



High Peak Borough Council

working for our community

10/07/2026

My ref: AAD/DOC/2026/0018

Your ref:

Mr James Vincent
44a Marple Road
Charlesworth
Derbyshire
SK13 5DA

Dear Mr Vincent,

DOC/2026/0018 - Discharge of Condition 5 in relation to HPC/2020/0335 at 44A Marple Road, Charlesworth

Condition 5 States:

Prior to the occupation of the development hereby approved, a new boundary fence, or other form of boundary treatment, shall be erected along the northern site boundary with 5 Tomwood Rise, in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be retained throughout the lifetime of the development.

This condition was imposed in the interests of protecting the residential amenity of the occupiers of No. 5 Tomwood Rise, specifically to mitigate overlooking arising from the development.

In response to the above condition, the applicant has submitted the following drawings:

- Location and Site Plan
- Proposed Site Plan 064_PLN_210
- Proposed Elevations 064_PLN_311
- Proposed Elevations 064_PLN_310

The submitted elevation drawings illustrate the proposed boundary treatment along the northern boundary with No. 5 Tomwood Rise. These show the erection of horizontal timber board fencing.

Whilst the original officer recommendation referred to a boundary fence of 2m in height, the submitted details indicate a fence of up to 2.8m in height when measured from the applicant's patio level. The height of the fence has been justified by the applicant within their supporting email as they have explained that there is a 1m difference in ground levels between the application site and the neighbouring

property at No. 5 Tomwood Rise, with the neighbouring floor level sitting higher. As such, a fence measuring 2.8m from the applicant's side would equate to a height of approximately 1.8m when viewed from the neighbouring property. The submitted drawings, however, indicate that the height of the fence will be 2m from the neighbours garden level.

An objection has been submitted by the neighbouring occupier raising concerns about impact on light and garden space, due to the small garden area. They do not consider a fence of this height is essential for privacy and they consider it would harm their amenity. They would suggest a fence with height of 2.5m measured from the application site ground level. Illustrative photographs have been provided.

The objection has been carefully considered. Under permitted development rights, fences of up to 2m can be erected without planning permission. Therefore, 2m fences between rear gardens are not an unusual feature and are deemed by the Government to be generally acceptable in amenity terms in these circumstances. Furthermore, given that for the purposes of PD Rights, height is measured from the highest adjoining ground level, arguably the proposed fence would be PD in any event. It is further noted, that the fence would not extend along the whole boundary, so would not impact the whole garden and that the neighbour has a raised patio so their main sitting area would not be impacted.

Overall it is considered that at a height of 2m when measured on the neighbours side the fence would protect privacy for the neighbouring property without harming their amenity by appearing overly dominant.

The condition does not specify the measurement that the boundary treatment would need to be however it has been applied in order to "To protect the amenities of the neighbouring occupier" having regard to the submitted details, the proposed boundary treatment is considered to be appropriate in height and would sufficiently protect the amenity of the neighbouring properties.

On this basis, the submitted details are considered to satisfy the requirements of Condition 5 and are therefore acceptable.

Condition 5 is discharged. If you have any questions about this letter please contact agatha.dutton@highpeak.gov.uk

Yours sincerely

X 

Signed by: Ben Haywood

Head of Development Services