

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 JULY 2018</b>
<b>TITLE OF REPORT:</b>	<p><b>180403 - RETENTION OF RESIDENTIAL USE OF FORMER CONVERTED CARPORT FOR ANCILLARY ACCOMMODATION AND RETENTION OF THE NON-MATERIAL CONVERSION WORKS REQUIRED TO BE REVERSED BY ENFORCEMENT NOTICE EN2017/002562/ZZ. AT 21 THE MALTINGS, DORMINGTON, HEREFORD, HR1 4FA</b></p> <p><b>For: Mr Wilson per Mr J. S Brearley, 42 Rectory Avenue, High Wycombe, Bucks, HP13 6HW</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180403&amp;search=180403">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180403&amp;search=180403</a>
<b>Reason Application submitted to Committee – re-direction</b>	

**Date Received: 1 February 2018**

**Ward: Backbury**

**Grid Ref: 358346,240256**

**Expiry Date: 21 May 2018**

**Local Member:** Councillor J Hardwick

## **1. Site Description and Proposal**

- 1.1 The development comprises the conversion of an outbuilding formerly used as garages and storage to self-contained residential accommodation which is to be used as ancillary accommodation to the main house. The accommodation comprises: kitchen, living room, store with shower on the ground floor and a bedroom with en-suite shower on the first floor. A dormer window has been installed to light the first floor room.
- 1.2 The development was carried out without planning permission and the applicant now seeks retrospective permission for residential accommodation, ancillary to the main house. Permitted development rights were removed in the decision notice granting permission for the original development.
- 1.3 The development constitutes a conversion of part of the former outbuildings to the adjacent Dormington Court, a grade II Listed Building. The outbuildings were converted to form garaging and storage areas for the three houses known as 21 to 23 The Maltings which were constructed to form a small courtyard development following the granting of planning permission in 1995. These outbuildings are not listed.
- 1.4 The access to the property is shared with Nos 22 and 23 The Maltings.

- 1.5 21 The Maltings was constructed with four-bedroom accommodation but has since been reduced to three bedrooms by knocking two bedrooms into one. The dwelling also incorporates a single-storey ground-floor area, formerly a store, converted to form part of the accommodation and currently used as a home-office where it is understood the applicant operates an accountancy business.

## 2. Policies

### Herefordshire Local Plan – Core Strategy

- 2.1 SS1 – Presumption in favour of sustainable development.  
SD1 – Sustainable design and energy efficiency.  
RA2 – Housing in settlements outside Hereford and the market towns.  
LD4 – Historic environment and heritage assets.  
MT1 Traffic management, highway safety and promoting active travel
- 2.2 National Planning Policy Framework (NPPF)
- 2.3 The Dormington and Mordiford Group NDP has not progressed beyond designation stage and therefore whilst a material consideration has no weight with the decision making process.
- 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/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## 3. Planning History

- 3.1 **SH951128PF:** Demolition of outbuildings and construction of three 2-storey houses including part-conversion of existing buildings. Approved.
- 3.2 **Enforcement Notice 2017:** This seeks to restore the use of the outbuildings to use as garages. Whilst this application remains to be determined that is held in abeyance.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None
- 4.2 Internal Council Consultations
- 4.2.1 Transportation Manager; No objection subject to four parking spaces being provided and maintained with adequate manoeuvring area to allow vehicles to exit the site in a forward direction.
- 4.2.2 Historic Buildings Officer:

Whilst the building in question is situated within 70m of three designated heritage assets, Grade II\* Church of St. Peter, and Grade II Dormington House and Dormington Court, it is considered that the alteration has caused less than substantial harm in heritage policy terms, and that the impact on the setting of the listed buildings has been minimal. On this basis, there would have been no heritage objection to the conversion of the structure; however, clarification may have been sought on the loss of parking/amenity space and how that was to be addressed without the need for new structures or areas of hard standing. Equally, it would have been advised that the use of a dormer window in this context was not in keeping with the form of the

garage, and that rooflights would have been a preferable solution to provide the roof space with light and ventilation.

## 5. Representations

5.1 Parish Council: Objects – development of three dwellings was provided with appropriate parking for that number of dwellings. Addition of fourth dwelling leads to lack of parking, congestion, reduced visibility at junction of access with main road and access problems for emergency vehicles.

5.2 Nine letters/emails of objection have been received the main points are summarised as follows:

- Inadequate parking.
- Originally 4 or 5 spaces with No 21 now reduced.
- Traffic congestion within the mews.
- Shared access to other properties obstructed.
- Parking on road verges obstructing visibility at junction onto main road.
- Restricted turning space within the site.
- Conversion could be used as 2-bedrooms thereby increasing traffic/parking problems.
- Access impeded for emergency vehicles.
- Traffic hazard for pedestrians crossing main road to bus stop.
- Existing business use of No 21 increases traffic problems.
- Footpath blocked.
- Cars having to reverse onto main road.
- Remaining garage should have internal partition and pillar removed to allow for easier access.
- Parking in front of No 21 will compromise ease of access to No 22's garages.

5.3 The applicants' agent has submitted a supporting statement which also comments on the background to the enforcement notice.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=180403&search=180403](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180403&search=180403)

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 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

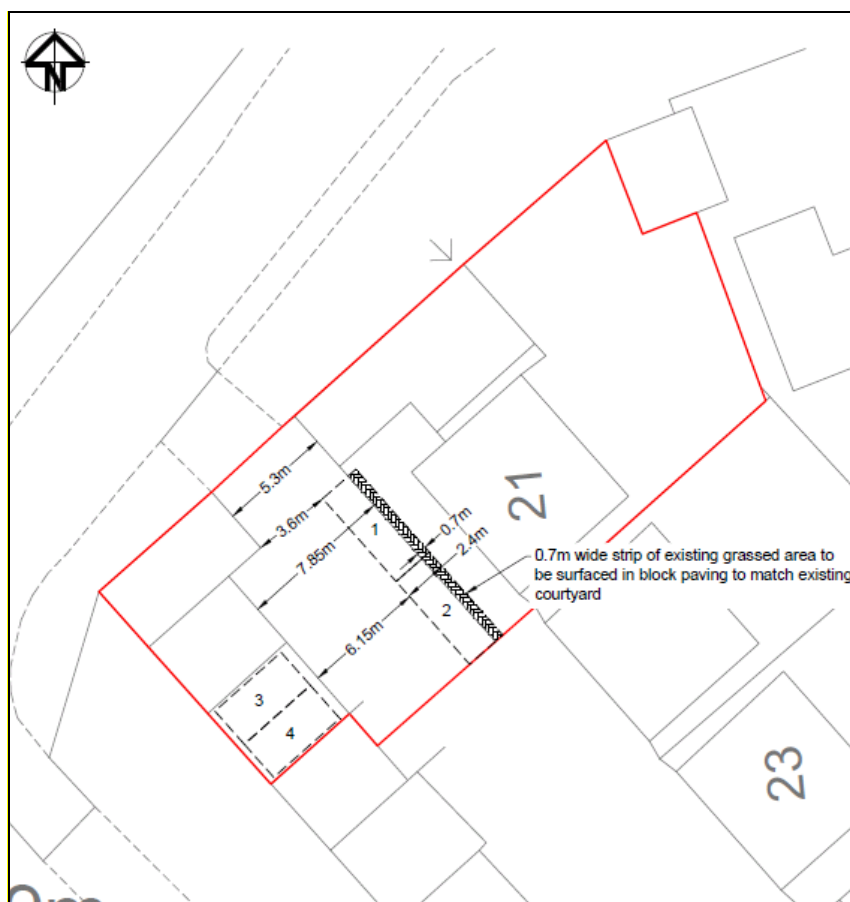
*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.2 The application is assessed against the relevant policies of the Herefordshire Local Plan – Core Strategy and the National Policy Planning Framework. The Dormington and Mordiford Group Neighbourhood Development Plan is only at the drafting stage with no submission to the council as yet and therefore whilst a material consideration has no weight within the decision making process.

- 6.3 Policy RA2 supports sustainable housing in identified settlements which includes Dormington. This application seeks retention of ancillary accommodation not a separate dwelling in its own right to provide accommodation for a housekeeper. Having regard to the lack of amenity space, the restricted parking, the nature and character of the housing in the immediate area and the density that would result it is not considered an appropriate location for a new separate dwelling.
- 6.4 Policy SD1 seeks to safeguard residential amenity for existing and proposed residents. This includes, but is not restricted to the convenience and availability of vehicular access and parking.
- 6.5 The home office use relates to a sole operator accountancy business with occasional client visits. Such a use is not considered to constitute a material change of use of the dwelling. This of course would be subject to change should the intensity of the use increase.
- 6.6 The main issue in this case centres on the access/parking situation and this is the subject of the objections.
- 6.7 Photographic and video evidence has been provided which supports the claims that the combined use of No 21 as a dwelling/home office and subject development, leads to congestion of the courtyard area around No 21 leading to obstruction of the access to the other two properties, a safety hazard to pedestrians using the access and safety issues at the junction of the access with the adjacent main road. There is evidence that this congestion makes it difficult for vehicles to turn within the available space and are therefore sometimes reversing onto the highway.
- 6.8 A few minutes spent observing this junction reveals that the road is busy, carrying a substantial amount of traffic travelling to and from Mordiford, and that speeds are high. There is also a bus-stop opposite the junction and pedestrians cross the road here to reach it.
- 6.9 There is a concave bend in the road at this point and verges are provided which allow visibility in both directions. There is evidence that vehicles sometimes park on these verges when the courtyard is congested, leading to restricted visibility at the junction. However examination of the grass on these verges reveals little wear, leading to the conclusion that this is not a common occurrence.
- 6.10 Having reviewed the evidence I take the view that the current parking arrangements within the courtyard in front of No 21 can be inadequate and create congestion and potentially compromise highway safety.
- 6.11 The main issue with this application, therefore, is whether sufficient provision of parking and turning space can be provided and its proper future use adequately ensured.
- 6.12 The original development provided four garage/carport spaces for No 21. Two of these spaces have been incorporated into the recent development and the other two are currently used for storage. There is no formal or safe street-parking adjacent to the property. All of the parking and manoeuvring of traffic associated with no 21 is therefore likely to take place either within the courtyard or informally on the adjacent road or its verges where it potentially causes a traffic hazard.
- 6.13 No 21 was constructed as a four-bedroom house and subsequently converted to three bedrooms. It could be easily converted back to four bedrooms. The proposed ancillary one-bed accommodation produces a further parking requirement, but could also be used as 2-bedroom accommodation. Indeed, the applicant gained Building Regulations approval for the development and the Building Regulations plans annotated the room which is now described as a 'Store Room with Shower Room' as 'Bedroom 1'. There is therefore the potential for six

bedrooms to be used within the overall accommodation. There is also a building on the property, adjoining the dwelling, that was formerly part of the original outbuildings of Dormington Court and which has subsequently been converted to a 'home-office' used by the applicant thereby creating potential for further traffic.

- 6.14 Extensive consultation has taken place with the Council's Transportation Manager and the objections and evidence supplied have been carefully considered. The Transportation Manager has advised that if four spaces which comply with the standard guidelines (Highways Design for New Developments) can be provided within the property, allowing adequate turning space within the courtyard and boundaries of the property, the development will be acceptable in relation to parking and access.
- 6.15 A parking scheme has been submitted by the applicant showing two external parking spaces and two spaces within the garages all of which conform to the guidelines and which is regarded as acceptable by the Council's Transportation Manager. Acceptable manoeuvring space is also provided.



Extract from parking layout 4. Drwg no. 1126/004 rev D

- 6.16 A condition can be imposed requiring the two remaining garages, which are currently used for storage, to be kept available for parking together with the provision of two marked spaces created by modifying the landscaped area in front of the No 21. and surfaced and finished in accordance with a scheme to be submitted and approved by the Council.
- 6.17 On this basis the objections on parking and highway safety grounds can be overcome and it is recommended that planning permission be granted, subject to the following conditions.

## RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 The Maltings, Dormington, Herefordshire. HR1 4FA.

Reason: It would be contrary to Policies RA2 and SD1 of the Herefordshire Local Plan – Core Strategy to grant planning permission for a separate dwelling in this location.

2. Within one month of the date of this decision the existing double garage shall be available for use for the garaging of private motor vehicles and the garage shall at no time be converted or used for any other purpose.

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy.

3. Within 3 months of the date of this permission the parking spaces show on drawing number 1126/004 rev D dated 19th June 2018 shall be laid out and properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles and the remaining courtyard within the boundaries of the property shall be kept clear at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy.

4. The ancillary accommodation and the dwelling known as 21 The Maltings, Dormington, Herefordshire HR1 4FA shall not be sold, leased or let separately from each other.

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policies RA2 and SD1 of Herefordshire Local Plan-Core Strategy which seeks to safeguard residential amenity for existing and proposed residents.

5. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

**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. 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.**

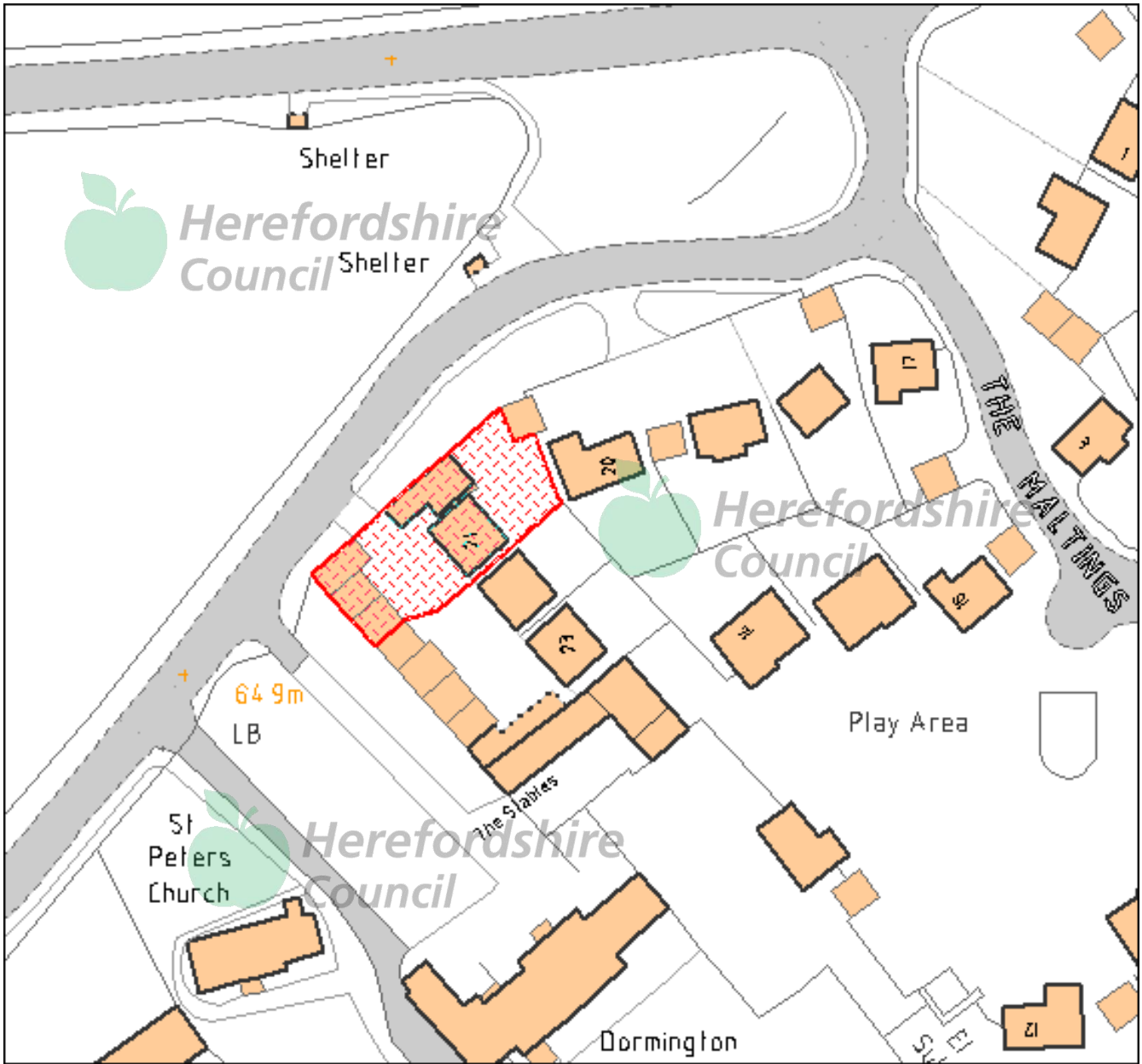
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 180403

**SITE ADDRESS :** 21 THE MALTINGS, DORMINGTON, HEREFORD, HEREFORDSHIRE, HR1 4FA

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Further information on the subject of this report is available from Mr Steve Davies on 01432 260119