

DELEGATED DECISION REPORT

APPLICATION NUMBER

172226

Wyeside Cottage, Ferrie Lane, Symonds Yat, Ross-On-Wye, HR9 6BL

CASE OFFICER: Miss Emily Reed
DATE OF SITE VISIT: 03/08/2017

Relevant Development Herefordshire Local Plan – Core Strategy
Plan Policies: Policies SD1, LD1

National Planning Policy Framework (NPPF)
Chapters 7 and 11

Whitchurch NDP
Not yet at a stage where it is afforded any weight

Relevant Site History: DCSE2003/3540/F – Proposed dormer windows and velux rooflights to roof slope. Approved

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Ecologist	X		X		
Neighbour letter/ Site Notice	X			1	
Hereford & Worcester Trust	X	X			
Local Member	X		X		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

Wyside Cottage is a semi detached dwelling that, due to the topography of the site which slopes down to the river, is single storey facing onto Ferrie Lane and two storey to the rear.

This application seeks planning permission for the installation of a 2.3m garden fence along part of the south boundary. The fence is in situ and the application is therefore retrospective.

Representations:

To date, one comment has been received to the proposal from the adjoining neighbour to the south and whose property the fence now forms the boundary with. They state as follows:

I was given your contact details by Scott Low as I did mention to him that I would like to make comment regarding the application for planning permission that has been made by my neighbour as the fence in question is on our boundary.

Whilst my neighbour was building the fence I pointed out to him that there were restrictions to the height that the fence could be built to and later politely asked if he could consider dropping it down in line with our existing fence whereby it would still be over 2m (the land levels vary on each side of the fence, the current boundary fence is 1.9m above our ground level).

The neighbours comments were very aggressive and negative as if, although aware of the law/restrictions, and my concerns, the fence was going to be built anyway and needless to say the fence was built to 2.3m which, in my opinion is wholly unnecessary whereby it being a little lower would have been quite acceptable.

I am not actually opposed to the fence just the top 100mm as the fence in question is approx. 100mm higher than the existing boundary fence. I suppose if it were a similar style to the existing fence it would blend and possibly could be painted the same colour however, in my opinion, it is a poorly built, homemade creation, not in keeping, with big gaps that renders it difficult to paint without there being runs to the neighbours side. The top piece of timber is quite chunky and I consider the protruding section to be an eyesore from my property, I see the fence quite clearly through most of my windows to that elevation –please see attached photos.

Further clarification was received from the neighbour who stated the following:

I have today completed the online form regarding the above application. I chose objection/oppose from the pulldown box choices, however as I state I don't actually oppose the fence just the top 100mm that is visible over the existing fence. Can you advise whether I made the correct choice from the pulldown box please?

In addition, would it be possible to add a comment regarding the cracked boundary wall? This wall is in two parts, my side comprises natural stonework and the neighbours brickwork which runs the periphery of the patios area. The defect is to the brickwork walling which is not our responsibility, it seems to be implied that it is.

Councillor Newman, while acknowledging the comments from the neighbour, agreed to delegated authority of the application by email dated 24th August 2017.

Pre-application discussion:

Discussions with Enforcement Officer

Constraints:

Area of Outstanding Natural Beauty

Appraisal:

In respect of alterations to dwellings planning policy SD1 of the Core Strategy is applicable. This states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

With the site lying within an Area of Outstanding Natural Beauty, the proposal is also to be assessed against Policy LD1. This states that development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features including AONBs.

With the fence measuring over 2m, planning permission is required. It is constructed from cream painted, horizontal timber boarding with two full length mirrors facing into the rear garden of Wyeside Cottage.

Given the nature of the proposal, impacts on the amenity of neighbouring dwellings in terms of overlooking or overshadowing are not of relevance.

With regard to the wider AONB, given that the proposal is for a domestic boundary treatment, the character of the landscape designation is not found to be detrimentally impacted on.

In relation to the comments raised by the adjoining neighbouring dwelling, these are noted. While it is acknowledged, from the photographs that accompany the comments, that the fence is visible over the top of the fence on the adjoining neighbours side, the wider impact of this is not found to be of a detrimental level that justifies refusal of the application. Moving onto the defected brickwork and responsibility, this is a civil matter and falls outside the planning remit.

On balance, while the comments from the neighbour are appreciated, the application is found to be compliant with the relevant policies and therefore recommended for approval. As the application is retrospective, a time limit condition is not required.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:
(please note any variations to standard conditions)

- 1) C07 – drawings indicating Block Plan and Elevation both received 22 June 2017.

Informatives

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Signed: Dated: 29th August 2017

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

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REFUSE

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Signed: Dated: 29 August 2017