

MEETING:	PLANNING COMMITTEE
DATE:	18 NOVEMBER 2015
TITLE OF REPORT:	<p>152240 - PROPOSED ERECTION OF A REPLACEMENT DWELLINGHOUSE AND THE ERECTION OF 1 NO. NEW DWELLINGHOUSE WITHIN THE CURTILAGE AT LAND AT FERNLEIGH, EAU WITHINGTON, HEREFORD</p> <p>For: Mr Stokes per Mr Stephen Barter, The Old School House, Church Road, Clehonger, Hereford, Herefordshire HR2 9SD</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152240&search=
Reason application submitted to Committee – Redirection	

Date Received: 24 July 2015

Ward: Hagley

Grid Ref: 354275,242420

Expiry Date: 22 September 2015

Local Member: Councillor DW Greenow,

1. Site Description and Proposal

- 1.1 The application site lies on the south-eastern side of the A465, Hereford to Bromyard Road, at Eau Withington, and comprises a detached bungalow (known as Fernleigh), with vehicular access to the northern corner of the site. The site is situated adjacent to Flood Zones 2 and 3 but is unlikely to be affected as site levels rise steadily from the roadside to the highest point on the far boundary. The site has recently been extensively cleared of vegetation and now comprises predominantly of grass.
- 1.2 Planning permission is sought for the demolition of the existing bungalow to be replaced by two new dwellings in separate curtilages. The larger of the two dwellings is a 4-bed family house situated to the rear of the plot and the smaller dwelling is proposed to be a 3-bed bungalow replacement of the existing. Each dwelling would utilise the existing access.
- 1.3 The application is accompanied by a Planning Statement and a Preliminary Ecological Appraisal.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Ensuring sufficient housing land delivery

Further information on the subject of this report is available from Steffan Thomas on 01432 260627

- SS4 - Movement and transportation
- RA3 - Herefordshire's countryside
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- SD1 - Sustainable design and energy efficiency

2.2 National Planning Policy Framework

- Introduction - Achieving Sustainable Development
- Section 4 - Promoting Sustainable Transport
- Section 6 - Delivering a Wide Choice of High Quality Homes
- Section 7 - Requiring Good Design
- Section 11 - Conserving and Enhancing the Natural Environment

2.3 Neighbourhood Planning

Bartestree with Lugwardine Group Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. The plan must be in general conformity with the strategic content of the Core Strategy, but is not currently sufficiently advanced to attract weight for the purpose of decision-taking.

- 2.4 The Core Strategy 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/corestrategy>

3. Planning History

- | | | | |
|-----|----------|--|-----------------------|
| 3.1 | 150926/F | Proposed erection of a replacement dwellinghouse and the erection of 1 no. new dwellinghouse within the curtilage. | Withdrawn
16.06.15 |
| 3.2 | 141960/F | Siting of two temporary static caravans with link extension (retrospective). | Approved
15.09.14 |

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water: No objection subject to informative

Internal Council Consultees

- 4.2 Transportation Manager: Objects to the proposal on account of the following reasons:
1. unsustainable location requiring dependence on private motor vehicle;
 2. visibility splays are insufficient for the proposed intensification of the existing access;
 3. parking provision far exceeds maximum standards.
- 4.3 Minerals & Waste: No objection
- 4.4 Conservation Manager (Ecology): No objection subject to conditions

5. Representations

5.1 Bartestree with Lugwardine Group Parish Council: Application Supported but the Highways comments are noted.

5.2 There has been four letters objecting to the proposal, the main points raised are:-

1. The proposed 8 double bedrooms could lead to as many as 10 vehicles using the site;
2. Traffic flows on the unrestricted A465 are problematic and likely to cause accidents, most residents currently turn left towards Hereford to avoid accidents;
3. Ecological survey will not show any habitats as the site has been cleared of mature fruit trees and ancient yews prior to this application;
4. Two properties on this plot are an overdevelopment of the site;
5. The applicant claims there have been monthly car-boot sales on this site, this is completely untrue, over the last 45 years there have been none;
6. The development potential of this site was explored when the site came on the market a couple of years ago, a planning officer confirmed that it could only accommodate a replacement dwelling.
7. The area of the village which this application affects has been discussed at great length in the consultation process supporting the Neighbourhood Development Plan. The conclusions are clearly represented in Para's 6.1.12/13 of the draft plan and reject development of this area.
8. The draft Neighbourhood Development Plan has clearly addressed potential sites to meet the required growth of housing in the parish in line with the county targets, and the site covered by this application is not required.

5.3 There has been 21 letters supporting the proposal, the main points raised are:-

1. The applicants have enhanced this previously run-down site over the last 12 months and the proposed dwellings would further improve it;
2. The family are local people and an established asset to the community, they should be permitted to live here;
3. The local postman, who delivers to this address daily, has experienced no issues with visibility when entering or exiting the driveway.

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

6.1 In accordance with the Town and Country Planning Act 1990 (as amended) the principal considerations in the determination of this application are the principle of development, access and highway safety, the impact on landscape character and amenity, the design and appearance, the impact on neighbouring residential amenity and the ecological impact.

Principle of Development

- 6.2 The application site lies outside of the built up area of Bartestree and Lugwardine. Whilst there are properties on either side and in the vicinity, these are loose knit and there are no local services or facilities that are reasonably accessible. On this basis, it is considered that the site is in an isolated and unsustainable location for the purposes of new housing development. New development in the open countryside is strictly controlled in accordance with paragraph 55 of the NPPF and Policy RA3 of the Core Strategy. This limits residential development to proposals that satisfy one or more of the seven criteria.
- 6.3 The third of these criteria is most relevant as it permits the replacement of an existing dwelling (with a lawful residential use) provided that the new dwelling is comparable in size and scale, and is located in the curtilage of the existing dwelling.
- 6.4 This proposal seeks to replace the existing 2 bed dwelling (approximately 50sqm gross floor area) with a far larger 4 bedroomed dwelling to the rear (stated in the covering letter to be 275sqm gross floor area) but also introduce an additional 3 bed dwelling on the site of the existing dwelling, approximately double its size.
- 6.5 Clearly, this proposal far exceeds the parameters of criteria 3 and furthermore seeks an additional dwelling to that of the replacement. As such, the very principle of this form of development is contrary to policy on account of its unsustainable location, contrary to the guidance of Policy RA3 and paragraph 55 of the NPPF.

Transportation

- 6.6 Notwithstanding the issues pertaining to the scale and location of this proposal, the Transportation Manager has identified additional concerns regarding the parking, access and highway safety implications. Specifically, these are concerned with the visibility splays afforded from the existing access and also the over-provision of parking spaces.
- 6.7 The existing access opens onto the A465, a length of road that is subject to the national speed limit (60mph). The required visibility splays for a junction onto a 60mph limit road, as dictated by the Highways Design Guide for New Development 2006, extend as far as 215m in each direction. On account of the positioning of the access on the apex of a curve in the road, the existing visibility is approximately only 140m in either direction. This 75m deficit in visibility presents a significant threat to highway safety and provides an objective measure that gives greater context to the claim that residents of neighbouring properties all turn left to avoid accidents.
- 6.8 On request of the applicant, an additional site visit was made to determine the maximum possible splays that could be achieved. The subsequent submission of amended plans indicates splays of 195m to the south-west and 150m to the north-east could potentially be achievable, albeit this would require third party land to be kept clear of vegetation. These visibility splays, provided they are achievable, would ultimately still fall somewhat short of the requisite distances.
- 6.9 The access has historically only served the bungalow Fernleigh, but it is currently also used by the occupants of the two static caravans situated further up the hillside within the application site. These caravans were granted temporary permission last year despite objections from the Transportation Manager concerning the access arrangements as it was considered that these caravans would provide alternative accommodation rather than additional, so no material increase in the use of the vehicular access would have occurred.
- 6.10 This application seeks to secure planning permission for two separate dwellings served by this same access. Notwithstanding that one of the dwellings is proposed to be for elderly relatives

who may not frequently make use of their vehicles, over the lifetime of these buildings this would constitute a material intensification in the use of the access.

- 6.11 The resultant intensification of an existing access which is considered potentially dangerous presents an unacceptable risk to highway safety, contrary to part 4 of Policy MT1.
- 6.12 The Transportation Manager has also drawn attention to the proposed provision of ten dedicated parking spaces being far in excess of the maximum standards permitted for this form of development. This issue is not fundamental to the application and could reasonably be resolved by condition. This condition would limit parking to three spaces for the four bed property and two spaces for the two bed property, bringing the provision in accordance with Council standards and subsequently satisfying part 6 of Policy MT1.

Impact on Landscape Character and Visual Amenity

- 6.13 The application site is not located within a protected landscape, but does feature a substantial change in levels as the site slopes upwards to the south-east. As such, the larger of the two proposed dwellings, located further up the hill, would appear distinctive upon the hillside and could be seen from as far as the railway line to the north.
- 6.14 The proposed design has however incorporated a low profile for the dwelling and mindful of the comparable development next door but one, Starpit, this new dwelling would not appear noticeably out of place. The resultant impact to visual amenity is not deemed to be severe and could reasonably be accommodated without adversely affecting the landscape.

Design and Appearance

- 6.15 This proposal would subdivide the application site to form two separate curtilages, each featuring a newly constructed dwellinghouse.
- 6.16 The larger of the two dwellings is located up the hillside and towards the rear of the plot, emulating the positioning of the next-door-but-one dwelling Starpit. It features a simple gabled form orientated across the plot with three first floor dormers on the front and rear elevations. This design ensures the height and massing of the dwelling is kept suitably low such that it does not appear intrusive on the hillside. The use of slate tiles, cream render and feature brickwork is considered broadly appropriate and as such the proposed design raises no concerns.
- 6.17 The smaller dwelling is proposed to be a bungalow and would be situated marginally behind the existing building. This recessed location is more akin to that of neighbouring properties Rosedene and Aston Lea and is considered a justifiable alteration that would enhance the streetscene. The use of a simple gabled form orientated across the plot has been repeated, but with the addition of two feature cross-gables on the forward elevation that add visual interest. A single cross-gable has also been included to the rear. The use of matching materials to the larger dwelling is again considered broadly appropriate.
- 6.18 The four other dwellings that form this cluster of housing have few attributes in common with each other. As such, beyond the positioning and layout of these dwellings, there is little that constitutes local character to which this proposal would need to adhere to.
- 6.19 These two dwellings are not considered to be of exceptional quality or demonstrative of innovative design, yet their physical manifestation broadly accords with Policies SD1 and LD1. Notwithstanding the issue of their comparative scale to the existing dwelling, which is a fundamental concern, the proposed design and appearance of each of these dwellings is acceptable.

Residential Amenity

- 6.20 By virtue of the scale, location and distance from the curtilage of both the replacement dwelling and the new dwelling, neither are considered to have any significant impact upon neighbouring amenity. Similarly, both in terms of the provision of private amenity space and the provision of an acceptable degree of outlook, the amenity afforded to any future occupants of either of the two dwellings is deemed to be acceptable.

Impact on Ecological Interests

- 6.21 The Council's Ecologist concurs with the findings of the submitted preliminary ecological appraisal. It is concluded that the proposal will not have a significant impact on ecological interests. Subject to the imposition of conditions, the development is considered to accord with the provisions of the Core Strategy and NPPF guidance.

Conclusion

- 6.22 Whilst the personal circumstances of the applicants are acknowledged, the fundamental planning issues of sustainability and the safe access to and from the site have not been suitably addressed. I see no legitimate reason to contravene planning policy by making an exception in this case and as such I recommend that this application is refused.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. **The application site is situated away from any public services or facilities and is considered an unsustainable location for new residential development. The proposed new dwelling fails to meet any of the criteria for permitting housing outside of settlements and is subsequently contrary to Policy RA3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
2. **The proposed replacement dwelling is substantially larger than the existing bungalow. This form of intensification within a countryside setting is contrary to Policy RA3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
3. **The intensification in the use of the vehicular access presents an unacceptable risk to highway safety, contrary to part 4 of Policy MT1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
4. **The parking provision is in excess of Council standards, encouraging dependency on the motor vehicle. This is contrary to part 6 of Policy MT1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

Informative:

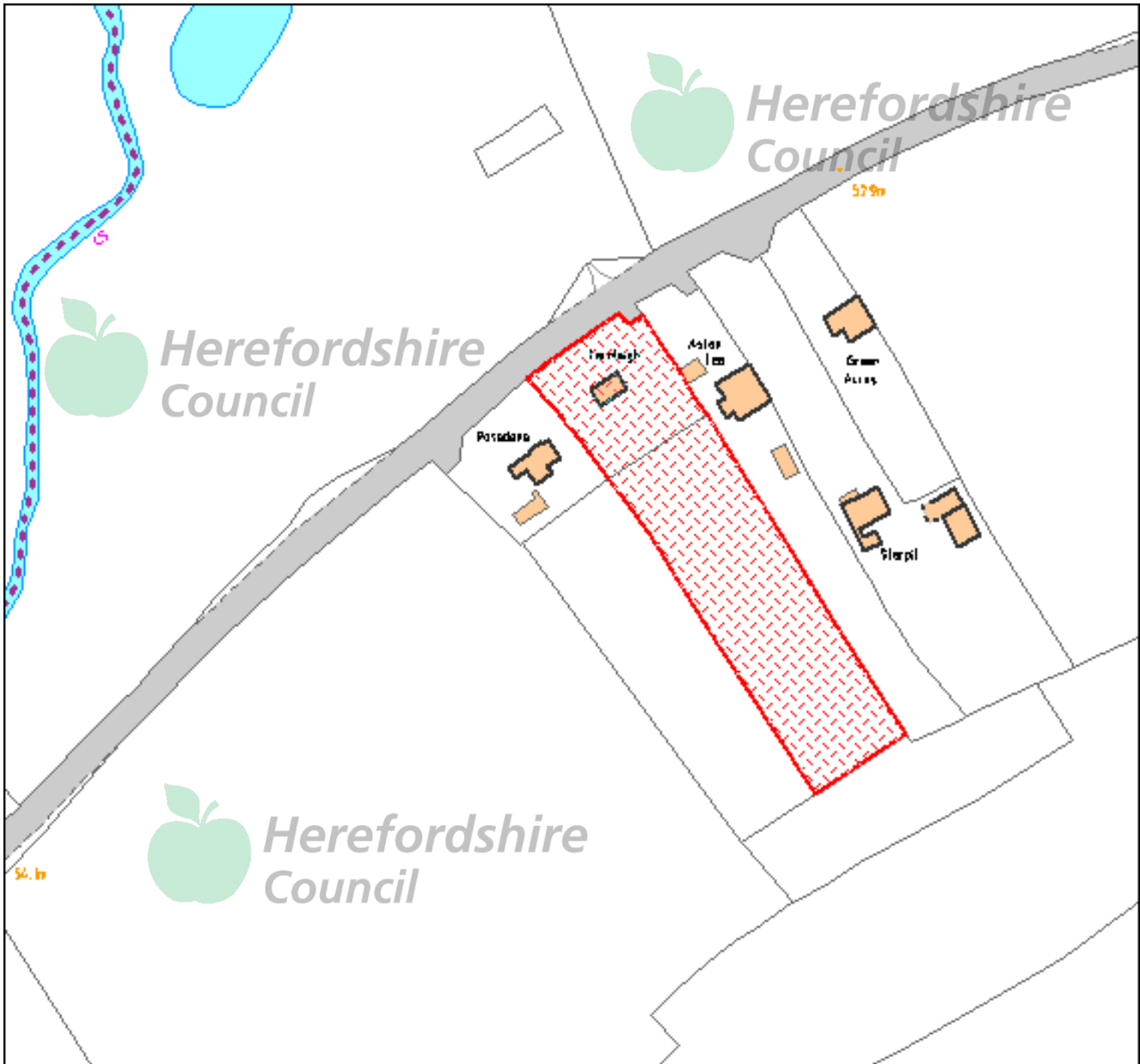
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 152240

SITE ADDRESS : LAND AT FERNLEIGH, EAU WITHINGTON, HEREFORD, HEREFORDSHIRE

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