

Application No: 13/4192C

Location: 2, BEDFORD GROVE, ALSAGER, ST7 2SR

Proposal: Retrospective change of use of open space land to domestic curtilage land, erection of 2m high boundary fence

Applicant: Mr Christian Preece

Expiry Date: 10-Dec-2013

SUMMARY RECOMMENDATION

Approve; subject to conditions

MAIN ISSUES

Principle of development
Character of the area
Residential Amenity
Highway implications

REASON FOR REFERRAL

This application has been called-in to planning committee by Cllr Hough for assessment of the Southern Planning Committee due to the "intrusion of domestic curtilage into public open space and implications for other open spaces in Alsager".

DESCRIPTION OF SITE AND CONTEXT

The application site is located within a residential street of Alsager.

The application site is comprised of a detached dwelling and an area of amenity space which lies between No.2 and the highway adjacent to the corner of Bedford Grove and Pikemere Road.

DETAILS OF PROPOSAL

This application seeks retrospective planning permission for the enclosure of land to the side of the property with a 2 metre timber boarded fence.

RELEVANT HISTORY

13/2966C Retrospective change of use of general amenity land to domestic curtilage land,
erection of 2m high boundary fencing
Application invalid

POLICIES

Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR4&GR5	Landscaping
GR6	Amenity and Health

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

CEC Assets Department: Land in question is not in CEC ownership

Highways: Cannot support the application; however do not identify any harm as result of the development

VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council: Object to the application. Express serious concerns that the application is retrospective, and works have been completed. Town Councillors have received complaints regarding 'land grabbing' & whether this would lead to any precedent in the future.

OTHER REPRESENTATIONS

19 letters of representation objecting to the development have been received to date. A summary of the objections is provided below. Objections have been received from the following neighbours; Pikemere Road; 9 (x3), 10, 39 (x2), 41 (x2), 42, 45 (x2), 47 & 55, Queensway; 3, 4, 6 & 12a.

- Taking of land
- Precedent that would be set should the application be approved for other plots of land in Alsager
- Council has maintained the land, therefore it should be in their ownership
- Adverse impact upon the future generations of Alsager
- If the Council do not own the land, then how can planning permission be approved?
- The rest of the land could be taken in the future
- Why does the Council maintain the land?

- Fence is out-of-keeping with the character of the area
- Fence is visually intrusive
- The area of open space should be for the community in Alsager
- Inaccuracies in the Planning Statement
- Impact of fence on newly planted trees within the site area
- Request that Cheshire East register the land
- Leads to a loss of green space in the community
- The fence impedes the access to a neighbours hedge
- The area of land cannot now be used by local residents
- The applicant will receive financial gain from the enclosure of the land
- Impact upon tree on the land

An additional letter was also provided by a neighbour containing Land Registry documents. The letter states that the land is owned by Cheshire East. Comments received from our Assets department state that the land is not in the Council's ownership. Either way, the land ownership issue is not a material consideration in determining the application.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement was submitted as part of the application and can be viewed on file.

OFFICER APPRAISAL

Principle of Development

The application site is located within the settlement zone line for Alsager where according to Policy PS4 there is a general presumption in favour of development, provided that it is in keeping with the town's scale and character and does not conflict with other policies.

Character of the Area

The area around Bedford Grove, is comprised of a number of streets that are accessed off Pikemere Road. The layout of the properties along Pikemere Road create a feeling of openness, with the boundary treatments of properties being set back from the road, with grassed areas being provided between the road and pavement areas. There are buffers of open grassed amenity land where the properties side onto Pikemere Road. The spaces serve to soften the impact of the built development and allow for open views and aspects from within the residential estate.

The site is comprised of an irregular shaped parcel of open grassed and planted amenity land situated between the side elevation of No.2 Bedford Grove and Pikemere Road and is linear to Pikemere Road. The site is relatively prominent within the context of the street scene and therefore the associated fencing is clearly visible in the locality. The fencing is comprised of timber and gravel board and is approximately 2m in height.

The fence ties in with the low boundary wall to the front elevation on 2 Bedford Grove and dog-legs outwards into the area of amenity space. The change in use of the land results in

some domestication of the site with the addition of the boundary fence, however an area of open space spanning over 2m is retained between the boundary of No.2 and the footpath. A further grass verge remains between the footpath and Pikemere Road. It is therefore considered that the open space between the property and road would be retained sufficient in order to prevent an adverse impact upon the character of the area.

Although not quite as wide, there is an existing area of amenity space / large verge and adjacent boundary fence on the opposite side of the junction, which is similar to the retained area.

The application is considered to comply with Local Plan policies GR1, GR2, GR4 and GR5. The policies seek to ensure that development conserve or enhance environmental quality and are sympathetic to the surrounding area and landscape.

Residential Amenity

The site enjoys sufficient separation with neighbouring buildings and therefore the residential amenity afforded to neighbouring residents would not be materially harmed.

The proposal would comply with policy GR6 within the Local Plan.

Highways

The Strategic Highways Manager has viewed the proposal and confirms that the land is not held under the ownership of highways.

The loss of the land will alter the operation of the junction of Bedford Grove with Pikemere Road would impact upon visibility from the junction, however the Strategic Highways Manager does not think that the application renders the junction unsafe.

Whilst highways do not support the application, they have also not raised grounds for refusing the application on the grounds of highway safety. A condition can be attached to the decision notice removing permitted development rights from the land to include the erection of buildings and fences in order to protect visibility from the junction. It should be noted that the fencing does not alter the visibility splay.

Other Issues Raised by Representation

Concerns have been expressed regarding the maintenance of the land and the fact that other parcels of land may be incorporated into garden areas in the future. These are not matters which are material to the determination of this application.

Concerns have also been raised regarding the land being within the ownership of Cheshire East Council. The Council's Assets department have confirmed with Land Registry that the land is not owned by CEC and is currently 'unregistered'.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The visual impact of the proposal is considered to be acceptable. The enclosure does not result in an adverse impact upon the amenities of neighbouring residents or result in significant harm to highway safety. The proposal would comply with all relevant policies within the Local Plan, and as such a recommendation for approval is made.

Approve subject to following conditions:-

- 1) In accordance with approved plans**
- 2) PD rights (Part 1 Class E and Part 2 Class A) removed from the remainder of the site**
- 3) No landscaping / planting to the remainder of the site**

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