

**9 DCCE2004/2943/F - NEW FOUR BEDROOM DWELLING  
AT 82 AYLESTONE HILL, HEREFORD, HR1 1HX****For: Mr. Gough per RRA Architects, Packers House, 25  
West Street, Hereford, HR4 0BX****Date Received: 4th August, 2004****Ward: Aylestone****Grid Ref: 52318, 41031****Expiry Date: 29th September, 2004**

Local Members: Councillors D.B. Wilcox and A.L. Williams

**1. Site Description and Proposal**

- 1.1 The application site comprises part of the rear garden to a detached bungalow that is set back from but fronting Aylestone Hill. This bungalow currently benefits from two vehicular accesses, the first from Aylestone Hill and the second from Walney Lane. The latter directly serving the portion of the garden that would be subdivided to form the application site. The eastern boundary of the site has a line of mature Leylandii trees and the rear boundary has a mix of brick wall and landscaping.
- 1.2 The site lies within the Aylestone Hill Conservation Area which is characterised by large detached properties set in extensive grounds with a variety of trees which cover the hill and line of the road. The properties along the Aylestone Hill frontage have a strong building line of dwellings set back from the highway with mature gardens and landscaping adding to the character of the area.
- 1.3 The proposal comprises the subdivision of the rear garden of the detached bungalow with the erection of a fence. The proposed dwelling would be a two storey, four bed dwelling set back from the road frontage by some 12 metres and behind the building line of the two adjacent dwellings. The distance between the rear of No. 82 and the proposed dwelling would be approximately 6 metres, with the distance between the proposed dwelling and adjacent two storey dwelling being 4.5 metres. Access to the site is via the existing Walney Lane entrance with a turning and parking area to the front of the dwelling. The mature trees along Walney Lane frontage and adjacent to the access would remain.

**2. Policies****2.1 Planning Policy Guidance:**

PPG3	-	Housing
PPG15	-	Planning and the Historic Environment

**2.2 Hereford Local Plan:**

Policy ENV14	-	Design
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H13	-	Established Residential Areas – Loss of Features
Policy H14	-	Established Residential Areas – Site Factors
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals

- Policy CON14 - Planning Applications in Conservation Areas
- Policy CON19 - Townscape

### 2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft);

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S3 - Housing
- Policy DR1 - Design
- Policy H13 - Sustainable Residential Design
- Policy H16 - Car Parking
- Policy HBA6 - New Development within Conservation Areas

## 3. Planning History

- 3.1 None relevant to this application.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water - recommends conditions relating to foul and surface water drainage.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation - has no comment to make on this application.

## 5. Representations

- 5.1 Hereford City Council - raises no objection in principle but there is concern as to the adequate drainage of the site.
- 5.2 One letter of objection has been received from Alan M. Press (FRICS) on behalf of T. Jones of No. 80A Aylestone Hill and is summarised as follows:

"The construction of a four bed roomed dwelling house within the curtilage of 82 Aylestone Hill would form a precedent for future applications for similar development within curtilage of properties in the Aylestone Hill area. Up to the present development in the Aylestone Hill area has been carefully regulated in order to protect the environment of the area. It is considered that if permission is granted in this instance, and as previously intimated, there will undoubtedly be a considerable number of further applications, which increase the density of housing and in some respects "ruin" the present environment.

The rear first floor windows of the proposed four bedroomed house will overlook the private car parking and patio area to the rear of No. 80A Aylestone Hill. Without doubt, my clients privacy will be invaded should the development proceed.

Although strictly not a planning matter, I have to point out to you that the application for planning permission form as completed by the applicant is incorrect in respect of proposed foul drainage connections. I note that under Clause 3B relating to the disposal of foul waer, that it is stated that the proposed property will be connected to the main sewer. At present there is an easement or right relating purely to the existing

property upon the curtilage of 82 Aylestone Hill, in that effluent water from the existing habitable dwelling is transposed via an alkathene pipe pumping main to the foul drainage system within the curtilage of my client, i.e. 80A Aylestone Hill. This legal right or easement relates purely to the existing habitable dwelling upon the curtilage of 82 Aylestone Hill and no other dwelling. It cannot be stated therefore that the new dwelling will be connected to the main sewer.

Also in relation to the foul drainage, the existing foul drainage collection "pit" is at present located virtually beneath the site of the proposed new four bedroomed house."

The full text of this letter can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

6.1 The issues for consideration in the appraisal of this proposal are:

- The principle of development.
- The impact of the development on the character and appearance of the Conservation Area.
- The impact of the proposed dwelling on the amenities of the neighbouring properties.
- Highway safety.
- Drainage.

6.2 The application site lies within an established residential area as designated in the Hereford Local Plan. As such the introduction of residential uses is considered acceptable subject to complying with Policies H12 to H14. These policies look to ensure that the environmental character and appearance of the surrounding area is protected and the issues listed above are resolved to the satisfaction of the Local Planning Authority.

6.3 The detached bungalow at No. 82 Aylestone Hill is not of any particular historic or architectural merit. It respects the character of the Conservation Area in that it is set back from the highway with a large private gardens space to the front and side of the plots. The subdivision of this garden to the rear would not alter the character of the most prominent and visual part of the Conservation Area, indeed the property would only be visible from a public viewpoint along Walney Lane.

6.4 The design of the dwelling has taken careful consideration of the massing and scales of the two dwellings on either side of this property. The height of the main bulk of the dwelling being lower than that of the two storey dwelling to the east at a ridge height of 7.3 metres, and reducing further still to the west as it moves towards the bungalow to a ridge height of 6.7 metres. It represents a good transition in size and scale between the two properties and sits comfortably in the street scene. The frontage to Aylestone Hill is unchanged and the important spaces to the front of the existing bungalow retained. As such it is considered that the character and appearance of the Conservation Area is, in this instance, preserved in accordance with Local Plan Policy.

6.5 The design of the dwelling has taken into consideration the proximity and positioning of the neighbouring properties. To the rear of the proposed property lies No. 80A Aylestone Hill. In order to prevent an introduction of overlooking leading to a loss of privacy the rear elevation of the dwelling has only three upper floor windows. The first is a stairway window, at a relatively high level; the second, which is a dormer window

in the lower westerly section of the dwelling is a bedroom window. Having regard to this lower level dormer window (maximum height 4.5 metres) and the height of the existing rear boundary wall overlooking to the rear of the property is not considered to be detrimental to the occupiers of the adjoining property. The third window is a roof light inserted to allow light to bedroom 2. Although high level, a condition ensuring the use of obscure glazing is suggested. All other windows in the rear elevation are at ground level only.

- 6.6 Windows are proposed in the east elevation of the dwelling facing the adjoining property on Walney Lane. The mature trees offer a complete screen to the adjoining property. However to ensure privacy an obscure glazing condition is suggested to the en-suite bathroom.
- 6.7 Having regard to the relationship with the existing bungalow, the orientation of the bungalow is mainly forward facing. The introduction of a fence or landscape boundary between the two properties could alleviate some of the conflicts but the relationship between the two properties is not so adverse as to offer a reason for the refusal of the application. A condition relating to boundary treatments is recommended to ensure that a suitable boundary is implemented and retained to provide for a well planned development.
- 6.8 Access to the site is by way of the existing access. Whilst this is not an ideal access in its current form, minor alterations to ensure visibility is improved can be made without detriment to the character of the lane. These can be controlled via a condition. It should however be noted that this access already serves the existing bungalow and this has been taken into account in the consideration of its acceptability. The widening of the access would lead to a loss of important mature trees that would alter the character of this part of Walney Lane and the Conservation Area and as such this is not requested.
- 6.9 The application form indicates that drainage of the site would be to the main sewerage system. Welsh Water raise no objection to this and as such there is no objection to this proposal in principle. The letter of objection as outlined in Section 5 raised the concerns relating to easements across their land to connect to the mains system. This is a legal matter between the two owners. Conditions are recommended as per advice from Welsh Water. Any deviation from this would require a further application for the variation of the condition.
- 6.10 To conclude, the siting, design, massing and proportions of the proposed dwelling sits comfortably within the street scene and wider Conservation Area. The design successfully addresses any potential overlooking or privacy issues and the access and parking arrangements are also satisfactory. Having regard to this the proposed development is considered to be in accordance with Local Plan policy and approval with conditions is recommended.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. A01 (Time limit for commencement (full permission)).**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2. B01 (Samples of external materials).**

**Reason: To ensure that the materials harmonise with the surroundings.**

**3. E16 (Removal of permitted development rights).**

**Reason: Having regard to the character of the application site and amenities of the neighbouring properties.**

**4. E17 (No windows in side elevation of extension).**

**Reason: In order to protect the residential amenity of adjacent properties.**

**5. E19 (Obscure glazing to windows).**

**Reason: In order to protect the residential amenity of adjacent properties.**

**6. G01 (Details of boundary treatments).**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

**7. G04 (Landscaping scheme (general)).**

**Reason: In order to protect the visual amenities of the area.**

**8. G05 (Implementation of landscaping scheme (general)).**

**Reason: In order to protect the visual amenities of the area.**

**9. H13 (Access, turning area and parking).**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

**10. Foul water and surface water discharges must be drained separately from the site.**

**Reason: To protect the integrity of the public sewerage system.**

**11. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.**

**12. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**

**Informatives:**

1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.
2. N03 - Adjoining property rights.
3. N14 - Party Wall Act 1996.
4. N15 - Reasons for the Grant of Planning Permission.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.