

10 DCNC2006/2926/F - ERECTION OF TIMBER GARDEN FENCE AT LAND ADJOINING GREYSTONES, WYSON, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL**For: Mr R Shears per Mr D F Baume David F Baume
Chartered Architect Churchways Jewkes Lane Kington
on Teme Worcestershire WR15 8LZ****Date Received:
11th September 2006****Ward:
Upton****Grid Ref:
52015, 67930****Expiry Date:
6th November 2006**

Local Member: Councillor J Stone

This application was considered by the Northern Area Planning Sub-Committee at its meeting on 11th October 2006 when Members resolved to refuse permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting the Northern Area Planning Sub-Committee was recommended to approve this application. The recommendation took into account

- The house is on a corner plot where front boundary treatments are controlled by condition in order to ensure that adequate visibility is provided at the junction of the two narrow roads which join at this point,
- the fence which has already been erected conflicts with the permission because it is not set back two metres from the highway along its whole length
- the Highways Officer has visited the site and reported that he considered the degree of visibility to be acceptable – hence the purpose of the condition is still achieved without compromise to highway safety
- the appearance of the fence, a close boarded fence, is clearly visible along the full site frontage but, in the opinion of the case officer, there is insufficient damage to the appearance of the site to warrant refusal on visual amenity grounds.

In the debate the members of the Area Sub-Committee gave significant weight to the objections of the local Member, the Parish Council and one local resident who are all very concerned that the original condition has been breached and that visibility is compromised on the corner.

The highways officer who has visited the site and considered it in detail. He has reported, "I inspected the remedial works done by the builder at the corner of the site adjacent to Greystones on Friday 1st September 2006. They are in accordance with my recommendation and visibility at the junction and driveway to the new bungalow is acceptable at both sites because it is within current guidelines." The highways officer goes on to confirm that there is no adverse impact on highway safety and makes relevant references to current and

emerging government guidance on the design of residential streets. The reason for refusal canvassed by Members seemed to be more concerned with the principle of retrospective applications than the planning merits of the case. In these circumstances, a refusal of permission on highway safety grounds would be very difficult to sustained at appeal.

Consequently the application is referred to this meeting of the Planning Committee for further consideration. The original report to the Northern Area Planning Sub-Committee is set out below.

1. Site Description and Proposal

- 1.1 A recently completed bungalow occupies this slightly elevated corner plot on Wyson Lane. The lane is narrow throughout its entire length and development is of a high concentration along its frontage.
- 1.2 The application is retrospective and seeks to retain a close board fence that bounds the site to the south and west and has been erected in breach of condition no.3 of the original permission. The condition reads as follows:

Before any other works hereby approved are commenced, the access point into the application site shall be so constructed that there is clear visibility from a point 0.6 metres above the level of the adjoining carriageway at the centre of the access 2 metres and 33 metres from and parallel to the nearside edge of the adjoining carriageway over the entire length of the site frontage. Nothing shall be planted, erected and/or allowed to grow on the area of land formed which would obstruct the visibility described.

2. Policies

- 2.1 Herefordshire Unitary Development Plan
H13(4) - Sustainable residential design
- 2.2 Leominster District Local Plan
A.70 - Accommodating traffic from development

3. Planning History

NC03/2251/F - Erection of a bungalow - Approved 28/01/04

NC04/3760/F - Erection of a bungalow - Approved 26/11/04

(It is the latter of these two permissions that has been implemented)

NC06/1846/F - Retrospective application for the erection of a timber fence - Withdrawn

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Consultations**Transportation Manager**

- 4.2 I inspected the remedial works done by the builder at the corner site adjacent to Greystones on Friday, 1st September, 2006. They are in accordance with my recommendations, and visibility at the junction and driveway of the new bungalow, is acceptable at both sites because it is within current guidelines.
- 4.3 Visibility to the right when turning from Wyson Lane and travelling northbound is now acceptable at an "x" distance of 2.4m (from the Highways Design Guide for New Developments) - whilst there is a small section of carriageway adjacent to the Chapel not fully visible, it is unlikely to hide any motorised vehicle, including motorcycles. The vision to the left remains unsatisfactory, but is not related to the application. The visibility at the driveway to the new bungalow is acceptable in both directions at an "x" distance of 2.0m, particularly given the slow speed that vehicles are travelling as they near or exit the "T" junction.
- 4.4 Visibility around the corner for vehicles turning into Wyson Lane is limited, but I consider that it will in fact serve to limit speed, and contrary to common perception, will actually improve safety. This approach is well-recognised and encouraged in current guidance (such as the Inst. of Highway Incorporated Engineers' "Home Zones" guidance) and is very much emphasised in the emerging "Manual for Streets" published by DfT. Good visibility encourages higher speeds than would otherwise be observed, increasing danger for other road users and vehicles/pedestrians emerging onto the highway. As there is no separate provision for motorised vehicular traffic along Wyson Lane, safety for all users is improved if speeds are limited.

5. Representations

- 5.1 Brimfield Parish Council - No response
- 5.2 To date one letter of objection has been received from S Clarke, Elm Lea, Wyson Lane who considers that the fence continues to affect visibility and is not in keeping with the area.
- 5.3 The public consultation period expires on 11th October 2006 and any further correspondence received will be reported verbally to committee.
- 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 In light of the detailed comments of the Transportation Manager it is your officer's opinion that the concerns over visibility are addressed.
- 6.2 With regard to the appearance of the fence, it is a domestic boundary treatment in a residential situation. The issue has arisen as an enforcement case in specific respect to concerns over visibility. To refuse it on the grounds of its appearance is considered to be unreasonable.
- 6.3 It is therefore recommended that the application is approved.

RECOMMENDATION

Subject to no further representations raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application.

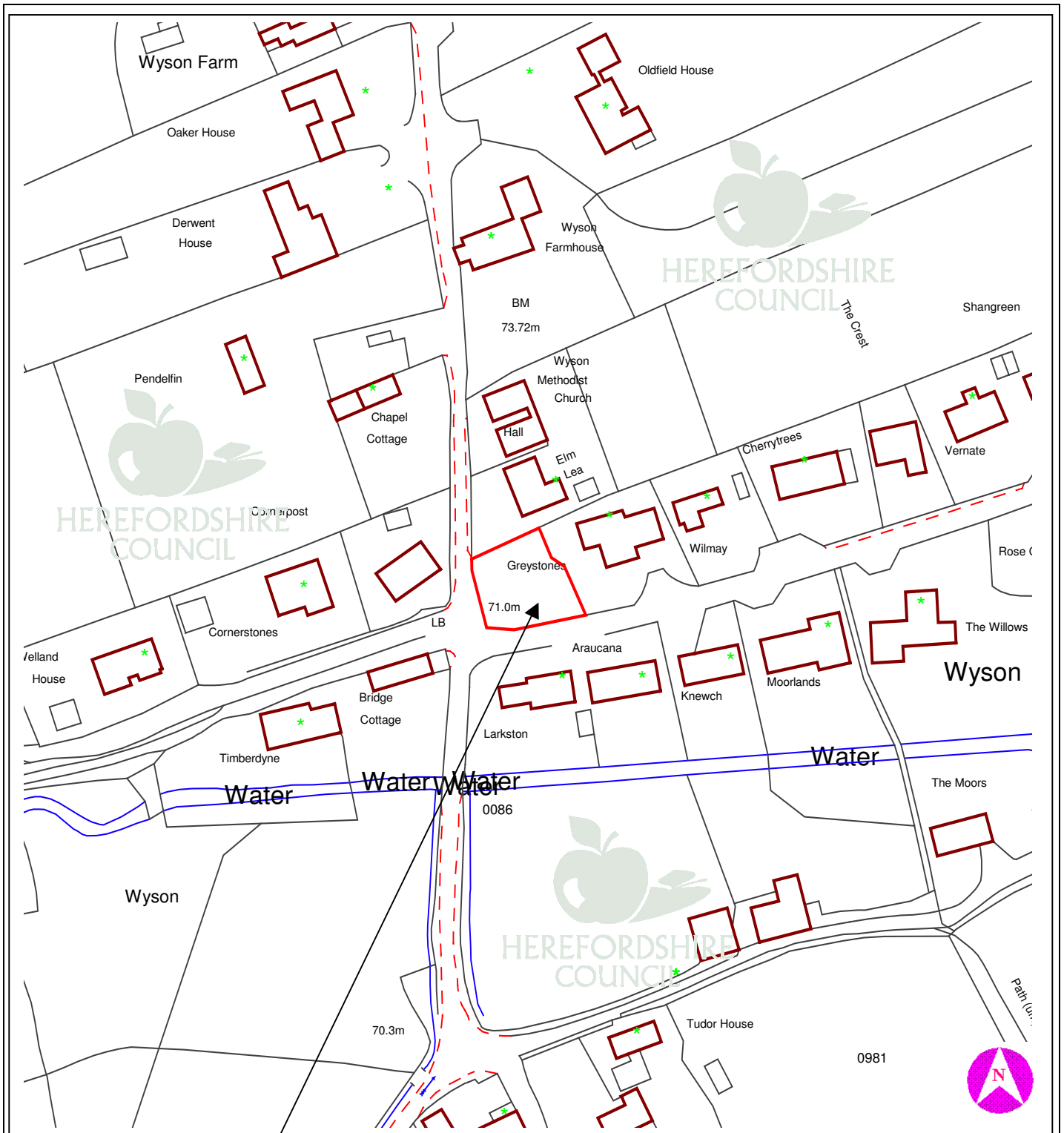
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/2926/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjoining Greystones, Wyson, Brimfield, Ludlow, Herefordshire, SY8 4NL

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