

**18 DCNE2007/0487/F - CHANGE OF USE OF LAND TO PRIVATE GARDEN AT 2 SPRING GROVE, LEDBURY, HEREFORDSHIRE, HR8 2XB****For: Mrs L Hughes per Derrick Whittaker Architects,  
1 Farjeon Close, New Mills, Ledbury, Herefordshire,  
HR8 2FU****Date Received:  
16th February 2007****Ward: Ledbury****Grid Ref:  
71073, 36694****Expiry Date:  
13th April 2007**

Local Members: Councillors ME Cooper, JK Swinburne &amp; PJ Watts

**1. Site Description and Proposal**

- 1.1 The application site lies on the western side of Biddulph Way within Ledbury. Biddulph Way forms part of the modern 'Deer Park' residential estate. The application site relates to land within the ownership of the occupiers of 2 Spring Grove, a two storey detached house that fronts Spring Grove but has a rear garden to the rear nearer to Biddulph Way.
- 1.2 The applicant owns a strip of amenity land between the original rear boundary wall and the footway of Biddulph Way. The applicant wishes to change the use of this land to an enlarged garden area and to erect a low garden wall of some 90 centimetres. The wall, which would be set back some 40cm-70cm from the back of the footway, does not need planning permission. It is only the change of use that requires permission. Inside of the wall the applicant is proposing to plant a hedgerow.

**2. Policies**

- 2.1 Herefordshire Unitary Development Plan 2007

DR1 – Design

**3. Planning History**

- 3.1 There are no historic planning applications directly relevant to the consideration of this case.

**4. Consultation Summary**Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 The Council's Landscape officer is satisfied with the proposed landscaping.

## 5 Representations

5.1 The Ledbury Town Council recommend refusal of the planning application. They state:

“Members felt that this would set a precedent leading to the loss of “open space” thereby being detrimental to the visual amenity of the area.

Members also understood that an ‘open space covenant applies to the housing estate protecting its open plan design”.

5.2 One local resident (occupier of 44 Biddulph Way) has written in support of the planning application.

5.3 One local resident (occupier of 42 Biddulph Way) objected to the original planning application when a 1.8 metre high wall (requiring planning permission) was also proposed. They objected on the following summarised grounds:-

- The visual impact of the proposed brick wall; and
- The loss of ‘open space’ that formed part of the original residential estate design concept.

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

## 6. Officers Appraisal

6.1 The parcel of land the subject of this application is an area of amenity space, albeit in private ownership. It is not public open space. Its contribution to the wide locality is its visual contribution. It creates a sense of openness within the wider ‘Deer Park’ residential estate, which is predominantly of an open plan nature. The openness of the land between the back of the footway on the eastern side of Biddulph Way and the 1.8 metre high walling to the rear of numbers 1 – 3 Spring Grove does make a positive contribution to the area.

6.2 Initially, the applicant not only proposed to extend the garden area but to erect a 1.8 metre high wall set back 40cm-70cm back from the footway. It was considered that the erection of a 1.8 metre high brick wall in this location would be visually harmful to the street scene and unacceptably erode the sense of openness. Following negotiations the applicant agreed to revise the proposal by only erecting a 90cm high wall (that does not require the benefit of planning permission). It is considered that the change in the use of the land itself would maintain the sense of openness. The proposed landscaping is considered to be acceptable.

6.3 The matter of a possible restrictive covenant raised by the Town Council is not a planning matter.

6.4 It is therefore recommended that full conditional planning permission 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 - All planting comprised in the approved details of landscaping shall be carried out in the first planting season following implementation of the development hereby permitted. Any trees or plants which within a period of five years of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planning season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that the development hereby permitted integrates satisfactorily within the street scene and to ensure a satisfactory level of privacy to the extended rear garden of number 2 Spring Grove.

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt

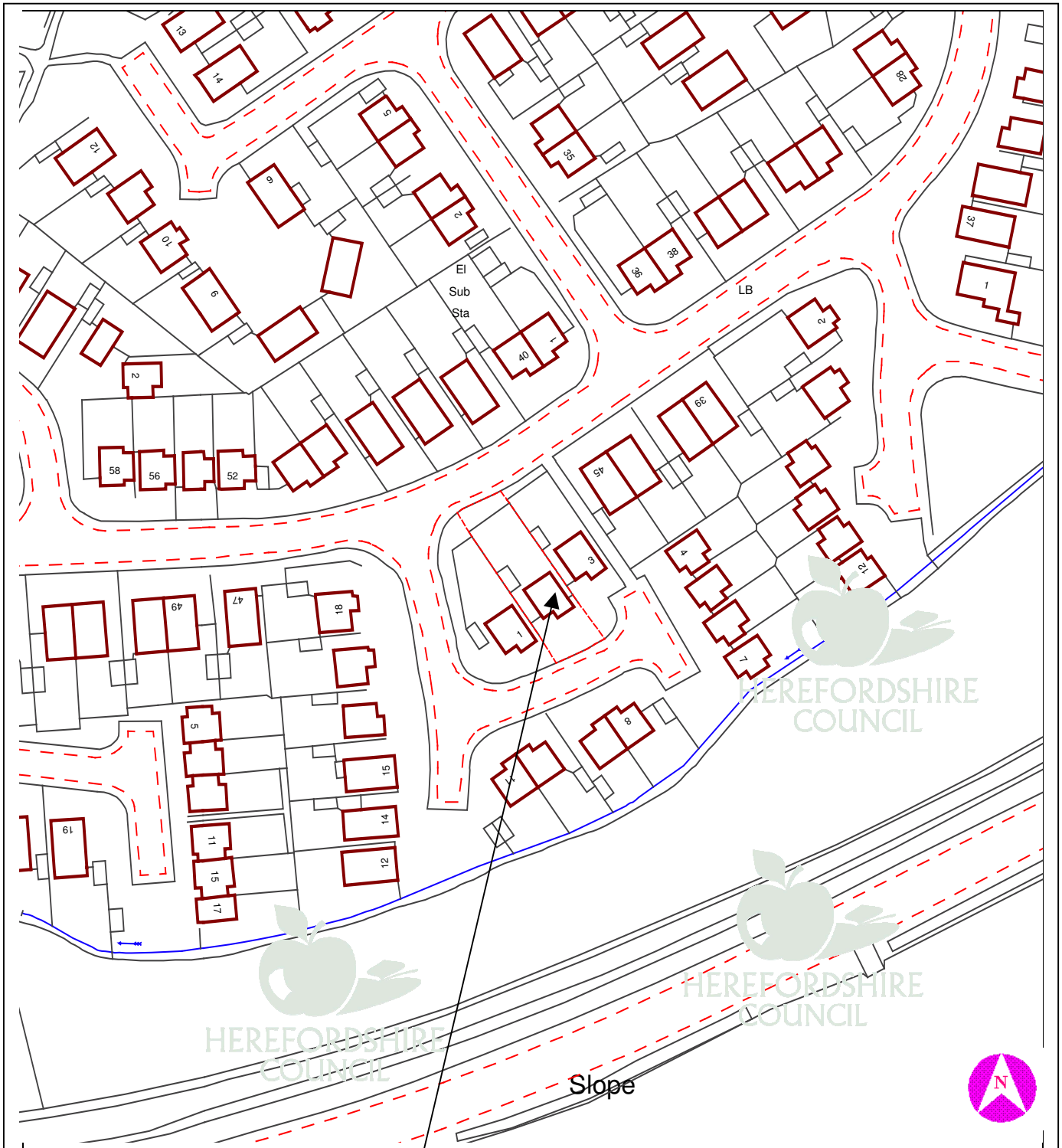
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNE2007/0487/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 2 Spring Grove, Ledbury, Herefordshire, HR8 2XB

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