

Item No. 10**SCHEDULE B**

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| APPLICATION NUMBER | CB/10/02377/FULL |
| LOCATION | Land to the rear of 23 & 25 Orchard Way, Lower Stondon, Henlow, SG16 6NA |
| PROPOSAL | Full: Change of use to residential garden and erection of 1.8m high wooden fencing |
| PARISH | Stondon |
| WARD | Silsoe & Shillington |
| WARD COUNCILLORS | Cllr Rita Drinkwater, Cllr Alison Graham |
| CASE OFFICER | Kate Phillips |
| DATE REGISTERED | 15 July 2010 |
| EXPIRY DATE | 09 September 2010 |
| APPLICANT | Mr Parry |
| AGENT | |
| REASON FOR COMMITTEE TO DETERMINE | Request by Cllr Drinkwater on the grounds that the proposal changes the conditions attached to the original housing development permission and also that the proposal would be overbearing to neighbouring properties. |
| RECOMMENDED DECISION | Full Application - Granted |

Site Location:

The application site is the land to the rear of numbers 23 and 25 Orchard Way in Lower Stondon which are 2 separate, two storey, yellow brick residential dwellings located on the southern side of the road.

The land to the rear (south of the gardens) has been cleared of the hedgerow which still lines the edge of many of the gardens in the stretch and wooden posts have been erected in the proposed location of a new fence (the subject of this application). However the land is still outside the defined garden area of the two properties because the existing fence remains in its original position.

The surrounding area is characterised by other residential dwellings of a similar style and age. The land to the south is open countryside, outside the village's Settlement Envelope.

The Application:

This application seeks permission for a change of use of the land to residential garden land and also the erection of 1.8 metre high wooden fencing.

RELEVANT POLICIES:**National Policies (PPG + PPS)**

- PPS 1 Delivering Sustainable Development (2005)
- PPS 3 Housing (2010)

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

Not applicable

Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document 2009

Policy DM3 High quality development – including extensions

Policy DM4 Development within and beyond settlement envelopes

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Central Bedfordshire Council's Technical Guidance - Design Supplement 4:
Residential Alterations and Extensions (2010)

Planning History

None relevant

Representations: (Parish & Neighbours)

Stondon PC

Adj. occupiers

No comments received.

One letter of objection has been received from a resident in Plum Tree Road which runs perpendicular to Orchard Way. This person objects on the following grounds:

- A local and historic hedge has been ripped up and been replaced by a black fence.
- Spoils views/ outlook for the residents of Plum Tree Road.
- Impact on wildlife.

Consultations/Publicity responses

Site notice posted 27.7.10

Determining Issues

The main considerations of the application are;

1. The principle of development
2. The effect on the character and appearance of the surrounding area
3. The impact on the residential amenity of neighbouring properties
4. Any other implications of the proposal

Considerations

1. Principle of development

Policy DM4 of the Council's Core Strategy and Development Management Policies Development Plan Document notes that, "Beyond Settlement Envelopes, limited extensions to gardens will be permitted provided they do not harm the character of the area. They must be suitably landscaped or screened from the surrounding countryside and buildings may not be erected on the extended garden area".

The principle of changing the use of the land to residential garden is therefore considered to be acceptable, subject to the detailed considerations below.

2. Effect on the character and appearance of the area

The land in question is located to the rear of the properties, at the edge of the settlement, outside the Settlement Envelope. Views to the site are possible from the gardens of properties along Plum Tree Road (which runs perpendicular to Orchard Way) and also from the open countryside to the south.

An objection has been raised on the grounds that a local and historic hedge has been ripped up to be replaced by a black fence. Nevertheless, it is considered that fencing is an appropriate type of boundary treatment for a residential garden such as these two gardens and that, because the area of land that will be incorporated into the gardens is relatively small in size, the impact on the surrounding area is not so great as to warrant a refusal of the application on this basis.

Overall, the proposal is considered to be acceptable in this respect. Policy DM4 recommends that no buildings are erected on extended garden areas. In this case, taking into account the small size of the extended area, it is not considered necessary to attach this condition to any planning permission granted.

3. Impact on the residential amenity of neighbouring properties

An objection has been raised on the grounds that the new fencing disrupts the outlook and views for properties along Plum Tree Road. These properties are over 25 metres away from the application site and therefore it is not considered that their immediate outlook would be affected to any material degree.

It is a long established principle that there is no right to a view in planning terms. However, the impact of development on the character and appearance of the surrounding area is a planning issue. In this case, as noted above, the impact is considered to be acceptable.

Overall, it is not considered that any nearby residential properties would be affected by the proposal. It is therefore considered to be acceptable in this respect.

4. Any other implications

There are no further considerations to this application.

Reasons for Granting

The proposal to change the use of the land to residential garden and to erect a 1.8 metre high fence would not impact detrimentally upon either the character and appearance of the surrounding area or upon the residential amenity of any nearby residential properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2010), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policies DM3 and DM4 of the Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document (2009). It is further in conformity with the Central Bedfordshire Council's Technical Guidance - Design Supplement 4: Residential Alterations and Extensions (2010).

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 The materials to be used for the development shall be as detailed in the application hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the surrounding area.

DECISION

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