

MEETING:	PLANNING COMMITTEE
DATE:	6 AUGUST 2014
TITLE OF REPORT:	P141230/F - PROPOSED ERECTION OF A DETACHED DWELLING AT COUNTIES VIEW, MUCH BIRCH, HEREFORD, HR2 8HL For: Mr Jenkins per Mr M Jenkins, Malcolm Jenkins Associates, 96-98 High Street, Shepperton, Middlesex, TW17 9AU
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141230&search=141230

Date Received: 22 April 2014

Ward: Pontrilas

Grid Ref: 350098,231058

Expiry Date: 17 June 2014

Local Member: Councillor J Norris

1. Site Description and Proposal

- 1.1 The application site lies within a run of four dwellings on a north-south axis on the northern fringe of Much Birch immediately to the east of the C1263. Much Birch School lies on the opposite side of the road some 100 metres to the south. The site is currently a side garden of Counties View, the most southerly of this run of dwellings. Tremazzo Villa is a dormer bungalow which lies immediately to the north of the site.
- 1.2 The application is for the erection of a dormer bungalow within the garden of Counties View. The dwelling would be 17.99 metres in width, 8.77 metres deep and 7.56 metres in height. A shallow gable would project from the northern end of the principal elevation with two gabled dormers provided to increase roof space. Two more dormers would be provided to the rear and another to the south-east roof plane. A single bay integral garage is at the southern extent of the building. The dwelling would be primarily clad in brick under a plain clay tile roof with the feature projecting gable being rendered.
- 1.3 The ridge of the proposed dwelling would be approximately 1 metre below that of Tremazzo Villa to the north. At its closest point, the proposed dwelling would be 8m from Tremazzo Villa. The pitch of the north-west plane of roof is approximately 50 degrees and as such, the highest part of the proposed dwelling would be 11.5 metres from the south elevation of Tremazzo Villa. Tremazzo Villa has a number of ground floor windows, the tops of which are approximately 0.6 metres above the height of an intervening close boarded fence.
- 1.4 The ridge of the proposed dwelling would be approximately 0.6 metres below the ridge of Counties View to the south. At its closest point, the dwelling would be 7m from Counties View. The south-east roof structure includes a dormer window and as such little relief is offered by the hipped roof. Counties View has two single pane ground floor windows though no first floor windows.

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance to this application:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

2.2 Herefordshire Unitary Development Plan 2007 (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in Smaller settlements
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity

2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

- 2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

- 2.5 The emerging Core Strategy is at an early stage of preparation not yet having been submitted to the Secretary of State. A number of objections have been lodged against the Core Strategy's rural housing policies. For these two reasons the emerging Core Strategy is attributed minimal weight in the determination of this application in accordance with paragraph 216 of the NPPF.

3. Planning History

- 3.1 140212/FH - Proposed new access: Approved

131904/FH - Proposed new access: Refused – Reason: See 3.2

130847/FH - Demolition of garage and erection of two-storey extension: Approved

130079/FH - Demolition of existing garage and erection of two storey extension and provision of new access: Refused – Reason: See 3.2

SH840302PF - Erection of two houses: Refused – Reason: Contrary to the provisions of the local plan being outside of an identified settlement boundary.

- 3.2 The site has an extensive application history over the past two years. An extension and new access were originally refused on the basis that acceptable visibility splays for the access had not been demonstrated. This extension was subsequently reapplied for without the access and approved. Another application was made for the access which now demonstrated that suitable visibility could be provided and this was also approved.

4. Consultation Summary

- 4.1 The Council's Transportation Manager did initially object to the proposal stating that:

"The proposed parking and turning for the existing and proposed does not allow for suitable turning and parking. Due to the location and issues with parking during peak times, it is essential for parking to be catered for on site. With the information provided I recommend refusal as the proposed is detrimental to highway safety in this location.

To make the scheme work, the whole of the hedgerow needs to be removed and set back to give a clear 2.4m visibility splay across the frontage, this would allow for a small amount of growth which would then not impede vis.

The parking and turning areas do not work, the frontage of both properties would need to be kept clear for parking and turning.

If you are minded to approve please add the following conditions: CAC, CAE, CAD 5M, CAJ existing and proposed properties."

The Transportation Manager was satisfied that amended plans overcame these concerns but requested that gates not be provided on the proposed dwelling entrance to aid internal manoeuvrability.

5. Representations

5.1 Much Birch Parish Council objected to the application stating that:

“The PC object due to size and overbearing nature of the property in relation to the ones on either side. Concern RE absence (apparently) of Planning Notice displayed re the application.”

5.2 Objections have been received from 2 members of the public raising the following concerns:

- The dwelling is very large when it is considered that Counties View itself has permission to be extended.
- ‘Shoehorning’ in a dwelling into a period dwellings garden would not be aesthetically pleasing.
- There are parking problems in the area due to the site’s close proximity to the school.
- The parking issues would greatly increase the risk of road traffic accidents.
- The notification process is disappointing. The distance between the proposed bungalow and the sitting room window of Villa Tremezzo is c. 10m.

5.3 A number of other points were also raised regarding the way in which applications are advertised. I am however satisfied that the application was advertised correctly in accordance with planning law. It was noticed that the planning site notice was removed from site by persons unknown. Although this is outside of the Council’s control, the notice was re-erected and the 3 week public consultation period restarted.

5.4 The consultation responses can be viewed on the Council’s website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council’s Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer’s Appraisal

The Principle

6.1 The application site is to the north-east of the most northerly of four clusters of development which collectively make up the village of Much Birch. This cluster of development is predominantly nucleated around the junction between the A49, Tump Lane and the C1263 with slightly intermittent development extending along Tump Lane and the C1263.

6.2 The application site sits within a run of 4 dwellings which flank the eastern side of C1263. Whilst this small complex of dwellings sits 45 metres north of the School, between which are open fields, the dwellings relate to each other being on a consistent building line rather than appearing as individual wayside dwellings which one would usually find within the surrounding countryside. As such, and considering the small distance between these dwellings and the rest of the village, I consider this small complex of buildings to be a part of Much Birch. Furthermore, being flanked on both sides by existing residential development, this scheme would not extend development into the open countryside.

6.3 In the context of the UDP, residential development within Much Birch is limited to infill where the gap along the frontage is limited to less than 30 metres, where the plot is less than 350 square metres and where the proposed dwelling would have a floorspace no greater than 100 square metres. In this instance, the plot size is approximately 950 square metres and the gap between existing dwellings is 34 metres. The proposed floorspace is greater than 100 metres. As such, the proposal is contrary to the UDP.

- 6.4 Having established this conflict with the UDP, it is necessary to determine whether there are any other material planning considerations which indicate that the proposal may be acceptable. The NPPF is a material planning consideration (paragraphs 13 and 196) and was attributed full weight in March 2013 (paragraph 214).
- 6.5 The UDP remains the adopted local plan though the weight which can be attributed to each policy is determined by its level of conformity with the NPPF. Paragraph 47 of the NPPF requires local authorities to have a five year supply of land for housing at all times. The Council's published stock of housing land is less than the required five years, a position recently upheld at appeal. The weight which can be attributed to local policies that stipulate the geographical limit of residential development are therefore afforded significantly reduced weight (paragraph 49) and UDP Policy H6 cannot be relied upon in this instance. Instead the principle of residential development is determined by the sustainability of the site with regards to its proximity to facilities and services and the site's physical relationship with the local pattern of development.
- 6.6 The Government's definition of Sustainable Development is considered to be the NPPF in its entirety though paragraph 17 lays out a concise set of 'core planning principles'. Amongst these principles are that decision taking should:
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
- 6.7 UDP Policy S1 requires, amongst other things, that development proposals should respect patterns of local distinctiveness and landscape character in both town and country. Policy DR1 similarly requires that development should promote or reinforce the distinctive character of the locality. Policy H13, supported by DR1, requires consideration of the design of residential development and its potential to impact on the locality in terms of neighbouring residential amenity, landscape character, the environment and highways safety. UDP policies H13, DR1 and S1 also require development to include energy conservation and renewable energy generation techniques. These policies are generally consistent with the advice on design and distinctiveness set out in the NPPF (chapter 7) and so continue to attract considerable weight.
- 6.8 As the proposal is for the provision of a dwelling within a residential garden development must be specifically considered in the context of paragraph 53 of the NPPF and whether or not the proposal constitutes 'inappropriate garden grabbing'.

Sustainability

- 6.9 Much Birch benefits from a footpath stretching the entire length of the village and which passes by the application site. This route is however unlit. Much Birch offers a range of facilities including a primary school (approximately 150m from the site), hotel (400m), church (680m), community centre (700m), doctors surgery (700m), car garage (1750m), pub (1830m) and a relatively comprehensive bus service to and from the more extensive facilities at Hereford.
- 6.10 I consider there to be opportunity for occupiers of the proposed dwelling to access both a good range of local facilities and the more extensive range of facilities on offer in Hereford by a method other than the private motor vehicle. For this reason the site is considered to be sustainably located as required by UDP Policies S1 and DR1 and the NPPF where paragraph 17 is of particular pertinence.

Local distinctiveness, design and landscape impact

- 6.11 The application site is within a run of 4 dwellings which flank the C1263. The dwellings are visible from the public realm with screening limited to 3 metre high confiner hedges. The 3 buildings at the north of this cluster have modest gaps between them, whereas a larger gap is between the three northernmost dwellings and Counties View. The buildings within this cluster are varied in size, form and design. There is no particular architectural style within this run of dwellings and the two dwellings either side of the application site share very few characterisers. Counties View is a large rendered two-storey dwelling with projecting features, whilst Tremezzo Villa is a brick built bungalow.
- 6.12 The proposed development successfully incorporates the prevailing features of both dwellings resulting in a 'mid-point' that respects the two existing dwellings, improving the legibility of this run of dwellings. Furthermore, the resultant space between the proposed dwelling and the two dwellings either side of it would be similar to the gaps between the three dwellings at the northern end of this cluster. As such, I consider the proposal to reflect the distinctiveness of the locality and to represent good design as required by the NPPF and UDP Policy H13.
- 6.13 There is an extant planning permission on the adjacent site at Counties View for a two storey extension to the north elevation (130847/FH). It is considered that if both the extension to Counties View and the proposed dwelling were built that resultant development would appear cramped to the detriment of the appearance of the locality. As such should Members resolve to grant planning permission, it is recommended that this be subject to a legal agreement requiring the rescinding of planning permission 130847/FH. This has been communicated to and agreed by the applicant's agent.
- 6.14 In relation to UDP Policy LA2, I find the proposal to have a modest impact on the landscape character. The local appearance is of a semi-rural nature when viewed from the front (west) of the plot and the proposed dwelling is of a design which would uphold this. Although the front hedgerow would be translocated to facilitate visibility, this isn't considered to be of significant detriment to the streetscene.
- 6.15 To the rear, the character is rural where agricultural fields stretch away from the application site and the rest of the village in an easterly direction. Views of the rear of the proposed dwelling would be available from mid to long range public vantage points although the proposed dwelling would be seen in the context of existing residential development. As such, the impact on the character and appearance of the area when viewed from the rear of the site would also be modest. The NPPF requires development to make the most of opportunities available and to improve biodiversity and wildlife habitats. Here opportunity exists to provide substantial vegetation along the rear boundary of the site. Planting would filter views of the dwelling from the rear of the site helping to uphold the rural characteristics of the locality. Such provision will be required via condition should planning permission be granted.
- 6.16 The application site is part of an existing residential garden. However, for the aforementioned reasons and since both the proposed dwelling and Counties View would have gardens which are of a size commensurate to local plot sizes, I find the proposed development not to represent inappropriate development of a garden as required by paragraph 53 of the NPPF.

Residential amenity and privacy

- 6.17 Given that there are no windows proposed to the north elevation, the dwelling would not impact on the privacy of occupiers of Tremezzo Villa. In terms of amenity, the windows within the side elevation of Tremezzo Villa offer secondary glazing to a living room - windows exist to the front and rear elevation also.

- 6.18 Although not defined in policy, a guideline for assessing the impact which a development would have on a neighbour's level of daylight when an extension directly faces the affected window is the 25 degree rule. This approach proposes a theoretical line be drawn from the centre of each affected window at an angle of 25 degrees. If the extension is entirely within the area created between the horizontal and 25 degree line, then it can be considered that the proposed extension would not unduly reduce the daylight levels at the neighbouring property.
- 6.19 In this instance, the angle from the centre of the closest window to the ridge of the proposed dwelling is 25.4 degrees and as such, a minimal portion of the development falls outside of the 25 degree area. However, given that the roof is hipped (minimising the volume of building falling outside of the 25 degree zone) and that the glazing on Tremezzo Villa is secondary to that on the rear and front of the dwelling, I find that the proposed dwelling would not unduly reduce daylight levels within the Tremezzo Villa.
- 6.20 Given the small scale and secondary nature of the two windows on the side (north elevation) of Counties View, I do not consider the proposed dwelling to unduly reduce daylight levels experienced by Counties View. In terms of privacy, a first floor window into an ensuite would be provided, though this would be obscure glazed. No ground floor windows are to be provided. Thus there would be no direct sightline from one dwelling into the other.
- 6.21 On the basis of the above, the scheme would not unduly impact on the privacy and amenity of neighbouring dwellings.

Highways

- 6.22 The Transportation Manager is content that visibility is acceptable in both directions at a point 2.4 metres back from the highways edge. It is considered that providing ample parking in this location is paramount given the peak on road parking issues in relation to Much Birch Primary School 150 metres to the south. Parking levels as proposed are acceptable at both Counties View and the proposed dwelling with ample space to allow one to turn a vehicle so that it may enter and leave the site in a forward gear. Although the Transportation Manager requested that the gates at the entrance to the proposed dwelling be omitted from the scheme I do not consider their presence to be such a hindrance to manoeuvrability as to severely impact on highways safety. The proposal is therefore in accordance with UDP Policy DR3 and the NPPF, paragraph 32 being of particular pertinence.

Conclusion

- 6.23 There would be extremely limited environmental harm associated with this application in terms of landscape impacts. In applying the planning balance I find this harm to be outweighed by the social and economic benefits of the scheme attributed to its modest contribution to the countywide housing supply, the probable increased use of local facilities and the employment of local tradesmen during construction. The application is therefore recommended for approval subject to a legal agreement rescinding planning permission 130847/FH and the conditions laid out below.
- 6.24 On 4 March 2009, the local planning authority temporarily suspended the requirement for residential development of five dwellings or less to accord with the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) where development would commence within one year of the date of an outline permission being granted. This submission states a preference for a one year permission and as such the requirement of Section 106 contribution is waived.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 agreement securing the removal of planning permission 130847/FH officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B02 Development in accordance with approved plans and materials**
- 3. **C01 Samples of external materials**
- 4. **F14 Removal of permitted development rights**
- 5. **G10 Landscaping scheme**
- 6. **G11 Landscaping scheme - implementation**
- 7. **I16 Restriction of hours during construction**
- 8. **H03 Visibility splays**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

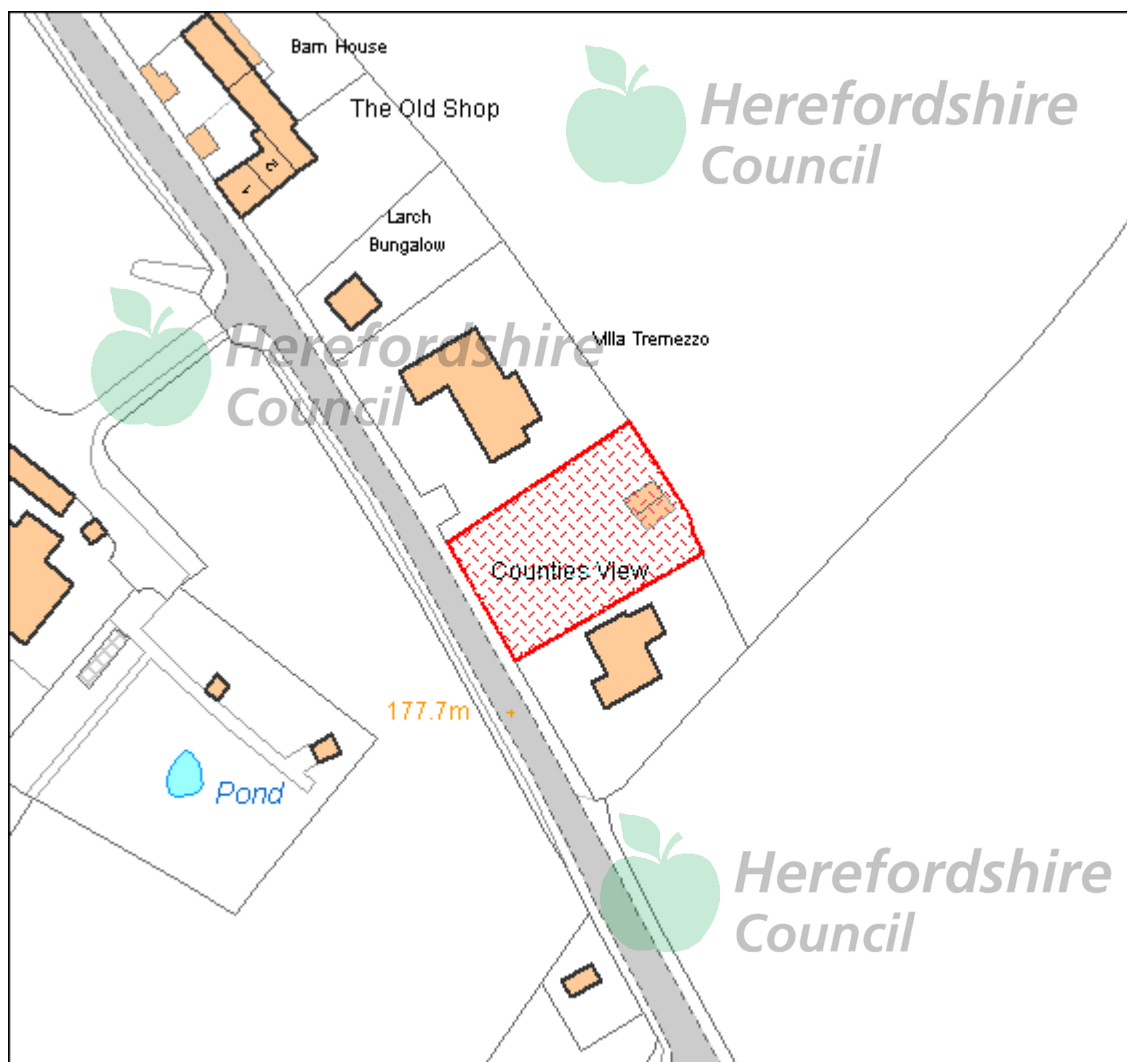
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 141230/F

SITE ADDRESS : COUNTIES VIEW, MUCH BIRCH, HEREFORD, HR2 8HL

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005