

MEETING:	PLANNING COMMITTEE
DATE:	29 OCTOBER 2014
TITLE OF REPORT:	P141956/F - NEW FOUR BEDROOM DETACHED DORMER STYLE HOUSE. AT LAND ADJACENT TO BRANTWOOD, BARROW COMMON LANE, KINGSTONE, HEREFORDSHIRE, HR2 9HD For: Perfection Homes per Mr Alex Whibley, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141956&search=141956

Date Received: 27 June 2014

Ward: Valletts

Grid Ref: 342023,235346

Expiry Date: 26 August 2014

Local Member: Councillor JF Knipe

1. Site Description and Proposal

- 1.1 The application site is located immediately adjacent to the settlement of Kingstone to the north-west of the C1221 road, 350 metres south-west of the junction with B4348 road. The site is currently used as an informal parking and storage area and appears visually distinct from the surrounding agricultural fields. The site is bound by the road to the south-east, the curtilage of Brantwood to the north-east, a tree belt to the south-west and a hedgerow to the north-west with open fields beyond.
- 1.2 The application proposes the erection of a single two-storey dwelling in the form of a dormer bungalow. The dwelling would be 8.2 metres deep, 14.1 metres wide and 7.085 metres high. There is a two-storey gabled projection from the rear with two dormers also provided. A modest lean-to would be provided centrally to the fore of the dwelling. The dwelling would be largely rendered with projecting features clad in cedar under a slate roof. The site would be levelled so that the slab level would be between 600mm and 900mm above the road height. A single storey two-bay garage would be provided to the north-west of the proposed dwelling. An access exists to the site and as such no hedgerow removal is required. Tree planting would be undertaken to strengthen the rear boundary of the site and provide biodiversity enhancement.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance to this application:

Introduction	-	Achieving Sustainable Development
Chapter 4	-	Promoting sustainable transport
Chapter 6	-	Delivering a Wide Choice of High Quality Homes

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

- Chapter 7 - Requiring Good Design
- Chapter 8 - Promoting Healthy Communities
- Chapter 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 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>

2.4 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, 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

2.5 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 **SH961099PO** Construction of 2 new dwellings: Refused – Relates to adjacent dwelling, now known as Brantwood and this application site. Refused on the grounds that the southern plot (this application site) was outside of the settlement boundary and as such was contrary to local policy.

SH970007PO Construction of one new dwelling: Approved – Relates to adjacent dwelling, now known as Brantwood.

SS980419PF New dwelling and garage: Approved – Relates to adjacent dwelling, now known as Brantwood.

SS980889PF Change of use of land from agriculture to residential: Approved – Relates to this site

4. Consultation Summary

Internal Consultees

4.1 The Council's Transportation Manager comments as follows:

The access is very poor in terms of visibility, the road in this location is single track, but the hedgerow is a concern as this is overgrown and impedes visibility. Maintenance alone will not protect the splays.

Parking and turning is also an issue. For garages to count as parking, the internal measurements need to be 6m x 3m per space.

If you are minded to approve, the visibility splay and parking and turning need to be conditioned.

The splay should be 2 metres by 33m in each direction (HO3)
Parking and turning to be conditioned (H12)

5. Representations

5.1 Kingstone and Thruxton Group Parish Council:-

This application will be outside the proposed settlement boundary for Kingstone. In addition concerns from neighbours have been raised regarding encroachment on privacy to neighbouring properties and the access will mean increased vehicles using a narrow road regularly used by school children.

5.2 Two letters of Objection have been received the main points raised are:-

- There are concerns for the privacy of occupiers of the dwelling known as Hollyfield on the opposite side of the road;
- The provision of another dwelling near a blind bend where traffic rarely adheres to the speed limit would exacerbate highway dangers;
- The style of the dwelling is not in keeping with surrounding dwellings and would dominate the area; and
- It is good to see the dwelling on a 'brownfield site'.

- 5.3 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

Policy Context

- 6.1 Paragraph 14 of the NPPF, which sets out the process for decision takers and requires that:
- Proposals that accord with the development plan should be approved without delay; or
 - Where the development plan is silent, absent or relevant policies are out of date, permission is granted unless adverse impacts would significantly and demonstrably outweigh the benefits in the context of the NPPF as a whole.
- 6.2 The application site is immediately adjacent to but outside of the village settlement boundary of the main village of Kingstone as defined under UDP Policy H4. As such this application falls to be considered against UDP Policy H7 which guards against residential development in open countryside locations. However, for reasons outlined below, the Council's housing policies, including UDP policies H4 and H7, are out-of-date. The second limb of the above is the therefore the applicable test of acceptability for residential development in this location and throughout the county.
- 6.3 The NPPF role in the determination process is two fold. Firstly, paragraph 215 outlines its role as a barometer of the weight which can be apportioned to policies of the local plan. Secondly, the policies within the NPPF set independent requirements of development.
- 6.4 In more detail, paragraph 215 of the NPPF requires weight to be given to policies in existing development plans according to their degree of consistency with the NPPF. The closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given.
- 6.5 Paragraphs 47 & 49 are particularly relevant to the supply of housing. Paragraph 47 requires that Local Planning Authorities have an identified five year supply of housing plus a 5% buffer. Where there has been a record of persistent under delivery of housing, local planning authorities should increase this buffer to 20%. Paragraph 49 requires that the relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. Herefordshire Council cannot currently demonstrate a five year housing supply neither have they identified a sufficient quantity of land on a persistent basis – a position recently upheld at appeal, triggering the requirement for a 20% buffer. The Council's housing policies are therefore inherently contrary to the provisions of paragraphs 47 & 49 of the NPPF. On this basis and in accordance with paragraphs 14 and 49 of the NPPF, UDP Policies H4 and H7 are attributed minimal weight in the determination process and the test of acceptability becomes the sustainability of the development.

Principle of development

- 6.6 Within the forward to the NPPF the purpose of planning is described as being to help achieve sustainable development. 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 Locally, 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. These policies are generally consistent with the advice on design and distinctiveness set out in the NPPF (chapter 6) and so continue to attract considerable weight.
- 6.8 Essentially, to determine the acceptability of the principle of development I consider there to be two main criteria which development must meet: the location of the site with regards to facilities and services; and the ability for residential development to sit harmoniously with the site's existing context.
- 6.9 The application site is located immediately adjacent to the village of Kingstone which provides the following facilities and services with distances to the application site in brackets (distances are measured as one would walk rather than as the crow flies):
- Kingstone and Thruxstone Primary School (1125 metres)
 - Kingstone Secondary School (1300 metres)
 - Local shop and post office (415 metres)
 - Gooses Foot industrial estate (1300 metres)
 - Playing fields (900 metres)
 - Doctors Surgery (1700 metres)
 - Church (530 metres)
 - Bull Ring Inn (385 metres)
 - A number of bus stops providing a regular service to Hereford (closest: 400 metres)
- 6.10 These amenities are considered to be within walking distance of the application site. The more extensive amenities found within the city of Hereford are accessible by a regular bus service running frequently between Kingstone and Hereford.
- 6.11 In terms of the route's nature, the first 350 metres from the application site to the above facilities is along a relatively narrow and unlit country lane. However, forward visibility is good allowing pedestrians ample time to seek refuge from oncoming vehicles and for said vehicles to slow for the pedestrians. Frequent and wide driveways and flat highway verges provide places of pedestrian refuge. The narrow nature of the lane keeps vehicle speeds low. After these 350 metres one must cross the B4348 road. Although no designated crossing is in situ, there is good visibility at the junction of the C1221 road with the B4348 road where there is a 30mph speed limit. The rest of the route benefits from a pavement or pedestrian priority though for the large part remains unlit. To access both schools and the doctor's surgery, one must also cross the B4349 road. The crossing point, at the end of Cooks Lane, is within a 20 mph speed limit with street furniture utilised to ensure that speeds are kept low.
- 6.12 The large part of one's journey between the application site to the aforementioned amenities benefits from a designated pedestrian routeway. The first 350 metres which does not benefit from a footpath is in my opinion not unduly unsafe or restrictive to pedestrian movement given its length, character and a myriad of places of safe refuge for pedestrians. Finally, the B4348 and B4349 roads do not represent significant barriers to pedestrian flow as both roads are not overly difficult or unsafe to cross.

- 6.13 On the above basis, I find the application site to be sustainably located offering reasonable access to a good level of facilities and services within the village of Kingstone and the more extensive facilities at Hereford by methods other than the private motor vehicle.
- 6.14 Turning to the suitability of the residential development of the site for this setting, it is pertinent to note that the site abuts the south-western boundary of Kingstone to the north-west of the C1221 road whilst the settlement continues for a further 140 metres on the opposite (south-east) side of the road in a south-westerly direction. The application site is therefore bound by residential development on two sides. The remaining two sides are strongly bound by natural features, an historic hedgerow to the north-west (which historic maps show was in situ in circa 1849) and a dense tree belt to the south-west.
- 6.15 The site's existing use as an informal, overgrown parking area and the strong intervening vegetation between the site and the open fields beyond renders it visually distinct to the open countryside. The area of development along this lane is considered to be of a semi-rural character for reasons discussed below. However, as one progresses along the lane away from the centre of Kingstone it is immediately after this site that the lane's character changes to a rural and undeveloped one on both sides of the lane, with high, continuous hedgerows screening any development beyond this point. The site's strong natural boundary also represents a logical, legible and natural cessation of development extending in a south-westerly direction on the north-western side of this road.
- 6.16 Subsequently it is considered that the proposed residential use of the application site would relate well to the existing settlement in terms of the pattern of development and the role of the surrounding area as required by paragraph 17 of the NPPF and UDP policies DR1 and S1.

Design and landscape impact

- 6.17 UDP 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.
- 6.17 Chapter 7 of the NPPF in its entirety is applicable to the design of development. Chief among its requirements is the need for good design. Paragraph 56 states that "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." This is expanded on later in the chapter with paragraph 63 requiring outstanding design to be given significant weight in the determination process and paragraph 64 requiring development of poor design which fails to make the most of opportunities presented to be refused.
- 6.18 Chapter 7's other provisions underpin those within the UDPs design policies. Paragraphs 58 – 60 require that development reinforces local distinctiveness and history adding to the quality of the area, creating a strong sense of place and that development is visually attractive. Particular attention should be given to the aforementioned in the context of site access, scale, massing, detailed design, layout, density, height and landscaping. Paragraph 61 highlights connections between people and places and the integration of new development into the natural, built and historic environment as inherent aspects of good design.
- 6.19 In considering the design of the proposed dwelling against the character and distinctiveness of the locality, I have had regard to built form at the south-western end of the spur of development along this lane. It is the setting of this specific geographical area of the built environment which would be visually affected by the proposed development.

- 6.20 All buildings within this defined area have a residential use. Buildings are of single storey, 1 ½ storeys and full height two-storey design. Elevations tend to be clad in either brick or render with no prevalent roofing material. The built context of the application site is therefore disparate in its detailed design. However, there are certain characteristics which do run throughout the locality. Buildings tend to be of a low ridge and eaves height and modest depth, with larger footprints generally provided through perpendicular rear protrusions rather than an increase in depth of the main element of the dwelling. Buildings tend to have ridgelines running parallel to the roads axis whilst frontages are of a simple, utilitarian design. The aforementioned features combine to give a distinctly semi-rural feel to this lane which is representative of its edge of settlement location.
- 6.21 The only exception to this semi-rural character is Hollyfield which is diametrically opposite the application site. Although surveys have not been provided of Hollyfield, its height is clearly much greater than other dwellings within this area by virtue of the building's height and the raised plinth on which it sits. The detailed design of Hollyfield, including an enlarged porch, also erodes its ability to assimilate with an otherwise semi-rural vernacular. In considering the character of the area and subsequently the acceptability of the design of the proposed dwelling, a significant amount of weight should be apportioned to the design of Hollyfield given its proximity to the application site.
- 6.22 The application site slopes up in a westerly direction at a similar gradient to the adjacent road. The site is approximately 1.4 metres higher than the road. Site levels would be altered so that the dwelling would be 'dug-in' slightly to sit between 600mm (at the south-westerly extent) and 900mm (at the easterly extent) above the road level. The proposed dwelling is of a non-traditional one and half storey design with protruding full height gable to the rear. The building is approximately 8.2 metres deep, excluding subservience protrusions. This is relatively deep considering the building's context, though as the building is of a 1 ½ storey design a larger depth is necessary to allow the roofspace to be usable. However, such a design should facilitate a lower ridge height. In this instance the ridge height remains relatively high at 7.085 metres, akin to a full-height two-storey building. This has arisen by virtue of providing habitable accommodation across the entire span of the first floor, pushing the eaves and ridge height upwards. The cumulative impact on the buildings height and depth is a large massing, contrary to the prevailing character of the locality. Through lowering the slab level of the dwelling, the height of the building as appreciated from the roadside will be reduced, though the ridge would still sit approximately 8 metres above the road level.
- 6.23 The principal elevation is of a simple appearance with deep roof and protruding lean to element covered by a roof continuing at the same pitch of the main roof. Through keeping a flat roof plane within only an unassuming lean-to protruding from the elevation, the design of the simple semi-rural appearance of the street-scene. The design of the dwellings rear is rather busy with a number of protrusions of differing forms and design. Only long range glimpses of the rear elevation will be obtainable from public vantage points though it does have the potential to impact on the character of the open countryside beyond. However, the dwelling would be seen within an existing residential milieu from the west and north-west given the existence of dwellings immediately to the north-east and south-east of the site. Furthermore, the proposed planting of trees within the historic hedgerow to the rear of the site will filter views of the building. The proposed cladding materials of render and cedar with a slate roof are appropriate to this semi-rural location. The quality of finish would be high with powder coated aluminium windows and galvanised steel rainwater goods to be provided.
- 6.24 The proposed dwelling is considered to be of a form and profile which is not strictly in keeping with its semi-rural context being of a greater massing and a more suburban detailed design than most other dwellings locally. However, the design is not inherently poor and the height of the dwelling has been reduced through the levelling and lowering of the slab level. Consideration must be also be had for the comparatively larger height and massing of Hollyfield immediately

opposite the application site. The design is not so poor as to significantly erode the character of the area and to warrant a refusal in the context of paragraph 64 of the NPPF.

Other matters

- 6.25 Brantwood sits immediately to the north-east of the application site. It sits approximately 27 metres away from with a ridge height approximately 3.8 metres lower than the proposed dwelling. The existing garage belonging to Brantwood is between the proposed dwelling and Brantwood itself. It is officer opinion that the privacy of Brantwood is therefore maintained. A window is located on the end elevation of Brantwood facing the proposed dwelling. However, the proposed dwelling would not exceed a 25 degree plane drawn in elevation form from the centre of that window and in applying BRE guidance daylight levels would remain acceptable at Brantwood.
- 6.26 The other dwelling which could potentially be affected is Hollyfield immediately opposite the application site. It sits approximately 18 metres from the closest point of the proposed dwelling. This scenario is repeated a number of times along this road and 18 metres is not considered to be a distance which would unduly compromise the privacy at Hollyfield. Furthermore, the only fenestration provided at first floor level on the principal elevation (facing towards Hollyfield) would be in the form of rooflights at a height which is restrictive to gaining a direct sightline into Hollyfield. In terms of the resultant level of daylight, the most affected windows of Hollyfield would be those at ground floor level on the road facing elevation. However, the proposed dwelling would again not exceed a 25 degree plane drawn in elevation form from the centre of said windows and in applying BRE guidance daylight levels would remain acceptable at Hollyfield.
- 6.27 Chapter 4 of the NPPF only supports a refusal on highways safety grounds where the impact of the development would be severe. The application site is located on the outside of a shallow bend within a 30mph speed limit offering visibility in both directions. Although no speed survey accompanies this application it is officers opinion that vehicle speeds and frequency are not so high as to represent a severe highway safety concern with regards ingress and egress from the application site onto the local road network. The conditions requested by the Traffic Manager are considered reasonable and necessary and are included in the recommendation set out below.

Conclusion

- 6.28 Within the framework of determination as laid out by paragraph 7 of the NPPF I conclude as follows.

Economic: The site would make a small contribution to the local economy through the short term employment of the construction trade. It would also likely modestly contribute to the vitality and viability of the amenities of Kingstone and to a lesser extent those found elsewhere in Herefordshire.

Environment: The application site's proximity to services and facilities would in all likelihood result in one undertaking a significant number of everyday activities without use of the private motor vehicle resulting in reduced carbon emissions. In landscape terms, the site relates well to the surrounding pattern of development whilst being distinct from the open countryside beyond thereby being an appropriate land use. The design of the dwelling is not entirely harmonious with its built context though it is not inherently inappropriate.

Social: The proposal would provide a dwelling in an area where a need for further housing exists helping to meet the Council's lack of housing land in a specific location where future occupants are afforded opportunity to contribute to the established community of Kingstone utilising the facilities therein.

6.29 I consider the only concern to be the design of the proposed dwelling. However, in applying the planning balance to the above, I do not find the design to be so inharmonious with its context as to outweigh the benefits of the scheme as laid out in paragraph 6.28 in the context of the Council's published under provision of housing land.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission) - 1 year**
2. **B02 Development in accordance with approved plans and materials**
3. **F14 Removal of permitted development rights**
4. **G02 Retention of trees and hedgerows**
5. **G11 Landscaping scheme - implementation**
6. **H03 Visibility splays (2 metres by 33 metres in each direction)**
7. **H05 Access gates**
8. **H09 Driveway gradient**
9. **H12 Parking and turning – single house**
10. **I16 Restriction of hours during construction**

INFORMATIVES:

1. **N11C General Ecology**
2. **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.**

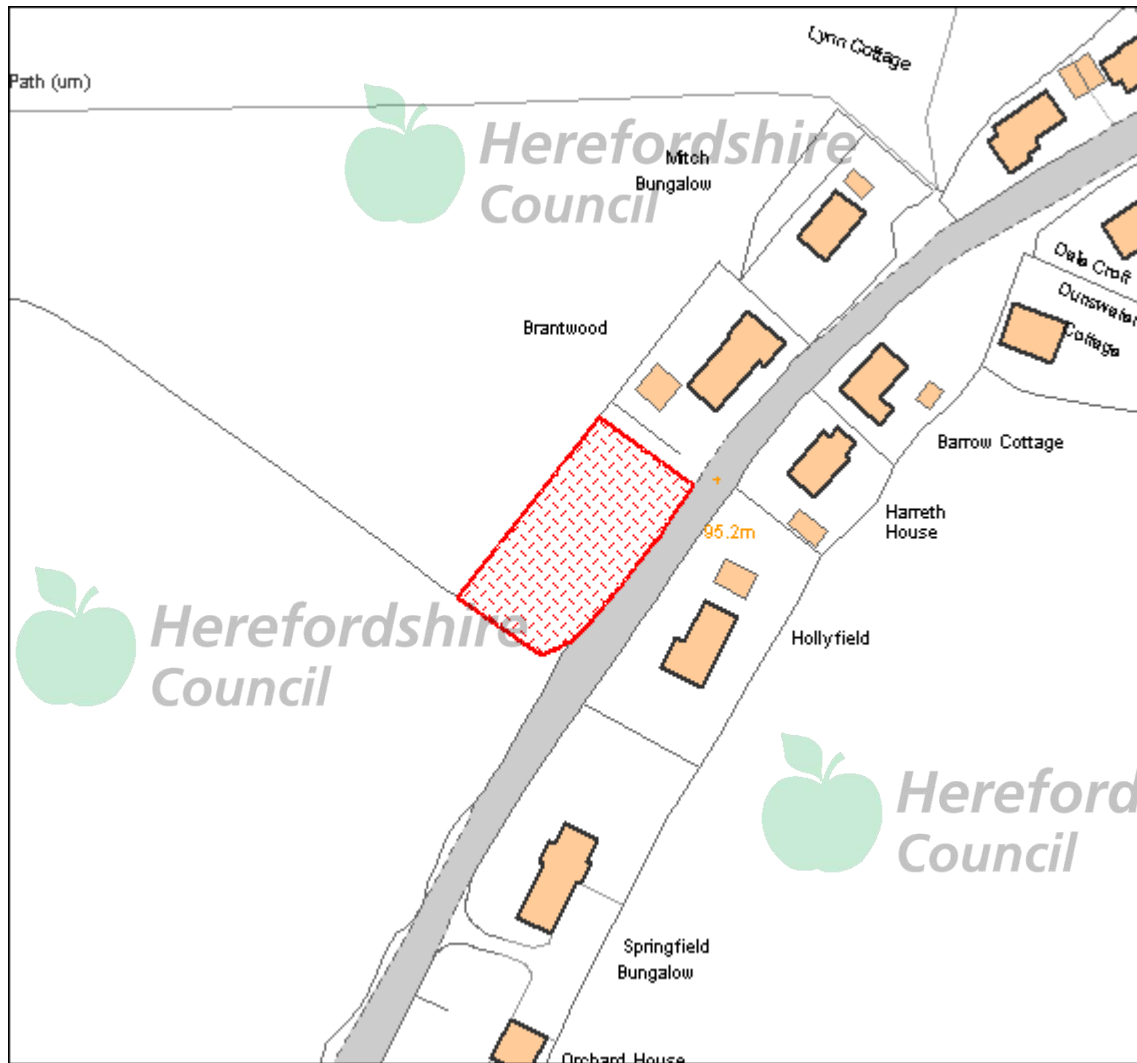
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141956/F

SITE ADDRESS : LAND ADJACENT TO BRANTWOOD, BARROW COMMON LANE, KINGSTONE, HEREFORDSHIRE, HR2 9HD

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