

**7 DCCW0009/1390/F - PROPOSED NEW DWELLING  
AT LAND ADJACENT TO DINHAM, RYELAND STREET,  
HEREFORD, HR4 0LA**

**For: Mr. J. Bishop per John Phipps, Bank Lodge,  
Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 5 June 2009      Ward: St Nicholas      Grid Ref: 350315.5,240086.5  
Expiry Date: 19 August 2009**

Local Members: Councillors DJ Benjamin and JD Woodward

### **Introduction**

**This application was deferred at the Central Area Planning Sub-Committee on the 16 September 2009 for a site visit which took place on Tuesday 29 September 2009.**

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

- 1.1 The application site is comprised of a parcel of land situated on the eastern side of Ryelands Street just to the south of its junction with Whitecross Road. The property presently comprises two garage blocks and associated hard standing fronting onto Ryelands Street.
- 1.2 The application seeks permission to erect a single storey 2 bedroom dwelling, served by a pair of off-street parking spaces at the front, and private amenity space to the rear. The proposed development will result in the demolition of the existing garages.

### **2. Policies**

Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking

### **3. Planning History**

CW08/2658/F - Proposed dwelling - Refused December 2008.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water: No objection, but suggest the use of standard conditions.

##### Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to the use of standard highway conditions and suggests that secure cycle parking also be provided.

#### 5. Representations

- 5.1 Parish of Hereford City Council - Objection - This application should be refused. Proposed dwelling is of an inappropriate design with a Victorian street scene.

- 5.2 Three letters of objection have been received from Mr. Pritchard, 31 Copsewood Drive, Mrs. Hancock, Marivale and Gordon Lutton Solicitors on behalf of Mr. Breakwell who occupies Winston which are summarised as follows:

- The proposed development is to the front of our property not the side.
- We will suffer a substantial loss of air and light.
- We will lose our views.
- The resultant development will be overbearing.
- What's different about this application to the one refused.
- If approved the building works could affect the health and safety of children walking to Lord Scudamore Primary School.
- Connecting the property to mains services will be dangerous, because of the need to dig up the road near to Whitecross Road.
- We will not allow scaffolding to be erected on our property, and want assurance that any damage will be repaired.
- Our property will be devalued.
- The existing garages contain asbestos, and need a specialist to remove them.
- The amount of light entering the fenestration of Winston will be seriously diminished. As a matter of law easements for rights to light have been acquired for the benefit of our clients which cannot be taken away.
- A court can enforce by an injunction this right to light, by prohibiting the development from being constructed.
- In the opinion of Nicholas Craddock Estate Agents our clients property will be lose at least 30% of its value.
- There is no comparable building in the locality, and it is out of keeping.
- The amenity and privacy of our clients will be seriously affected.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

6.1 The application lies within a designated settlement boundary and the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development within this area providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the primary issues in determining this application are considered to be:

- Design and Layout of the Development
- Residential Amenity
- Access and Highways Issues

### Design and Layout of the Development

6.2 Following the refusal of planning application DCCW2008/2658/F, the applicant's agent has comprehensively redesigned the scheme, omitting the 1st floor element to the rear, and reduced the overall height, massing and bulk, in order to overcome the original grounds of objection.

6.3 Having regard to the size and shape of the application site, the design, scale and massing of the proposed development are considered to be acceptable, whilst the siting takes appropriate account of the position and orientation of the adjoining properties.

6.4 More specifically the proposed development takes the form of a single storey linear structure which incorporates a barrel roof to reduce the ridge height in order to minimise the impact on the neighbouring properties, particularly those to the south.

6.5 Although its design and appearance will be different to that of its neighbours, there is no defining architectural style within the southern section of Ryelands Street which contains a diverse and sporadic mix of older terraced properties, modern flatted developments and commercial properties.

6.6 Consequently, the proposed development would not appear out of character with the urban grain of wider locality. However to ensure the satisfactory appearance of the development it is considered expedient to recommend conditions requiring the prior approval of external materials.

6.7 The comments of the Hereford City Council are noted but for the reasons set out above it is not considered that the proposal represents an unacceptable form of development having proper regard for the mixed architectural character of the wider locality.

### Residential Amenity

6.8 The application site is flanked on either side by existing two-storey dwellings, one to the north and two to the south. The two properties to the south were historically a single large property which was subdivided, with one property fronting the road, the second occupying the rear and being accessed via a passageway on the southern flank.

6.9 Whilst it is acknowledged that the proposed development will inevitably alter their setting and outlook, having consideration for the pattern of development in the wider locality, it is not considered that the proposal will result in an unacceptable level of overlooking or overbearing impact.

- 6.10 To the east, the rear of the application site abuts the gardens of properties in Melrose Place, however given the separation distance involved and the modest scale of the proposed development, there will be no material impact on the levels of residential amenity presently enjoyed by those properties.
- 6.11 With regard to the concerns raised in the letters of representation about overlooking and loss of privacy, the orientation of the proposed dwelling means that only its flank walls will face the adjoining properties, and these flank elevations contain no windows, save for the front door on the southern elevation, light ingress being afforded via a lantern in the roof.
- 6.12 However, to ensure the continued satisfactory relationship between the proposed dwelling and its neighbours it is considered expedient to recommend a condition removing permitted development rights to erect extensions or insert any new windows or doors.
- 6.13 As to the loss of existing view, this is not a material planning consideration, and therefore these concerns do not give rise to sustainable grounds for refusal.
- 6.14 In respect of the comments raised by Gordon Luton Solicitors on behalf of their client, the grant of planning permission in this instance would not prevent them from taking civil proceedings to protect any easement they may have in terms of a right to light, and in that respect whether or not the neighbour does in law enjoy such a right to light is not a material planning consideration.
- 6.15 More specifically in planning terms the proposed development is set back on average 2.5 metres from 'Winston' and its low roofline affords a greater than 45 degree line of sight to the sky, therefore it is not considered that the proposed development will unacceptably impact on the adjoining property.
- 6.16 Overall the proposed development is not considered to give rise to such a degree of harm to the residential amenity of the wider locality, as to give rise to sustainable grounds for refusal in this instance. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the demolition and construction phases.

#### Access and Highways Issues

- 6.17 In principle the Traffic Manager has no objection to the access and parking arrangements, but comments that standard conditions are required to control the design and construction of the access and parking arrangements. These comments are considered reasonable and the appropriate conditions are recommended. However whilst the comments about secure cycle parking are noted, in this instance it is not considered either reasonable or necessary to impose a condition requiring the formal provision of cycle storage for a single dwelling.
- 6.18 Whilst the comments raised in the letters of representation about the perceived risk from any possible road works needed to connect the site to mains services are noted, in the absence of any objection from the Traffic Manager, it is not considered that the concerns can be substantiated as a basis for refusal on highway safety grounds.

#### Planning Obligation

- 6.19 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions. However, in

accordance with the decision of the Cabinet Member for Environment and Strategic Housing to relax the requirement for residential schemes for five dwellings or less which came into effect on the 1 April 2009, the proposed development is exempt subject to the planning permission being limited to 12 months.

Conclusion

6.20 Overall the proposal complies with the Development Plan, and as such, approval is recommended.

**RECOMMENDATION**

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

- 1. **A01 Time limit for commencement (full permission).**
- 2. **B01 Development in accordance with the approved plans.**
- 3. **C01 Samples of external materials.**
- 4. **F14 Removal of permitted development rights.**
- 5. **G09 Details of boundary treatments.**
- 6. **H13 Access, turning area and parking.**
- 7. **I16 Restriction of hours during construction.**
- 8. **L01 Foul/surface water drainage.**
- 9. **L02 No surface water to connect to public system.**

**Informatives:**

- 1. **N01 Access for all.**
- 2. **N14 Party Wall Act 1996.**
- 3. **N19 Avoidance of doubt - Approved Plans.**
- 4. **N15 Reason(s) for the Grant of PP/LBC/CAC.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW20009/1390/F

**SITE ADDRESS :** LAND ADJACENT TO DINHAM, RYELAND STREET, HEREFORD, HR4 0LA

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