

9A DCNC2006/3509/F - CHANGE OF USE FROM GRASS VERGE TO PRIVATE GARDEN AND ERECTION OF BOUNDARY FENCE AT 78 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

& and

9B DCNC2006/3511/L - CHANGE OF USE FROM GRASS VERGE TO PRIVATE GARDEN AND ERECTION OF TIMBER BOUNDARY FENCE AT 78 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

For: Mr N Staples

Date Received:
3rd November 2006

Ward: Leominster North

Grid Ref:
49447, 59624

Expiry Date:
29th December 2006

Local Member: Councillors J French and Brig P Jones

1. Site Description and Proposal

1.1 This site, within Leominster, is located on the eastern side of the B4361 (Bridge Street) at the junction with Ridgemoor Road which serves a residential housing estate. The site itself is an existing grassed area currently used as public open space situated adjacent to the applicant's dwelling which is a grade II Listed Building. There is wooden fencing (mostly larch lap and approximately 6 foot high) which extends along the southern (side) boundary of the existing curtilage of the applicants dwelling.

1.2 The proposal is to change the use of the grassed area to residential and encompass it with the garden area of the applicant's dwelling. A new boundary fence ie a 1.8 metre high picket style wooden fence will be erected within 1 metre of the footpath edge and fixed to the south western corner of the applicants dwelling. The fence will be dark stained with native trees and shrubs planted inside the boundary fence.

2. Policies

2.1 Planning Policy Guidance

PPG15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 - Development Requirements
Policy DR1 - Design
Policy H18 - Alterations and Extensions
Policy H19 - Open Space Requirements

Policy HBA1 - Alterations and Extensions to Listed Buildings
Policy HBA4 - Setting of Listed Buildings

2.3 Leominster District Local Plan

Policy A1 - Managing the District's Assets and Resources
Policy A2 - Settlement Hierarchy
Policy A18 - Listed Buildings and their Settings
Policy A24 - Scale and Character of Development
Policy A25 - Protection of Open Spaces or Green Spaces
Policy A54 - Protection of Residential Amenity
Policy A56 - Alterations, Extensions and Improvements to Dwellings

2.4 Hereford and Worcester County Structure Plan

Policy CTC9 - Development Requirements
Policy CTC17 - Green Open Space in Urban Areas
Policy CTC18 - Development in Urban Areas

2.5 Herefordshire Council's Supplementary Planning Guidance

Design and Development Requirements

3. Planning History

- 3.1 DCNC2006/0808/F - Change of use of grass verge to private garden and erection of fence. Refusal of Planning Permission 04/05/06.
- 3.2 DCNC2006/0809/L - Change of use of grass verge to private garden and erection of fence. Refusal of Listed Building Consent 04/05/06.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Traffic Manager has no objection.
- 4.3 The Chief Conservation Officer has no objections and recommends that a condition be imposed requiring fence to be stained black.

5. Representations

- 5.1 The Applicant states:

- small scale scheme to improve character and aspect of dwelling.
- advice has been sought from owners of the land the Marches Housing Association and officers from the Herefordshire Council in order to address concerns.

- the existing perimeter fence would be removed and a new fence erected. No other alterations within curtilage of house.
- telephone box, mail storage installation and refuse bin will be unaffected.
- new fenceline to follow edge of footpath approximately 1 metre from footpath edge.
- no charges to vehicular access.
- new fence will not adversely affect highway visibility.
- fence to be finished in dark oak or black stain.
- native trees and shrubs to be planted inside fenceline to provide a natural appearance and further screening.
- the new garden area created will be in keeping with character of listed building ie a cottage garden.
- intended to improve aspect of house, one of the oldest in Leominster, by the extension of garden area and thereby moving fence further from building.
- a great deal of thought and consultation has been given to the project including the style and type of the new fencing.

5.2 The Town Council states:

"Recommends refusal on the grounds that the type of fencing is inappropriate for the period of the Listed Building and it will restrict the view for traffic." Council is also unhappy about the loss of public open space.

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

6. Officers Appraisal

6.1 The main issues relate to:

- i. The principle of extending the curtilage of the dwelling.
- ii. The effect on the character and setting of the listed building.
- iii. The loss of public open space.
- iv. Highway safety.

The most relevant policies will respect to these issues are HBA1 and HBA4 of the Herefordshire Unitary Development Plan and A25 of the Leominster District Local Plan.

6.2 The change of use of this grassed area in order to enlarge the curtilage of the existing dwelling is considered to be acceptable. The extra curtilage will form a natural extension to the garden area and will not adversely affect the character and setting of this grade II listed building. Nor will it adversely affect the residential amenities of nearby dwellings. The proposed fencing is also considered to be acceptable and not out of keeping with the character and appearance of the listed building.

- 6.3 The grassed area is designated as public open space. However it is a very small area which does not serve any useful or functional purpose and also does not conflict with Policy A25 of the Leominster District Local Plan which sets out the parameters for the protection of open areas or green areas. In any event there was another similar sized open space area on the other side of the road junction which has subsequently been built on and in view of that it would be unreasonable to withhold planning permission for the change of use of the application site.
- 6.4 The proposed development will not affect visibility at the road junction and as such will not adversely affect highway safety.
- 6.5 In conclusion the proposed development is considered to be acceptable and in accordance with planning policy and guidance.

RECOMMENDATION

With respect to DCNC2006/3509/F 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 - Non Standard (Non Standard Condition)

The external surfaces of the wooden boundary fencing shall be stained a matt black colour concurrently with its erection unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to protect the visual appearance, character and setting of this grade II listed building.

INFORMATIVES

- 1 - N19 - Avoidance of doubt – Drawing Nos LOC1, LOC2, Fence 1, Sheet 1 & 3.

- 2 - N03 - Adjoining property rights

- 3 – N15 - Reason(s) for the Grant of PP – (HUDP): HBA1 & HBA4

With respect to DCNC2006/3511/L that listed building consent be granted subject to the following conditions:

- 1 - Time limit for commencement (Listed Building Consent)

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 - Non Standard (Non Standard Condition)

The external surfaces of the wooden boundary fencing shall be stained a matt black colour concurrently with its erection unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to protect the visual appearance, character and setting of this grade II listed building.

INFORMATIVES

1 - N19 - Avoidance of doubt – Drawing Nos LOC1, LOC2, Fence 1, Sheet 1 & 3.

2 - N03 - Adjoining property rights

3 – N15 - Reason(s) for the Grant of LBC – (HUDP): HBA1 & HBA4

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3509/F & DCNC2006/3511/L **SCALE :** 1 : 1250

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