

2 CE2003/2431/F - ERECTION OF 1.2M FENCE. 62 COLLEGE GREEN, HEREFORD, HEREFORDSHIRE, HR1 1HP**For: Mrs. D.A. Hopkilns, 62 College Green, Hereford, HR1 1HP****Date Received: 8th August 2003****Ward: Aylestone****Grid Ref: 51220, 41398****Expiry Date: 3rd October 2003**

Local Member: Councillor D.B. Wilcox and Councillor A.L. Williams

1. Site Description and Proposal

- 1.1 No. 62 College Green is situated in an Established Residential Area on the north side of College Green. It comprises a semi-detached house with garden to the side and rear and driveway to the front. Due to changing ground levels, No. 62 is positioned at a higher level than its neighbour, No. 64, with a retaining structure approximately 1.0m in height between the two properties to their sides and rear. On No. 64's side of this retaining structure to the sides and front of the properties is a panel fence, approximately 0.9m in height. To the rear of the properties (atop the retaining structure) is an approximately 1.8m high close-boarded fence.
- 1.2 The proposal is to erect a 1.2m high wattle fence on the common boundary between No. 62 and No. 64 (positioned just inside No. 62). The fence would run between the existing close-boarded fence to the rear of the houses and the boundary with the highway at the front of the houses, this requiring a step down where the retaining structure ends. Total length of the fence would be approximately 12.7m.

2. Policies**2.1 Hereford Local Plan:**

H12 - Established Residential Area

2.2 Herefordshire UDP (Deposit Draft):

S2 - Development Requirements

3. Planning History

- 3.1 There is no relevant planning history.

4. Consultation Summary

- 4.1 There are no statutory or non-statutory consultations required.
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

5.1 One letter of objection has been received from Mr & Mrs Prince of 64 College Green summarised as follows:

- fence will block out light to side door/window;
- fence will be on top of artificially raised ground.

5.2 The full text of this letter 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 this case is the impact of the proposed fence on the residential amenities of the adjoining house, No. 64 College Green.

6.2 In normal circumstances a fence may be erected between two private properties up to a height of 2m without the need for planning permission from the local planning authority (referred to a 'permitted development'). This measurement is taken from original ground level. Where land has been raised or lowered the measurement is still taken from original ground level and not the artificially created level.

6.3 In this case it is not entirely clear where original ground level is on the boundary between the two properties although there is evidence to suggest that the side garden of No. 62 has been raised by approximately 1.0m. Assuming this to be the case then the proposed 1.2m fence standing atop the raised structure would result in an overall increase of 2.2m over original ground level. For this reason the proposed 1.2m high fence requires planning permission.

6.4 When viewed from the adjoining house, No. 64, the fence and raised retaining structure would have an overall height of 2.2m. The fence and structure would run close to the boundary to the side and a large part of the front section of the common boundary. Notwithstanding this, it is not considered that the structure would be so overbearing or unneighbourly to warrant a refusal decision, particularly as a 2m high structure could be erected without the need for a planning application. The fence would have an impact on light levels to the door and window in the side elevation of No. 64. However, a degree of overshadowing would normally be expected in residential situations such as this where houses are positioned side by side, and consequently this is not considered to amount to a sustainable reason for refusing planning permission.

6.5 A condition is recommended requiring the fence to stop at the point ground level drops down from the artificially raised side garden to the front parking area.

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 The fence hereby approved shall not exceed 1.2m high in height.

Reason: To safeguard the amenities of the neighbouring property.

3 The fence hereby approved shall be positioned immediately adjacent to the common side boundary with No. 64 College Green, and shall run between the existing close-boarded fence to the rear of the properties and the furthest extent of the artificially riased side garden only.

Reason: To safeguard the amenities of the neighbouring property.

Notes to Applicant:

1 N03 - Adjoining property rights

2 N14 - Party Wall Act 1996

3 This decision does not give authority for any fencing to be erected on that section of the common side boundary to the rear of the 'low level' parking area. The provision of the Town and Country Planning (General Permitted Development) Order remain unaffected and applicable to this section

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.