

11 DCNE2005/4153/F - RETROSPECTIVE APPLICATION FOR TEMPORARY STRUCTURE, CHILDRENS CLIMBING FRAME IN REAR GARDEN AT 1 FROME BROOK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FH

For: Mr. J. Roberts at same address

Date Received:
28th December 2005

Ward: Ledbury

Grid Ref:
70500, 38322

Expiry Date:
22nd February 2006

Local Members: Councillors D.W. Rule MBE, P.E. Harling and B.F. Ashton

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the retention of a children's climbing frame, erected in the rear garden at No.1 Frome Brook Road, Ledbury. Planning permission for the frame is required owing to the proximity to the highway and the height of the structure, which at in excess of 3 metres, exceeds the allowance under "Class E" permitted development rights.
- 1.2 The dwelling is a detached two-storey building occupying a position at the corner of Frome Brook Road and Kempsey Brook Drive on the New Mills estate, with the rear garden bound by the two roads. The gardens to Nos. 3 and 5 Frome Brook Road are immediately to the north.
- 1.3 The timber constructed climbing frame is found in the corner of the rear garden and is thus visually prominent in the street-scene. The frame comprises two platforms that rest upon timber poles, with associated play equipment. The larger and highest of the two platforms is visible above the close-boarded fence, and at 13.3m², is large enough to allow a number of children onto the platform at any given time. This platform is surrounded by approximately twenty 6" x 1" vertical timbers with the effect that the frame has a robust and solid appearance.
- 1.4 Although referred to in the application description as a temporary structure, it is clear that the frame would be capable of remaining in situation for a number of years were the usual maintenance was undertaken.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 16 – Extensions

2.2 Herefordshire Unitary Development Plan – Revised Deposit Draft

DR1 - Design

H18 – Alterations and Extensions

3. Planning History

- 3.1 None relevant to the application

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Transportation Manager: No objection

5. Representations

- 5.1 Ledbury Town Council: No objection

- 5.2 Three letters of objection have been received from the following:-

Mr & Mrs D. W. Watson, 21 Kempley Brook Drive, Ledbury;
Mr & Mrs D Pearson, 3 Frome Brook Road, Ledbury &
Ms. S. Goldstein, 5 Frome Brook Road, Ledbury.

The points raised are summarised as follows:

- The climbing frame is tall, large and unsightly in the street-scene and uncharacteristic of the wider area;
- The use of the frame results in a loss of privacy, particularly to neighbouring gardens, with direct overlooking possible;
- The climbing frame could remain indefinitely and should not be termed temporary;
- The frame results in a loss of outlook and adversely affects the amenity of neighbouring properties.

- 5.3 A further letter has been received from Mr J. F. Barnes, 15 Kempley Brook Drive, Ledbury. Mr Barnes suggests a temporary permission expiring either at 1st January 2011, or the date of transfer of the property to someone else.

- 5.4 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 It is appropriate to apply the criteria applicable to extensions to development of this nature. Specifically, the key issues are the impact that the use of the climbing frame has upon the residential amenity of neighbouring dwellings; and the design and appearance within the street-scene.

Impact upon the street-scene

- 6.2 The climbing frame is visually prominent in the street-scene. Although some planting has been undertaken to partially screen the structure from the roadside this planting is not sufficiently dense or mature to mask the appearance of the frame from public vantage points. Moreover, the upper platform is readily visible from the rear gardens to Nos. 3 & 5 Frome Brook Road and no measures have been undertaken to reduce the impact from these vantage points.
- 6.3 Steps could be undertaken to enhance the planting with the effect that the frame could blend into its surrounds more readily, which together with the appropriate treatment of the timbers could make the appearance of the frame more acceptable in the long term.
- 6.4 The frame in its current form does not satisfy the policy criteria requiring development to be of a high standard of design and of a character and appearance complimentary to its surrounds. However, officers consider that appropriate planting and timber treatment could assist in mitigating these concerns.

Impact upon the amenity of neighbouring dwellings

- 6.5 The height of the climbing frame enables the direct overlooking of neighbouring gardens and dwellings, with a resultant loss of privacy. In this location the rear gardens are relatively small, with the effect that any climbing frame would be likely to result in a certain level of overlooking.
- 6.6 It is officers' recommendation that a temporary planning permission be considered. This would allow the applicant to examine means through which the appearance of the climbing frame within the street-scene could be improved, together with additional measures to restore the privacy to neighbour's gardens. At the expiration of the temporary permission a further application would be necessary and would be considered against the facts and site conditions as they stand at that time.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1 - **E20 (Temporary permission)(31st December 2006)**

Reason: To allow the applicant time to consider measures to mitigate the harm and to enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

Informative:

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

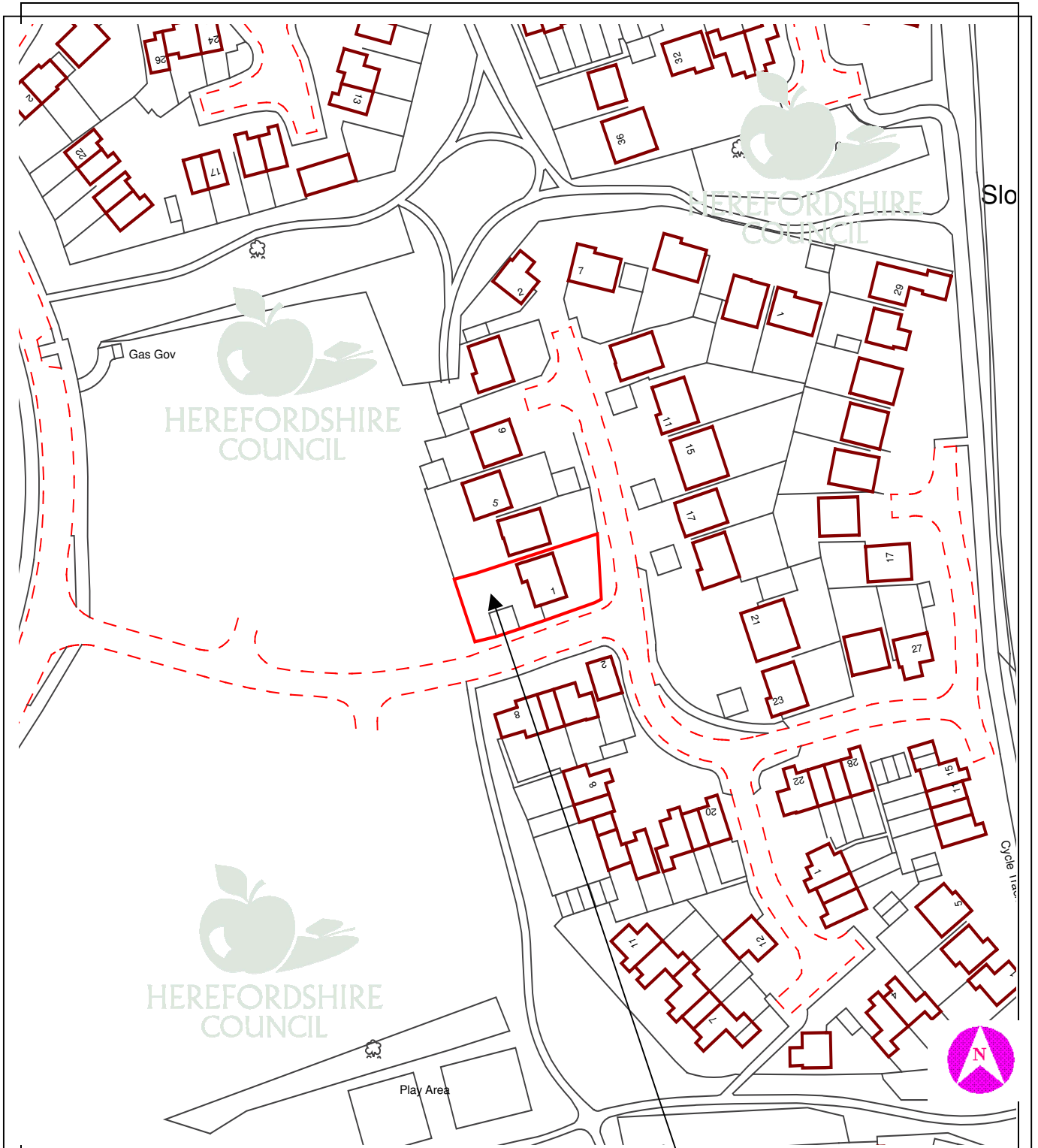
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/4153/F **SCALE :** 1 : 1250

SITE ADDRESS : 1 Frome Brook Road, Ledbury, Herefordshire, HR8 2FH

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