

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>7 NOVEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>S122243/FH - ERECT AND MOVE FENCE AT 1 ARUNDEL CLOSE, BELMONT, HEREFORD, HR2 7ST</b>  <b>For: Mr Hudson, 1 Arundel Close, Belmont, Hereford, Herefordshire HR2 7ST</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122243&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122243&amp;NoSearch=True</a>

**Date Received: 7 August 2012**

**Ward: Belmont**

**Grid Ref: 349229,238735**

**Expiry Date: 2 October 2012**

Local Members: Councillors PJ Edwards, GA Powell and AN Bridges

## **1. Site Description and Proposal**

- 1.1 The site is a small parcel of land within the ownership of the applicant bordering Broadholme Road in Belmont.
- 1.2 The proposal is to erect a 2 metre high fence that would enclose the land adjacent to the footpath alongside Broadholme Road.
- 1.3 The applicant was not aware of the limitations of permitted development rights and as the result of an enforcement investigation has submitted this part retrospective application.

## **2. Policies**

### **2.1 Herefordshire Unitary Development Plan (HUDP)**

S2	-	Development requirements
DR1	-	Design
DR3	-	Movement
H18	-	Alterations & extensions
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes

- 2.2 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## **3. Planning History**

- 3.1 No relevant planning history

## **4. Consultation Summary**

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Further information on the subject of this report is available from Mark Lane on 01432 260 474

4.1 Transportation Manager: No objections

4.2 Team Manager (Air, Land and Water Protection): No objection subject to access arrangements being conditioned.

## 5. Representations

5.1 Belmont Parish Council:

Object to the application on the basis of the following:

1. Whilst it is acknowledged that the area of land to be enclosed by the proposed fencing appears to belong to the householder, this area was laid out as an unfenced area with trees and shrubs as part of the conditioned layout of this area of the overall development several years ago. The extension of a close boarded fence to the very edge of the footpath will impact substantially and to the detriment of the visual amenity of the area not only for those living immediately opposite the site, but down the entire length of Broadholme Road and for properties in Abbotsmead Road.
2. The current fencing which is located at the rear of the land now to be enclosed is much lower than that proposed and the top section which is an open trellis. The fence supports that have already been installed by the applicant indicate a close boarded fence which is several feet higher than the existing lighter fencing. Again, this will have a substantial and detrimental impact on neighbouring properties and visual amenity of the area.
3. Within the proposed new fencing area is a gas venting gabion and there is evidence that an attempt has been made to excavate this. The applicant has suggested that access to this gabion, which is required for monitoring and venting purposes, will be allowed through his garden but we question whether this access will be maintained in the future and by any potential purchasers of the property. We believe this presents a potential safety risk.
4. The applicant has already removed a number of mature trees and shrubs from this site; working having begun some considerable time before stated on the application. It is the policy of this parish council to request that whenever a mature tree is removed from open space, it be replaced with two new trees in a suitable location
5. We have considerable concerns that the visual amenity of the area is further compromised by the fact that the neighbouring property, which similarly owns half of the circle area to be enclosed, has not yet applied for planning permission for a similar fence which we were led to believe would be the case. It is nonsensical for part of this land to be enclosed without the other part.
6. Although this is a quiet cul-de-sac street, we do feel that moving the fencing to the very edge of the footpath will create a safety hazard for road users. Those properties further down the cul-de-sac will have sight further down the road towards the roundabout partially obscured by the fencing. It is well known that children play and cross Broadholme Road heading towards the play area at Northolme and we fear that vehicles will have insufficient warning of pedestrians or other vehicles with such a close boarded high fence obscuring the sight towards the roundabout.

5.2 One letter of objection was received, however this was subsequently withdrawn.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

Internet access is available at the Council's Customer Service Centres:-

[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## 6. Officer's Appraisal

- 6.1 The main considerations in this application are:
- The impact of the fence on visual amenity.
  - The impact of the proposal on the safe use of the highway.
  - The impact of the proposal on the access to the gas protection measure, (the gabion), for monitoring purposes.
- 6.2 The application is part-retrospective, as a number of fence posts have been concreted into position.
- 6.3 Policies DR1 and H18 of the HUDP essentially require proposals to be in keeping with the character of the site and surrounding area. In this case the land was previously planted with shrubs and trees as part of the landscaping of the estate. However there is not an enforceable planning condition attached to the original permission requiring the retention of the landscaping.
- 6.4 The proposed new fence alignment would contain a relatively small pocket of open land which would be best described as incidental landscaped amenity land and is depicted as such on the approved layout drawings for the residential development within which the site is located. It is an area within the ownership of the applicant and as such it should not be considered as public open space in this context.
- 6.5 The relevant planning permission and approvals for the site layout do not restrict permitted development rights governing the means of enclosure for individual residential curtilages. It would be possible therefore, to erect a fence not exceeding a height of 1 metre, in the position now proposed.
- 6.6 Having regard to the previously mentioned policies, it is not considered that the amenity value of the land, which it is proposed to enclose, is significant enough to warrant its protection as open space. Moreover it is considered that the fence itself would not appear unduly discordant in the street scene or detrimental to the visual amenity of the area. Accordingly the proposal would not conflict with Policies DR1 and H18 of the HUDP.
- 6.7 Concerning matters of highway and public safety and the proposed fence alignment, it is not considered that the fence would represent an unacceptable obstruction to visibility and as such would not prejudice the safety of drivers and pedestrians using Broadholme Road. The shrubs that have now removed had the same effect on visibility to highway users of Broadholme Road as the proposed fence will. The proposal therefore accords with Policy DR3 of the HUDP.
- 6.8 With regard to concerns regarding the gas protection measures. The Council does not have an explicit obligation to maintain or monitor the gabion located within this area of the former Hunderton Farm site. However in discussions with the Team Manager (Air, Land and Water Protection) it has been suggested that access to the gabion should be maintained for possible monitoring or maintenance of the gabion in the future. The applicant has indicated he is agreeable to this and this would fulfil the requirements of Policy S2 of the HUDP.
- 6.9 Attention is also drawn to a planning appeal decision for a similar proposal in the locality. Following the refusal of a planning application to retain a 2 metre high fence adjacent to a highway the resulting planning appeal decision concluded that whilst a series of features, such as open areas, has incremental value in helping to form the character of an area, it does not follow that the loss of any one such feature would materially and adversely affect that character.

- 6.10 In the Inspectors view, the enclosing of that particular small area, of limited visual merit, would not have that effect, nor would its removal prejudice the Council's ability to resist the loss of other open areas, each of which has individual characteristics and would stand to be assessed on its merits. Further, having regard to the incidence of similar enclosing features in the surrounding area, the new fence would not be unduly prominent or visually discordant.
- 6.11 In the light of these considerations it is maintained that the proposal is acceptable subject to planning conditions.

**RECOMMENDATION**

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

- 1. **B02 Development in accordance with approved plans and materials**

**Reason for Approval**

- 1. **In making this decision and noting that the development had been commenced the local planning authority concluded that the development would not harm the visual amenity of the area, adversely affect residential amenity or have an adverse impact on highway safety.**

**The local planning authority concludes that the development is in accordance with policies S2, DR1, DR3 and H18 of the Herefordshire Unitary Development Plan 2007.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** S/122243/FH

**SITE ADDRESS :** 1 ARUNDEL CLOSE, BELMONT, HEREFORD, HR2 7ST

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