

Number No: 490

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Tina & Gordon Davison
Rose Cottage
Lower Hergest
Kington HR5 3EN

The Planning Officer
Northern Planning Services
PO Box 230, Blueschool House
Blueschool Street
Hereford HR1 2ZB

17th November 2004

Dear Sir/Madam,

Re: Application No. DCNW2004/3725/F - Land at rear of The Bothy, Rose Cottage and Orchard House, Lower Hergest - 1. Change of use from paddock to residential garden and 2. Retention of part of unauthorized decking

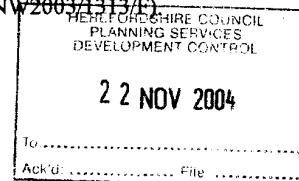
Thank you for notifying us of the above retrospective planning application and giving us an opportunity to comment. A substantial part of the land that is the subject of this application adjoins our rear boundary and is very close to our cottage, so its use has a considerable impact on our property.

Firstly we wish to point out that the plans submitted by the applicant do not indicate the relationship of the subject land to adjoining properties. We therefore enclose a plan that we believe more clearly shows the site as it is presently laid out, indicating the application land coloured green, and a set of four photographs of the development.

Development of this land has already been carried out with no consultation, without the benefit of planning permission and includes an area of timber decking larger than that indicated in this retrospective application. Despite the applicant's assertion that no trees or hedges are to be removed or pruned in order to facilitate the development, some trees and a length of established and historic hedge were cut down and removed by the applicant on the western boundary of the land over which the decking has been built.

We wish to object to this application on the following grounds that are not in any particular order of priority:

1. The development is intrusive giving rise to problems of overlooking and a loss of privacy to our house and garden and to increased noise, all of which is detrimental to our property. Please note that the development land is elevated some 2 metres above ours and is only 5 metres away from our house. The decking as presently built raises this level by more than 1 metre, further increasing the overlooking problems.
2. Related to the previous point, we have a current planning approval for a rear extension that, when implemented, brings the rear windows of our dwelling to within 2.5 metres of the subject land (your planning reference is NW2003/1313/F).



3. The proposal, as submitted, would constitute a fundamental change to the character and identity of the land within the rural landscape into which it encroaches, this being landscape the Council has determined in its UDP to be "least resilient to change". The site abuts existing agricultural uses on three sides and breaks through the natural settlement boundary of Lower Hergest.
4. The site is in an area defined in the Leominster and District Local Plan as an "Area of Great Landscape Value" and the development conflicts with Policy A2 thereof. It also conflicts with the Local Plan's environmental objectives regarding the protection of natural habitats from the effects of development and changes in land use and ensuring that developments fit sensitively into the landscape.
5. Permitted development on the land following the proposed change of use to residential garden would have further detrimental impact on our land and property.
6. The decking has already been built over the line of established hedging and trees that formed the western boundary of the site. These have been removed resulting in a loss of planting and wildlife habitat and increasing the potential for soil erosion. This hedgerow should be reinstated on the original line with mixed local species.
7. The decking structure that has already been built has an ornate balustrade approximately 1metre high on three sides. The design of this is out of keeping with its setting and adversely affects the character and identity of the rural landscape into which it encroaches.
8. The planting scheme shown does not extend far enough to mitigate the overlooking of our property and no species are specified. Neither have we been consulted about these proposals. Furthermore, we understand that the applicant is not obliged to implement the proposed planting scheme within a reasonable time following commencement of the development, so how can we be confident that it will be carried out quickly and effectively?
9. We do not understand what the justification is for increasing the garden space of The Bothy when there is already ample garden space within the applicant's curtilage.
10. The applicant has not specified the width, length or height of that part of the existing decking to be retained.

Yours faithfully,



Gordon and Tina Davison

