

**25 DCNE2004/3965/F - RETROSPECTIVE RELOCATION
OF FENCE AT 8 HALLWOOD DRIVE, LEDBURY,
HEREFORDSHIRE, HR8 2FY****For: Ms M Johnson at above address.****Date Received:
16th November 2004****Ward:
Ledbury****Grid Ref:
69955, 37390****Expiry Date:
11th January 2005**

Local Members: Councillor B Ashton, Councillor P Harling & Councillor D Rule

1. Site Description and Proposal

- 1.1 Hallwood Drive is a modern residential estate to the south-west of Ledbury Town Centre. The development is open plan. Front gardens have not been enclosed and other landscaped areas been created to soften the appearance of the area as a whole.
- 1.2 This application is a retrospective application to enclose a strip of land that was part of the landscaping scheme when the development was originally approved. Upon completion of the dwellings, it would appear that the developers transferred ownership of these open areas to those properties which border them. The applicant therefore has legal ownership of the application site.
- 1.3 A strip of land with a width of 1.5m has been incorporated into the domestic curtilage of no.8 Hallwood Drive. In essence the 1.97m fence enclosing its back garden has been moved 1.5m closer to the public highway. The line is demarcated by a concrete kerb which runs parallel to the edge of the road a service strip of approximately 1.5m lies in between and is unaffected by this application.

2. Policies**Malvern Hills District Local Plan**

Housing Policy 17 – Residential Standards

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H13 – Sustainable Residential Design

3. Planning History

None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic manager - no objection.

5. Representations

5.1 Ledbury Town Council - recommend refusal. Members felt that this would set a precedent. Other applications would follow, resulting in the loss of green space within the site, thereby dramatically changing the original layout.

5.2 The full text of these letters 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 land that this application seeks to incorporate as domestic curtilage did form part of the original landscaping scheme. The fact that ownership of the area has been transferred to no.8 is not material to the application. Whether its loss will compromise the character and appearance of the area as the Town Council suggest, is however.

6.2 The area of land in question is only a very small strip and in its own right is difficult to argue that it changes the overall open nature of the development as a whole. The cumulative impact if repeated is important and the opportunities for this to occur elsewhere has been considered. These are limited to only one or two other properties within the locality. A similar application reference DCNE2004/4078/F, at no. 51 Hallwood Drive, follows this report. However, each application should be treated on its merits.

6.3 The applicant has indicated a willingness to undertake new planting to soften the appearance of the fencing, and this can be dealt with by condition. It is also recommended that the colour of the stain used is similarly controlled to ensure a satisfactory appearance.

6.4 It is therefore concluded that the proposal is acceptable and consequently the application is recommended for approval.

RECOMMENDATION

That planning permission be permitted subject to the following conditions:

- 1 - Within one month of the date of this permission the fence hereby approved shall be stained with a colour details of which shall be submitted to and approved in writing by the local planning authority. There shall be no change in colour without the further written approval of the local planning authority.**

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

- 2 - **Within 3 months of the date of this approval, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. All proposed planting shall be clearly described with species, sites and planting numbers.**

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

- 3 - **G05 (Implementation of landscaping scheme (general))**

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.