

HARROGATE BOROUGH COUNCIL

PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 5: LIST OF PLANS.

DATE: 1 June 2004

PLAN: 04	CASE NUMBER: 04/00094/COU
APPLICATION NO. 6.124.397.A.COU	GRID REF: EAST 446362 NORTH 452371
	DATE MADE VALID: 06.01.2004
	TARGET DATE: 02.03.2004
	WARD: Marston Moor

APPLICANT: DG And DA Coulthard

AGENT:

PROPOSAL: Change of use of unused verge to form extension to domestic curtilage of 21 Westfield Green (revised scheme).

LOCATION: Land At Grid Ref 446362/452371 Between 89-91 Prince Rupert Drive Tockwith York North Yorkshire

REPORT

SITE AND PROPOSAL

The application relates to a strip of land located adjacent to the head of the cul-de-sac between numbers 89 and 91 Prince Rupert Drive. The piece of land measures approximately 20.5m long, and varies in width from 6.5m to 3m. The site abuts the pavement and comprises a maintained piece of grass with a hedge. The hedge is understood to be protected by means of a planning condition and covenants. To the rear of the strip of land is the Westfield Green development and the boundary fence of the applicants property. The land is privately owned, and has recently changed ownership.

The applicant now owns the land. This application relates to the change of use of the land to form domestic curtilage. The proposal does not involve removing any existing hedges or fences. A one metre high fence may be erected around the land to enclose it, however, this does not require planning permission.

MAIN ISSUES

1. Effects on Amenity
2. Effects on Residential Amenity
3. Parish Councils Link Objective
4. Effect on Hedge

RELEVANT SITE HISTORY

6.124.397.FUL - Change of use of unused verge to form extension to domestic curtilage of 21 Westfield Green, and erection of 21.5m high fence and 2m high fence: Refused 11.08.2003.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Tockwith

Highway Authority

No highway objections. The land is not adopted highway.

Chief Estates Surveyor

See Assessment

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 10.02.2004

PRESS NOTICE EXPIRY:

REPRESENTATIONS

TOCWITH PARISH COUNCIL - Object:-

1. The land involved in this application is a 'ransom strip' and is believed to be designated as Highway land because there is a street light within the verge.
2. Removal of any part of the boundary hedge between the cul-de-sac and Westfield Green could not take place without the permission of the Parish Council as the hedge is jointly owned by the Council and residents (See Mr David Baren of Harrogate Borough Council Estates Department for confirmation).
3. If the hedge must remain in situ, as shown on the site plans, (the applicant states that the existing hedgerow will not be altered and existing fences will not be removed), how will the applicant be able to maintain the verge, from his property in Westfield Green, without making a lengthy detour into the cul-de-sac?
4. The local residents who live in the cul-de-sac have maintained the "unused verge" for many years and used it as an amenity outside their dwellings. It is not true to say that the verge is either unused or lacks maintenance.
5. The erection of a fence at the kerb edge in this cul-de-sac will look incongruous and spoil the residential amenity of people living in the houses numbered 81 to 97 in the cul-de-sac and the visual amenity of residents using Prince Rupert Drive for access to their homes.
6. There is potential for loss of or damage to the venerable hedge and this would result in loss of amenity and an inappropriate change of use of the grass verge in this location.

The Council requests that these comments are given due consideration during the determination of the application.

It is requested that a site visit be made, if necessary, in order to understand the concerns of the Parish Council and residents.

OTHER REPRESENTATIONS - 8 letters of objection summarised as follows:-

- Access to no.91 affected by erection of fence (2)
- Proposal will prevent vehicular access to no.89 (2)
- Harmful to visual amenity (6)
- Harmful to residential amenity (6)
- Loss of safe local amenity for children to play, forcing them to play closer to main road (3)
- Land currently maintained by all residents of cul-de-sac (2)
- Land not unused (4)
- Land used by cul-de-sac residents to socialise (3)
- Vandalism to remove hedge (2)
- Added congestion and obstruction to cul-de-sac when applicant maintains land (3)
- What happens if applicant does not maintain land (1)
- Placing fence close to highway will create traffic problem (1)
- Verge has always formed amenity of cul-de-sac since houses built in 1975
- Parish Council are considering buying land to ensure it remains a community facility (1)
- Only difference between this application and last application is no mention of fence (1)
- Position has not changed since previous refusal (1)
- Curtilage can only be extended by moving boundary to encompass land (1)
- Hedge is under covenant with two owners and cannot be removed
- Future use of land is subject to argument based upon legally accepted definition of 'curtilage'. This is not curtilage (1)
- Loss of privacy (1)
- Such areas of land should be owned by Council rather than private individual (1)

VOLUNTARY NEIGHBOUR NOTIFICATION -

20 Westfield Green
89, 91, 87 and 93 Prince Rupert Drive

RELEVANT PLANNING POLICY

PPG1 Planning Policy Guidance 1: General Policy and Principles
LPA01 Harrogate District Local Plan Policy A1: Impact on the Environment and Amenity

ASSESSMENT OF MAIN ISSUES

1. EFFECTS ON VISUAL AMENITY - Policy A1 requires proposals where possible to make a positive contribution to the area by maintaining or improving the quality of the environment and amenity and lists criteria whereby proposals would not be permitted including access, residential amenity, adverse environmental impact, detrimental effect on visual amenity and character of an area, and pollution.

The land is neither owned by the Council or the residents of the cul-de-sac. The applicants have recently purchased the land from other Tockwith residents and a revised land ownership certificate is awaited in this respect. The piece of land contributes to the character and visual amenity of this part of the locality. The last application was refused on the grounds of harm to visual and residential amenity caused by the then proposed erection of a 2m fence around the site.

On this occasion it is proposed to erect a fence of 1m high or less which does not require planning permission. The proposal is therefore not considered harmful on visual amenity grounds.

2. EFFECTS ON RESIDENTIAL AMENITY - Part of the strip of land is used to provide vehicular access to number 89. The applicant has consulted the Land Registry Office who have confirmed that the boundary of No.89 extends in a straight line of the turning head, and therefore part of the gravelled access to No.89 and landscaped area is in the applicants ownership. However, the applicants have indicated they do not wish to be in a dispute over a small area and have deleted the area forming part of No.89's gravel access from the application site.

The owner of no.91 has also objected believing access to the property will be affected by the erection of a fence, however, the case officer cannot support this view, and does not consider that the erection of a fence around the grass verge would restrict access to no.89.

The revised proposal therefore overcomes previous concerns relating to residential amenity.

3. PARISH COUNCILS LINK OBJECTIVE - The Estates Department have furnished information indicating the land was an area of leftover verge from when Arncliffe Holdings developed the Prince Rupert estate in the 1970's. The Borough Council looked to buy the land from the liquidators Arncliffe Holdings at one point but were told the title deeds could not be found. To the north east of the strip of land is open space for which the Parish Council receive commuted sum payments for maintenance. The Parish Council wish to retain the option of having footpath link between the Westfield Green development and the Prince Rupert development which would involve a link over this piece of land, developing a 'Village Green' concept, and it is understood the Parish are approaching the Highway Authority to try and requisition this in due course.

The proposal will prohibit the Parish Councils objective of achieving a pedestrian link, however, this is not considered to be a justification on planning grounds for resisting the proposal.

4. EFFECTS ON HEDGE - The applicant does not intend to alter the existing fence or hedge. The hedge is understood to be subject to planning conditions and covenants.

CONCLUSION - The proposal complies with policies of the development plan and is recommended for approval.

CASE OFFICER: Mrs N M Waddington

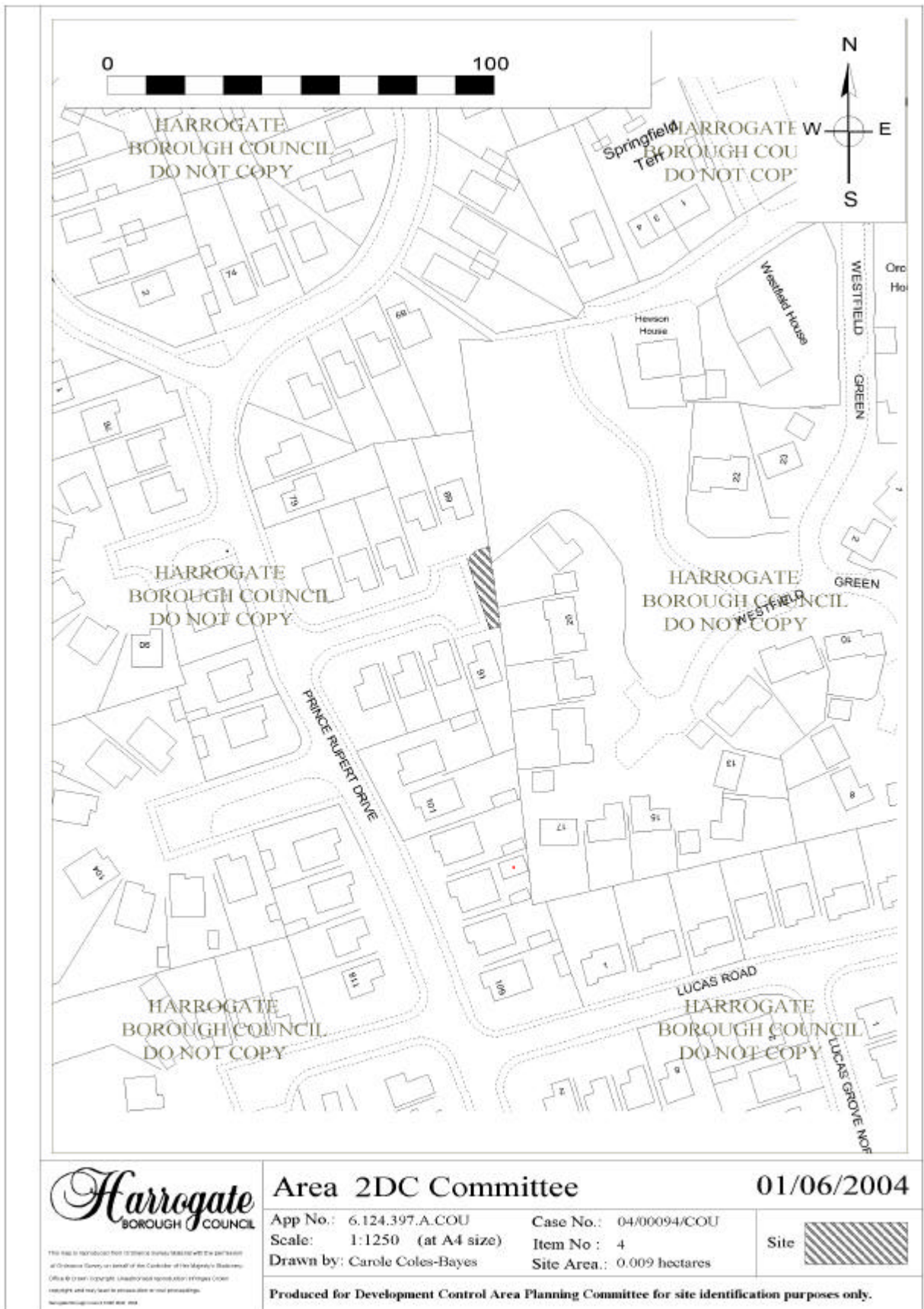
RECOMMENDATION

That the application be APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CC01 AMENDED DRAWINGS/LETTERS RECEIVED
- 3 CC03 DEV IN ACCORD WITH DRAWINGS/CONDITIONS

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 CC03R TO SECURE SATISFACTORY IMPLEMENTATION



Harrogate
BOROUGH COUNCIL

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Area 2DC Committee

01/06/2004

App No.: 6.124.397.A.CO.U

Case No.: 04/00094/CO.U

Scale: 1:1250 (at A4 size)

Item No.: 4

Drawn by: Carole Coles-Bayes

Site Area.: 0.009 hectares

Site



Produced for Development Control Area Planning Committee for site identification purposes only.

