

**7 DCCW2003/3419/F - RE-ALIGNMENT OF POST AND RAIL FENCING TO PROPERTY BOUNDARY AT 55 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZW****For: Mr. S. Cottam, 55 Dorchester Way, Belmont, Hereford, HR2 7ZW****Date Received: 13th November 2003****Ward: Belmont****Grid Ref: 48712, 38508****Expiry Date: 8th January 2004**

Local Members: Councillors P.J. Edwards, J.W. Newman and Ms. G.A. Powell

**1. Site Description and Proposal**

- 1.1 The application site is an area of land immediately adjacent to the property boundary of No. 55 Dorchester Way, Belmont. The proposal involves the re-alignment of the existing boundary fence to No. 55, to incorporate an area of land allocated, but not yet adopted, as public open space.
- 1.2 The applicant wishes to incorporate this land into the private residential garden as it will enable the enclosure of two drainage inspection chambers that have, according to the applicant, been subject to vandalism. At present the fence has a distinct inward curve, which it is proposed to remove and replace with a straight line.
- 1.3 A similar application (ref. DCCW2003/2212/F) was refused under delegated powers on the 16th September 2003, on the grounds that the proposal would result in an unacceptable loss of local amenity space in an area where public open space provision is known to be a local concern.
- 1.4 The revised scheme reduces the area of land that is proposed to be incorporated into the applicant's garden, whilst still encompassing the inspection chambers.

**2. Policies****2.1 South Herefordshire District Local Plan:**

Policy GD1	-	General Development Criteria
Policy SH22	-	Public Open Space in Residential Areas
Policy R4	-	Protection of Recreation Land and Public Open Space

**2.2 Herefordshire Unitary Development Plan (Deposit Draft):**

Policy DR4	-	Environment
Policy RST4	-	Safeguarding Existing Open Space

**3. Planning History**

- 3.1 CW1999/1887/RM Residential development of 80 no. semi-detached and detached houses, estate roads and open space. Approved 27th January 2000.

DCCW2003/2212/F Re-alignment of post and rail fence to property boundary at 55 Dorchester Way, Belmont to incorporate land into residential garden. Refused 16th September 2003.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 There are no statutory consultees.

##### Internal Council Advice

4.2 Head of Engineering and Transportation: has no objection to the grant of planning permission.

#### **5. Representations**

5.1 Belmont Rural Parish Council: object to the application. The Parish Council comments are set out below:

"Having considered this second application by the applicant to incorporate a small area of open space into his garden, the Parish Council support the Planning Officer's previous refusal of permission on the grounds that to permit the application would set an unacceptable precedent. Accordingly, the Parish Council recommend refusal of this application on the grounds set out in respect of application reference DCCW2003/2212/F."

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

#### **6. Officers Appraisal**

6.1 The main issue in the determination of this application is the impact that the proposed re-alignment of the fence would have upon the provision of public open space in the local area.

6.2 Under the previous refusal, the proposal concerned the incorporation into the garden of a considerably larger area. Accordingly, under this application the area of public open space under consideration has been substantially reduced.

6.3 As such the key issue is whether the application as submitted would constitute an unacceptable loss of public open space in the wider community.

6.4 The relevant policy criteria is set out in Policy R.4 of the adopted South Herefordshire District Local Plan and Policy RST.4 of the emerging Unitary Development Plan.

6.5 Policy RST.4 makes reference to the safeguarding of existing public or private open spaces with "recreational and amenity value, or facilities that help meet the recreational needs of the community.

6.6 The area of open space under consideration is minimal in relation to the wider context and not considered to cause an unacceptable loss of public open space to residents in the locality. Further, it is considered by Officers that the application site, in its current condition possesses neither recreational or amenity value.

6.7 In paragraph 5.1 Belmont Rural Parish Council comment that the approval of this application would set an unacceptable precedent. However, each application must be considered on its individual merits and must not be prejudiced on the basis that less acceptable forms of development may ensue.

6.8 It is therefore considered that the incorporation of this area of open land into the residential garden of No. 55 Dorchester Way is acceptable and that planning permission should be granted.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. **A01 (Time limit for commencement (full permission)).**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2. **A06 (Development in accordance with approved plans).**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

- 3. **The re-aligned fence hereby approved must match in height, style and materials the fence that it replaces.**

**Reason: To ensure a satisfactory form of development.**

**Informative:**

- 1. **Reason(s) for the Grant of PP/LBC/CAC.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.