

**Retrospective retention of 1200mm high fence on top of the existing boundary wall at Minster College – SW/07/1069**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2007.

Application by the Governors of Minster College and Kent County Council Children, Families & Education for retrospective permission to retain a 1200mm high fence on top of the existing boundary wall at Minster College, Minster-on-Sea, Sheerness (SW/07/1069)

Recommendation: Planning permission be refused

Local Member(s): Mrs. A. Harrison

Classification: Unrestricted

**Site**

1. Minster College is located to the east of Minster on the Isle of Sheppey. Minster College lies within a spacious site and is bordered to the north by residential properties on Minster Road and to the east by properties in Parsonage Chase. There are large playing fields to both the east and west of the Minster College buildings. *A location plan is attached.*
2. The College site is currently accessed via the main vehicular entrance off Minster Road, to the north of the site. In addition, two pedestrian entrances exist into the site from: (a) Parsonage Chase, to which this application relates, to the east of the site; and (b) from Admirals Walk to the north-western corner of the site. At present, both pedestrian entrances are used by students to access and egress the site at the start and end of the school day. However, between the start and finish of the school day these two entrances are kept locked, in order to prevent students using these routes as access points in and out of the site.

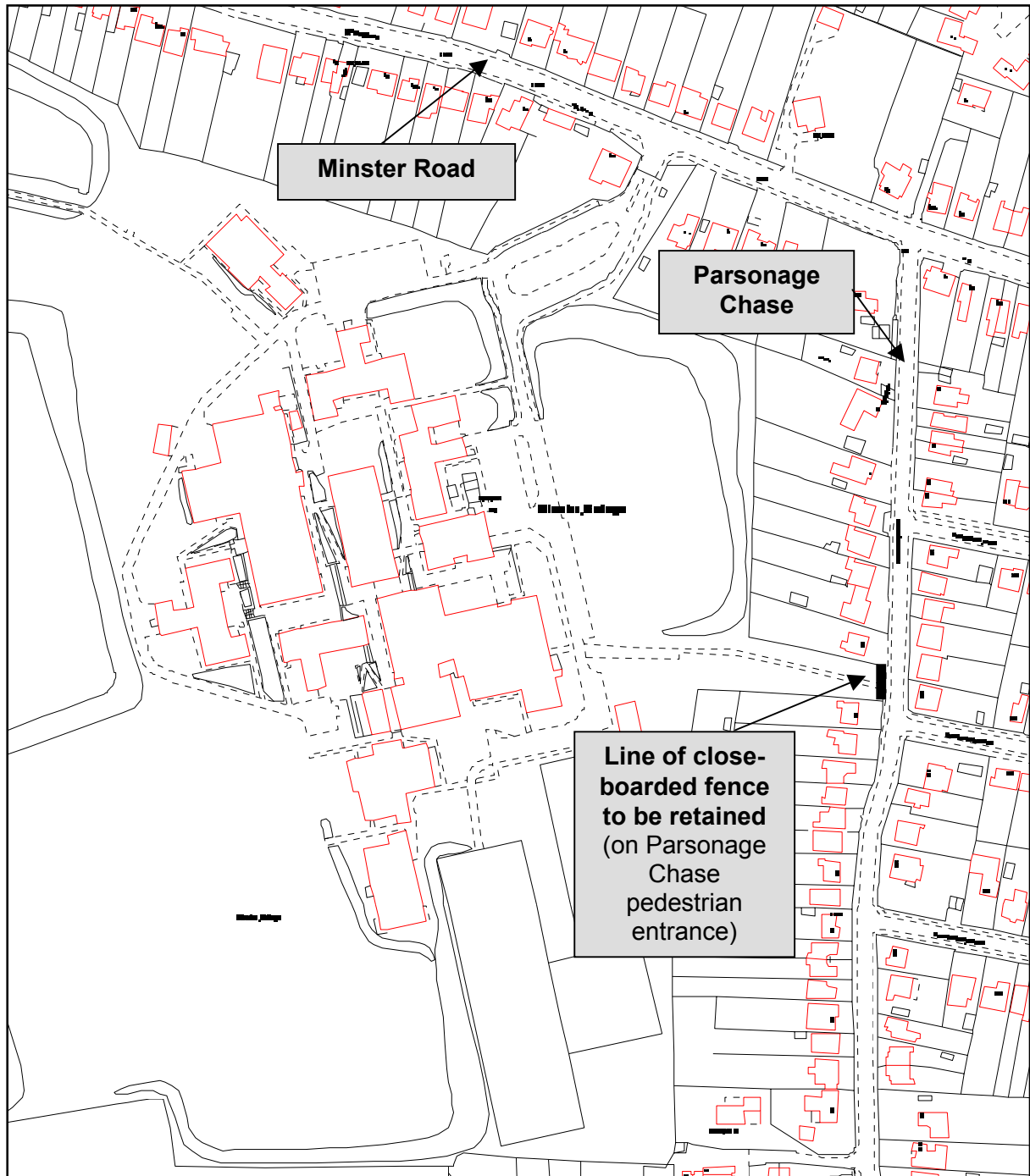
**Background and Proposal**

3. This application seeks to obtain retrospective planning permission to retain a 14 metre stretch of close-boarded fencing that was erected on the Minster College pedestrian entrance with Parsonage Chase in 2006. The close-boarded timber fencing was erected by the College following a high level of trespass onto the site, both during the day and after school hours. At the time when the fence was erected the College were not aware of the requirement to obtain planning permission from the County Planning Authority in this case.
4. The boundary wall between Minster College and Parsonage Chase consisted of a 1.8m high brick wall with 1.2m high green railings on-top **pre-2006**. However, the applicants chose to further secure this boundary by attaching a wooden close-boarded fence to the previous railings, filling in between the previous railing fence. Therefore, the current situation with the boundary wall at Parsonage Chase consists of a 1.8m high brick wall, topped by a 1.2m high close-boarded fence (see attached photographs). The overall height of the wall and timber fence is now 3 metres.
5. At the time when the fence was erected on site the issue was drawn to our attention by local residents, who expressed concerns over the visual impact of the new stretch of fencing. Following investigations into this matter, the College was informed of the need to apply for 'retrospective' planning permission should they wish to retain the fence on

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#### Site Location Plan



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**Scale 1:2500**

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## Elevations of retrospective proposal

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Project: Minster College  
Client: Minster College  
Drawing: Building Retrospective Construction AS-BUILT

Photograph showing the entrance gate and wall.

The Existing Blue railings can be seen behind the new fence.

Problems with people climbing the wall and subsequent railings had been increasing before the installation of the fence.

This Photograph shows the extent of the wall on the right hand side.


As you can see every effort has been made to match the height and colour of the existing railings / gate.

The Existing wall and gate / railings with the new fence as seen from the road.



Photograph showing the extent to the fence / wall to the Left hand side.



 <p><b>NPS PROPERTY CONSULTANTS LTD</b>                  10000 WINDYBUSH ROAD, TEL: 01203 200000 FAX: 01203 200000                  10000 WINDYBUSH ROAD, TEL: 01203 200000 FAX: 01203 200000                  10000 WINDYBUSH ROAD, TEL: 01203 200000 FAX: 01203 200000                  10000 WINDYBUSH ROAD, TEL: 01203 200000 FAX: 01203 200000                  10000 WINDYBUSH ROAD, TEL: 01203 200000 FAX: 01203 200000                  10000 WINDYBUSH ROAD, TEL: 01203 200000 FAX: 01203 200000</p>		PROJECT Minster College Boundary Fence SUBJECT Photographs and Notes PROJECT NO. SUW/07/1012.001	CLIENT Minster College DRAWN BY NIS DATE July 07 CHECKED PJD
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the Parsonage Chase boundary. It is however unfortunate in this case that following the advice given to the College in June 2006 for the need to obtain planning permission, the applicant(s) did not submit a retrospective planning application until August 2007.

6. It should also be noted that much concern has been raised regarding the colour in which the timber close-boarded fence has been painted. The College has chosen to finish the fence in dark blue (see attached photographs), in order to match in with the Minster College school colours.

**Planning Policy**

7. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) The adopted 2006 **Kent & Medway Structure Plan**:

**Policy SP1** – The primary purpose of Kent’s development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent’s identity and local distinctiveness and promoting healthy, safe and secure living and working environments.

**Policy QL1** – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

**Policy QL11** – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

(ii) The adopted 2000 **Swale Borough Local Plan**

**Policy G1** - All development will be expected to be in accordance with the policies and proposals of the Plan, have regard for the characteristics of the site; avoid unacceptable impact on existing built environments and be well sited and of an appropriate scale and appearance to the location it is to be sited in.

**Policy C1** – Subject to compliance with other policies of the Plan, planning permission will be granted for appropriately located social and community facilities.

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(iii) The 2005 **Swale Borough Council Local Plan First Review (Re-deposit Draft)**

**Policy E1** – All development will be expected to be in accordance with the policies and proposals of the Plan unless material considerations indicate otherwise.

**Policy E19** – The Borough Council expects development to be of high quality design. Development proposals should respond positively to the following:

- creating safe, accessible, comfortable and attractive places;
- enriching the qualities of the existing environment by promoting distinctiveness;
- providing native plant species for soft landscaping and providing boundary treatments that respond positively to the character of the locality.

**Policy E20** – The Borough Council expects proposals to integrate security and safety measures within their design and layout.

**Policy C1** – The Borough Council will grant planning permission for new or improved community facilities.

**Crime and Disorder Act 1998**

8. The County Council has a legal obligation under Section 17 of the Crime and Disorder Act 1998, which directs that the Council must have community safety embedded into its planning, policy and operational day to day activity. It requires authorities to assess crime and disorder considerations in their decision making.

**Consultations**

9. **Swale Borough Council:** has raised an objection to the proposed fencing for the following reasons:

*“The height and design of the fence adversely impacts upon the visual and residential amenities of the surrounding area.”*

**Divisional Transportation Manager:** has no highway objection to this proposal.

**Local Member**

10. The local County Member, Mrs A. Harrison, was notified on the 6 September 2007. Mrs Harrison commented as follows: “I have no objection to the above application.”

**Publicity**

11. The application was publicised by posting a site notice at the Parsonage Chase entrance, and the individual notification of 21 neighbouring residential properties.

**Representations**

12. I have received 4 letters of representation to date with regard to this retrospective application. The issues raised have been summarised below:

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- Do not wish to undermine any of Minster College's improvement initiatives and shall therefore not be opposing planning permission. However, please would the applicants consider repainting the close-boarded timber fence in green? In addition, the fencing is very effective in preventing pupils from climbing over next to the gate, however this has led to an increase in pupils cutting through my garden to access the College;
- Object to the retrospective planning application as the fence was put up without permission to deter truants from climbing the wall. The unsightly boarding has not achieved its intended goal of reducing truancy and preventing unauthorised entry;
- In itself the boarding presents a danger to any pupil who might attempt to scale it. It is only nailed on and might pull free should anyone attempt to scale it. Therefore, it is a potential accident waiting to happen;
- Live directly opposite the wall and have lost about half an hour's sunlight each evening;
- The wall that was acceptable with green railings on-top, has been rendered unsightly by this addition which has been made even worse by painting a hideous shade of blue. The wall and close-boarded fencing in Parsonage Chase is overbearing;
- Considering its height and the narrowness of the road, the structure is far too prominent and its colour is discordant with its surroundings;
- Understand that a previous wall collapsed during a gale, and this problem is only worsened by the extra 4ft of wooden boarding now erected on top of the wall;
- Why when the work was done in Spring 2006 is the applicant applying for retrospective planning permission now? This is an absolute contempt for the rules and is not acceptable;
- The Design and Access Statement accompanying the application is incorrect: the wall is not 1500 mm high, but is 1800mm (6ft) height. The overall height is now 3 metres;
- Behind the wall in Parsonage Chase is a long exit corridor that could be further used. It would make a great deal of sense to replace the existing wall and railings with full length railings set far enough behind the frontage line of the dwellings to be unintrusive;
- The whole area is part of an established Neighbourhood Watch Area and the boarding totally obscures the view of the adjacent residential property.

**Discussion**

Introduction

13. The development proposes to seek retrospective planning permission to retain a stretch of blue close-boarded fencing on top of the existing boundary wall of Minster College at Parsonage Chase. The reason for the application being reported to the Planning Applications Committee is the objections received from both Swale Borough Council and neighbouring residential properties. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph (7) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the visual impact of the retrospective development on adjoining residential properties, as well as the overall impact of the fencing on the street scene.

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#### Visual appearance and impact on adjacent residential properties

14. It should be noted that much concern has been raised regarding the visual impact of the retrospective fencing, from not only local residents, but also from Swale Borough Council (as referred to in Paragraph 9 above). The general view received is that the fencing style chosen does not reflect that of the surrounding area in terms of the local context, and is unnecessarily obtrusive.
15. The Kent and Medway Structure Plan Policy QL1 states that '*all developments should be well designed and be of high quality [...] responding to the scale, layout, pattern and character of their local surroundings*' and that '*developments which would be detrimental to the built environment, amenity, functioning and character or settlements should not be permitted*'. Similarly Policy G1 of the Swale Borough Council Local Plan states that '*all development will have regard for the characteristics of the site and avoid an unacceptable impact on existing building environments, and be well sited and of an appropriate scale and appearance to the location it is to be sited in*'.
16. In my opinion, the style and nature of the close-boarded fence chosen does not match in with the existing environment in which it sits. Whilst I acknowledge that elsewhere on the Minster College site a similar design of fence has been used, it is worth noting that that appears visually less obtrusive given the distance to residential properties. In addition, whilst I acknowledge that the height of the wall and fence (3 metres high) has not altered with the change from a wall topped with railings to a wall topped by close-boarded panels, I consider that the closed-in effect given by the timber panelling is over-intrusive for such height of fence.

#### Need for development and alternative solutions

17. I acknowledge the applicant's concerns relating to trespass onto the College site within the school day and after-school hours, yet do not feel that the solution currently adopted fully eliminates this problem. I would therefore advise that the applicant consider an alternative option for fencing this section of the College boundary as part of the site becoming an Academy in the future. It is noted that there is a vast amount of space currently behind the existing boundary wall that would allow a new fence, potentially of a railing design, to be stepped back within the College grounds, thus creating a more open and pleasant pedestrian entrance to the College grounds.
18. However, given that this is currently not an option to investigate until a new Academy proposal comes forward, I consider that as a short-term solution the best option is to ensure that the timber fence is removed and the wall top is reverted to a previous state with metal railings. Whilst I can acknowledge that this solution may not be ideal from the applicant's perspective, it will allow any future changes at the College site to seriously consider the boundary fence treatment in this particular location.

#### Landscaping

19. The applicants have suggested, as part of this proposal, to soften this structure with quick growing plants to be planted along the wall up trellis sections. Whilst I would support and encourage the applicants to do that, I feel that the potential benefit of such planting would be limited in terms of mitigating the overall detrimental impact of the fence.

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**Conclusion**

20. Having regard to the Development Plan Policies, the material considerations received to this retrospective application, and the applicants need to strengthen this section of boundary fencing, I consider that the addition of the timber close-boarded panels on-top of the existing wall are excessively bulky and intrusive. Notwithstanding the applicants desire to secure this particular perimeter of the college site over and above that of the previous system (wall and railing system), I consider that an alternative solution of boundary treatment would be best suited to this prominent residential location. I consider that by refusing planning permission and reverting back to the previous situation, with a wall and railing fence, this would focus the applicant's mind in terms of devising an alternative solution for this area at such time as when the Academy proposals come forward. Accordingly, I consider that planning permission should be refused. -

**Recommendation**

21. I RECOMMEND that PLANNING PERMISSION BE REFUSED on the following grounds:

- by virtue of its scale, massing and bulk, and the visual appearance of the chosen colour scheme, the fence would have an overbearing visual impact to the detriment of both the street scene and residential properties along Parsonage Chase, contrary to Structure Plan Policy QL1 and Local Plan Policy G1.

22. I FURTHER RECOMMEND given the retrospective nature of the application, urgent steps be taken to remove the timber boarded fence, and that the case be reported to the Council's Regulation Committee at the next available date.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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**Photographs**



View looking north-westwards across the Minster College entrance on Parsonage Chase  
(taken when fence erected in 2006)



View looking south-westwards across the Minster College entrance on Parsonage Chase  
(taken when fence erected in 2006)