

**DC/2016/01146**

**AMENDMENT TO PHYSICAL BOUNDARY LOCATION AND CHANGE OF USE FROM AGRICULTURAL USE TO RESIDENTIAL CURTILAGE - PLOTS D6 - D10**

**7-11 JAMES JONES CLOSE, LLANFOIST**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham  
Registered: 06/06/2017

**1.0 APPLICATION DETAILS**

- 1.1 The application seeks to regularise an amendment to the rear boundaries of five dwellings on James Jones Close. The application relates to plots D6 to D10 which are now known as nos. 7-11 James Jones Close. The boundary had to be changed after a landslide. The greatest distance that the new boundary extends is approximately 7.5m further to the south than the original line. Nos. 7-9 have retained their railings as the rear boundary as per the original consent for the larger residential development; no.11 has a post and wire fence and no.10 has a timber fence and post/ mesh fencing beyond.
- 1.2 The physical boundary line of no.10 is now sited beyond that of the neighbouring dwellings but in fact, this fence is on the legal boundary line of all of the properties that were affected by the landslide. Due to the steep, sloping nature of this part of the land however, none of the other occupiers have chosen to enclose their land beyond the line of the railings that are now visible.
- 1.2 The site is adjacent to the boundary of the Abergavenny Conservation Area.
- 1.3 The application is presented to Committee at the request of the Local Member.

**2.0 RELEVANT PLANNING HISTORY**

DC/2013/00860 – 80 dwellings (Reserved Matters). Approved 2014.

DC/2012/00810 – Residential development (Outline). Approved 2013.

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

S13 - Landscape, Green Infrastructure and the Natural Environment  
S17 – Place Making and Design

EP1 – Amenity and Environmental Protection  
DES1 – General Design Considerations  
HE1 – Development in Conservation Areas

**4.0 REPRESENTATIONS**

**4.1 Consultation Responses**

- 4.1.1 Former Local Member Cllr Hickman - I believe that the property with the trellis fencing should be made to replace it with the railings that match all the other properties. This would give a more pleasant view from Castle Meadows.

4.1.2 Current Local Member Cllr Howard – requests the application is presented to Planning Committee.

4.1.3 Llanfoist Community Council – General observations.

- i. It is unclear from the documents supplied to the Llanfoist Fawr Community Council who owns the land for which this permission is being sought.
- ii. The council have concerns over the stability of the bank and responsibility for maintenance in a difficult location as change of use to residential may give rise to extra planting/digging into the bank.
- iii. The council would wish to see the natural appearance of the bank maintained as this is a very prominent site, highly visible from Castle Meadows, Abergavenny. This area currently has a very pleasant riverbank scene that the council would not wish to see developed.

4.2 Neighbour Consultation Responses

3 representations received. Object on the following grounds;

- Whilst accepting a homeowner's right to security, privacy and ownership demarcation, in considering this application the authority should take into account the visual impact of the boundary finishes on Castle Meadows and ensure that they are generally in keeping with the environs of the location next to the River Usk.
- The application could set a precedent for home owners in the future to determine boundary finishes without reference to them being in keeping with the development as a whole.
- This area is now extremely open, because of the removal of a large amount of trees and shrubs, and very visible from Lynda Vista gardens, the Castle Meadows and the River Usk. The wooden fencing and trellis work is completely out of character not only for the area, but does not match, in any way the other properties on this site.
- It is not clear from this application why additional land is required. Before considering this application I would ask that officers/members refer back to the original planning consent for this development and obligations relating to appearance from Castle Meadows and ensure they are enforced.

## **5.0 EVALUATION**

5.1 Visual Impact

5.1.1 The main consideration of this application is the visual impact of the development upon Castle Meadows which is part of the Abergavenny Conservation Area. The changes to the actual boundary line as a result of the landslip have little visual impact by themselves where railings or post and wire fence have been used. However no.10 has erected a fence and then a trellis along their part of the boundary.

5.1.2 The fence and trellis have an impact on the setting of Castle Meadows as they are clearly visible from below, most notably during the winter months. However, having regard to the special circumstances of this site and the earthworks that have already been completed, it is considered that a planting buffer will, over time, adequately screen the fence. The retention of this planting buffer must be conditioned to ensure that it is retained in perpetuity. It is therefore considered that the development is in line

with Local Development Plan (LDP) Policy DES1 relating to design and HE1 relating to development in or adjacent to conservation areas.

## 5.2 Residential Amenity

- 5.2.1 The change to the boundary line will have little impact on the amenity of neighbouring occupiers.

## 5.3 Response to Community Council Comments

- 5.3.1 The application form submitted identifies the residents of each dwelling as the land owners. The area of bank outside the red line boundary shown on the plans will be maintained by Monmouthshire County Council and is part of the Green Flag management area of Castle Meadows. The future stability of the bank is not a material planning consideration to be taken into account in the determination of this current application.

## 5.4 Response to Neighbour Comments

- 5.4.1 The issue of the fence to the rear of no.10 James Jones Close setting a precedent for other houses on the development has been raised. It is not considered that allowing a fence to the rear of this property would set an undesirable precedent. The circumstances surrounding the alteration to the boundary of this property are unlikely to be repeated elsewhere and in any event, each planning application should be determined on its own merits. As such it is not considered that allowing this development will set a precedent that would have to be followed in the future.

The visual impact of the change to the boundary is covered in paragraph 5.1.

## 5.5 Well-Being of Future Generations (Wales) Act 2015

- 5.5.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## 6.0 RECOMMENDATION: **APPROVE**

### Conditions:

1	The development shall be carried out in accordance with the list of approved plans set out in the table below.
2	The planting buffer, as shown on drawing no. B300 dated 30.09.2016 shall be retained in perpetuity. Any plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species as set out in the planting schedule (email dated xx Feb 2018).
3	Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly

	authorised by this permission) shall be erected or constructed within the extended curtilages of the dwellings, 7-11 James Jones Close.
--	---