

06/2005/024

MR & MRS A KEITCH

RETROSPECTIVE APPLICATION FOR USE OF AMENITY LAND AS DOMESTIC CURTILAGE AND ERECTION OF RAILINGS AT 10 BETHELL MEAD, COTFORD ST LUKE (RE-SUBMISSION).

16668/27071

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal provides for the change of use of an area of open amenity land to domestic curtilage together with the erection of 900mm high sheep hurdle style fencing around and the erection of 1m high loop top railings either side of the existing access drive to the property. The additional curtilage involves a maximum of 4 m depth around 3 sides of the property. A previous similar application was refused by the Planning Committee at its meeting on 26th January for reason that the formation of domestic curtilage and provision of railings would result in an intrusive feature when viewed from the adjacent public open space and would consequently adversely affect the visual amenity of the area. An appeal has been lodged against that refusal of permission. The current application is accompanied by a letter of justification setting out the following:- (i) confirms that the applicant is the owner of the area of land in question; (ii) understand that the developers were intending to use the area of land to carry out general maintenance to the pond but have now confirmed that they no longer need this area of land; (iii) applicants have a grandchild which visits on a regular basis and therefore need a boundary restriction to ensure that the child is in a safe environment; (iv) applicants concerned in respect of dogs fouling the area used by themselves and the grandchild; (v) do not feel that the railings will result in an intrusive feature when viewed from the public open space; (vi) the railings are 1m and 900mm high and will still achieve the visual appearance that the area of land is part of the open space, unlike a timber fence or a brick structure; (vii) no intention to develop the area of land enclosed by the fence and a planning condition could be imposed to restrict any such development if felt necessary.

CONSULTATIONS AND REPRESENTATIONS

SIX LETTERS OF SUPPORT have been received stating the following:- welcome proposal; will enhance the appearance of the plot and be of aesthetic benefit to the area; ; will compliment the surrounding houses and the open space backing on to the property; having railings installed will improve the view from the open space and neighbouring properties; applicant is an extremely talented master tradesman in this field; will let community become a more attractive one for us all to appreciate; changes will be harmless and rather attractive; will provide a solution for the incessant nuisance posed by loose dogs; would be in keeping with the rest of the neighbourhood; will better define the public area; will prevent plants from being broken; railings will be a very good safety aspect for children because of the pond

ONE LETTER OF OBJECTION has been received raising the following issues:- the enclosing of amenity land for private use is not desirable; existing 2m high wall around the property provides maximum security, any deterioration to this security has been caused by the applicants; metal railings put in by the developer have been removed and the retaining wall breached with stairs built to gain access to the amenity land, replacing the original railings will give applicants the security they feel they currently lack; no evidence of dog fouling.

PARISH COUNCIL appreciates the problems encountered by residents upon amenity land, access thereto and the close proximity of dwellings but would urge the planning authority to refuse this application. The council would support the change of use from amenity land to domestic curtilage but would not advocate delineation of the revised domestic boundary by the erection of railings and thereby create a hard frame-like perimeter to the public open space.

POLICY CONTEXT

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the character and appearance of any affected landscape, settlement, building or street scene would be harmed as a result of the development.

ASSESSMENT

The applicants confirm that they own the land in question. I consider that the proposal involves minimal loss of amenity land and minimal impact on the visual amenity of the area and is therefore considered acceptable. A landscape condition is recommended which will soften any visual impact of the railings.

RECOMMENDATION

Permission be GRANTED subject to conditions of railings to be erected within 6 months, removal of GPDO rights for ancillary buildings and landscaping.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual amenity, and therefore does not conflict with Taunton Deane Local Plan Policy S1.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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NOTES:

