration indicate otherwise.

The application site is located within the settlement development envelope of Glapwell where Policy SC1 of the Adopted Local Plan supports the development subject it being appropriate in scale, design and location to the character and function of the area (a), accords with other policies of this plan (s) and does not have an unacceptable environmental impact (e).

Landscape and visual impact of the proposed development

The materials used for the front-boundary treatment are Accoya timber, solid grey panels varying from 1.55m to 1.88m in height.

The gates and fence by reason of their siting, height and appearance comprise a prominent feature within the streetscene that are harmful to the character and appearance of this part of Glapwell. They are not compatible in scale with the main dwellinghouse. When these factors are coupled together the proposals do not integrate well in their setting and appear as an unattractive incongruous addition.



The Council acknowledges that there are variations in front boundary treatments along Rowthorne Lane, however these are considered to be constructed from materials which respect the character of the main dwelling, or are proportionate in scale to the size of the property frontage, as identified on the images below:





Policy SC2 of the Local Plan states the Council will permit development proposals where it 'protects and enhances the distinctiveness, character, townscape and setting of settlements'. Policy SC3 of the Adopted Local Plan requires developments to achieve good quality, attractive, durable, and connected places through well designed locally distinctive development that will integrate into its setting. Paragraph 135 of the National Planning Policy Framework also requires high quality design which is visually attractive as a result of good architecture, and which respects local character and history. As such, proposals are only

considered suitable where they 'respond positively to the context and contributes to local identity and heritage in terms of height, scale, massing, density, layout and materials', 'provide a positive sense of place through well designed streets and spaces which are safe, attractive and appropriate to their context' and 'accord with and respond to the established character and local distinctiveness of the surrounding landscape'.

The development is not considered to accord with the above provisions and therefore is contrary to the respective planning policies. The front boundary treatment does not respect the style of dwellinghouse and its stark and contrasting form is not considered to provide a positive sense of place within the public realm, given its visual prominence.

Overall, it is considered that the development results in an incongruous feature in the street scene that is not compatible with its context, causing visual harm to the character and appearance of the street scene and therefore is contrary to policies SC2 and SC3 of the Local Plan and the 'Achieving well-designed places' section of the Framework.

Access/Highways

Given the nature of the development Derbyshire County Council Highway Authority has been consulted and has undertaken a full assessment of this planning application. The proposed gates and fencing remove all emerging visibility from the site access due to the height, and solid construction of the gates and fencing and the proximity of both to the highway and highway boundary i.e. footway. In effect, the achievable emerging visibility from the access on to Rowthorne Lane (a classified highway) is nil on both directions. This is reinforced from the photos taken during a site visit below:





The situation imposed by the installation of the gates and fencing is considered to be unacceptable, children passing by who are walking or cycling cannot be seen due to the lack of visibility. Furthermore, the gentle slope of the driveway means that the height of the gates actually have a greater distance to the top of the gates/fence than at street level.

As discussed above, the proposed development significantly restricts emerging vehicular and pedestrian visibility on to the highway network due to the height of the gates and fencing, and as such, results in an unacceptable impact on highway safety which is contrary to paragraphs 115 and 116 of the NPPF. Therefore, the Highway Authority is recommending refusal on this basis.

The Council acknowledge that visibility is impeded to some extent by the fencing panels on the side boundaries, but as already stated above, these are now immune from enforcement action, and it is considered that should the fence/gate which is now subject to this application be removed, or reduced to an acceptable height, then pedestrian and vehicular visibility could be achieved to a satisfactory standard.

Furthermore, Local Plan Policy ITCR11 parts c) and d) state the following: '*provide a safe and*

secure environment and *'minimise conflict with pedestrians and / or cyclists'*. Given the substantial safety concerns outlined above the proposal is also considered to be contrary to policy ITCR11. Moreover section 5.10 of the adopted Supplementary Planning Document 'Local Parking Standards' states *'Private drives also need to be safe and provide an acceptable level of amenity'*. It is considered that the addition of the front boundary treatment to the property has resulted in the driveway becoming unsafe, and as such the proposal is also contrary to the Local Parking Standards. Overall, the impact is considered to be unacceptable on a national and local scale as it is contrary to paragraphs 115 and 116 of the NPPF, Local Plan policy ITCR11 and Section 5.10 of the Local Parking Standards.

Residential Amenity

There are negligible impacts on residential amenity to adjacent properties, as the development does not create any privacy, daylight or overbearing impacts to neighbours and does not reduce the available outdoor amenity space to occupiers of the dwelling.

Ecology and Biodiversity Considerations

| Key Biodiversity Information | |
|--|-------------------------|
| Reason if exempt from the biodiversity gain plan condition | Householder development |

The application is for a domestic development and is therefore exempt from the mandatory 10% biodiversity net gain requirement.

CONCLUSION / PLANNING BALANCE

The application proposes the retrospective approval of a front-boundary treatment which consists of gates and fencing between 1.55-1.88m in height constructed from dark grey solid accoya timber. The design and scale of the front-boundary treatment is at odds with its context appearing overbearing and out of place within the street scene. This is contrary to the criteria of SC2 and SC3 of the Local Plan and the 'Achieving well-designed places' section of the Framework.

The development results in a significant negative impact to highway safety, removing all emerging visibility from the site access due to the height of the gates and fencing and the proximity of both to the highway and highway boundary i.e. footway, onto Rowthorne Lane, a Classified Highway. This is contrary to paragraphs 115 and 116 of the NPPF, Local Plan policy ITCR11 and Section 5.10 of the Local Parking Standards.

The applicant would be able to erect a boundary enclosure up to 1m in height under permitted development. This would provide enhanced visibility, despite being compromised by existing fencing on the side boundaries. Reducing the height of the front boundary treatment would also reduce its prominence. The applicant could also erect a gate comprised of railings which would again allow some visibility splays to be achieved, and the materials would be less dominant within the streetscene.

RECOMMENDATION

The current application be REFUSED for the following reasons:

1. The gates and fence by reason of their prominent siting, height and appearance are not in scale or character with the existing dwelling house and represent overly prominent and incongruous features within the streetscene. The proposal fails to respect the urban setting or respond positively to its context and is detrimental to the visual amenity of the area. The development is therefore contrary to policies SC1(a), SC2 (i) and (o), SC3b of the adopted Local Plan and paragraph 134 of the Framework which requires developments to be visually attractive and sympathetic to the surrounding built environment.
2. The gates and fence by reason of their height and solid construction significantly restrict vehicle and pedestrian visibility splays to an unacceptable standard, due to their proximity to the adopted highway, causing detriment to highway safety, and increasing risks to pedestrians and cyclists using the footway. This is contrary to paragraphs 115 and 116 of the framework, Local Plan policy ITCR11 (c) and (d) and Section 5.10 of the Local Parking Standards. The development is considered to represent a socially unsustainable form of development which fails to meet the social objective of sustainability as set out in paragraph 8b of the framework.

Statement of Decision Process

The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework. Officers provided the applicant with the opportunity to address issues raised during the consideration of the application by contacting their agent which was respectfully declined. The proposal without any amendments or alterations is not policy compliant. Officers have sought to be proactive by taking the planning application to the nearest available Planning Committee for determination.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should

be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.