

11 DCNE2006/3494/F - DEMOLITION OF GARAGES, NEW DOUBLE GARAGE, DRIVEWAY AND ACCESS TO HIGHWAY. 2M HIGH CLOSE BOARDED FENCE TO BOUNDARY AT 25 BIDDULPH WAY, LEDBURY, HEREFORDSHIRE, HR8 2HP

For: Mr & Mrs C Matthews per Mr P Matthews, Lions Den, Bredwardine, Herefordshire. HR3 6DE

Date Received:
1st November 2006

Ward: Ledbury

Grid Ref:
71194, 36871

Expiry Date:
27th December 2006

Local Member: Councillors B Ashton, P Harling & D Rule MBE

1. Site Description and Proposal

- 1.1 The application seeks permission for the erection of a replacement double garage and new driveway and 1.8m high close-boarded fence at No. 25 Biddulph Way, Ledbury. The application site lies on the Deer Park estate and comprises a detached two-storey dwelling with a mono-pitch double garage to the side, fronting Traherne Close. There is an open area of lawn to the front of the dwelling, but the bulk of the private garden is located to the rear, parallel to Traherne Close.
- 1.2 The bulk of the operational development relates to the demolition of the existing garages, which appear to date from the same time as the house, and replacement with a new double garage. This would also necessitate the creation of a new vehicle access onto Traherne Close.
- 1.3 The more controversial aspect of the application is the proposed erection of a close-boarded boundary fence. Originally a 2m high fence was proposed tight up against the pavement edge and running out from the corner of the dwelling. Following negotiation the fence has been reduced in height to 1.8m and set back 2m from the pavement edge to allow for the introduction of hedgerow planting.

2. Policies

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)
H18 – Alterations and Extensions

3. Planning History

- 3.1 None

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Traffic Manager – Recommends conditions relating to the construction of the access.

5. Representations

5.1 Ledbury Town Council – Objection. Members thought that the fencing would be totally out of character with the street scene, would set a precedent and cause a hazard to the visibility of road users.

5.2 8 letters of objection, together with a 14-signature petition, were received in response to the original proposal. The amendments referred to in 1.3 (above) sought to address the concerns raised. Correspondence in response to the amended scheme comprises a covering letter and further 20-signature petition from local residents.

5.3 The key issues raised in response to the amended proposal can be summarised as follows:

- The amended plans would still result in a potential restriction of visibility splays for vehicles reversing from nos. 1 & 3 Traherne Close by the 1.8m high fence, and also a solid hedge, with no height restriction;
- The suggested plants for the hedgerow are inappropriate with prickly plants posing a health and safety risk to children playing nearby;
- A solid fence (without planting) could be built on the building line. If planting is required it should be set 3.5m back from the pavement, with the fence set back 4m.

5.4 The full text of this letter (and those submitted in response to the original proposal) 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 key issues in the determination are as follows:

- The impact that the proposed fence would have upon the character and appearance of the area;
- The impact that the proposed fence would have upon the provision of a safe vehicular access and egress to neighbouring residential property.

6.2 The impact of development upon the character and appearance of the area

Deer Park is characterised by the openness of property frontages. Typically small areas of lawn and soft landscaping are presented to the highway with the dwellings beyond set back from the highway. No.25 Biddulph Way is a corner plot, sharing boundaries with both Biddulph Way and Traherne Close – a cul-de-sac of single and two-storey dwellings. Ostensibly the proposal would respect the openness of the frontage onto Biddulph Way, the fence being set in 11m from the pavement.

- 6.3 The impact of the development is more obvious along the Traherne Close frontage and it was in response to this that the height and positioning of the fence have been revised and a scheme of soft landscaping proposed. The amendments have been recognised by the signatories to the petition, although they recommend that the fence be positioned 4m from the pavements edge parallel to Traherne Close and have suggested that the landscaping would not be necessary if this distance could be achieved.
- 6.4 However, in locating a fence 4m from the highway, there is then the secondary question as to whether planning permission would be required at all. Permission for fences is required where the height of the fence exceeds 1m in height and it is located adjacent to a highway used by vehicular traffic. A 4m distance from the highway (excluding the pavement) would stretch the definition of "adjacent", thus calling into question the requirement for planning permission.
- 6.5 It is the opinion of the case officer that the amended scheme represents the best solution aesthetically, giving the applicants a reasonable level of privacy, whilst providing a meaningful scheme of soft landscaping to help reduce the stark visual impact that an unshielded 1.8m fence would have.
- 6.6 The impact upon vehicular access to Nos. 1 & 3 Traherne Close
- 6.7 The representation letter has suggested that the vehicular access to nos. 1 & 3 Traherne Close would be unduly compromised by the positioning of both the fence and the proposed soft landscaping.
- 6.8 Members will note that the Traffic Manager at paragraph 4.2 has no objection to the development in relation to the impact upon these properties. The application proposes the erection of the fence to the boundary between No.25 Biddulph Way and NO.1 Traherne Close, perpendicular to the highway. A fence of this height would not require planning permission, but would obscure vision towards the junction with Biddulph Way for vehicles reversing into the highway from the identified dwellings. The remainder of the fence, running parallel to Traherne Close would make no discernible difference to the situation.
- 6.9 This notwithstanding, Traherne Close is a small residential cul-de-sac in a built up area. Vehicles speeds upon entry to the cul-de-sac will be slow and the access points to nos. 1 & 3 Traherne Close are a sufficient distance from the junction with Biddulph Way to mitigate any perceived danger.
- 6.10 Soft landscaping is considered essential to the proposal and its retention is considered to outweigh any perceived reduction in visibility from the access points identified above.

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 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

4 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

Informatives:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

2 - N19 - Avoidance of doubt

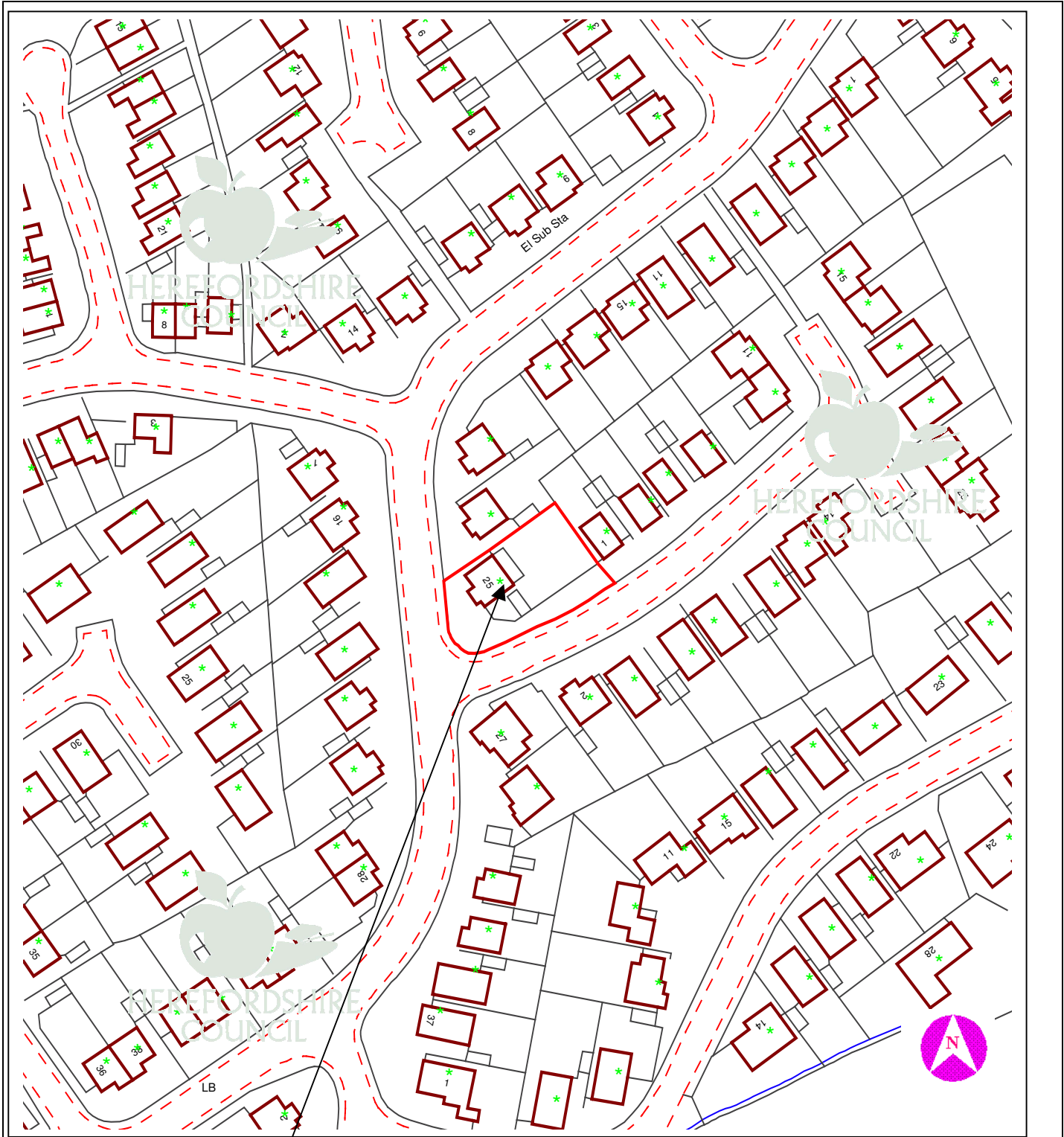
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/3494/F

SCALE : 1 : 1250

SITE ADDRESS : 25 Biddulph Way, Ledbury, Herefordshire, HR8 2HP

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