

**9 DCNE2005/3784/RM - ERECTION OF ONE DWELLING ON SITE OF ROSE & COOME COTTAGES, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR**

**For: Ms H Kent per Mr P H Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester, GL19 3BG**

**Date Received:**  
25th November 2005

**Ward: Hope End**

**Grid Ref:**  
71128, 40138

**Expiry Date:**  
20th January 2006

Local Member: Councillors R Mills and R Stockton

This application was deferred by Committee on 11<sup>th</sup> October 2006 in order that officers could discuss further amendments to the position of the dwelling with the applicant's agent.

The Committee suggested that the dwelling ought to be rotated in a clockwise direction in order that over looking of the property to the rear (Hillside) is reduced.

The applicant's agent has considered the views of the Committee but has felt unable to amend the scheme as suggested. The reasons for this are detailed later in this report. However an agreement has been reached regarding the fenestration of the eastern elevation. The amount of glazing has been reduced slightly to give a more traditional residential appearance.

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

- 1.1 The site is located on the eastern side of unclassified road 66401, known as Floyds Lane within the village of Wellington Heath. Until approximately 40 years ago two dwellings occupied the site but both were demolished and the site is currently undeveloped. The northern, eastern and southern boundaries are enclosed by existing mature hedges and the roadside frontage remains open. Ground levels fall relatively steeply eastwards and to a lesser extent southwards within the site. The site is largely enclosed by existing residential development to the north, east and south and the western side of Floyds Lane.
- 1.2 The site lies within the Malvern Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value and is also within the settlement boundary for Wellington Heath as defined in the Malvern Hills District Local Plan.
- 1.3 This is a Reserved Matters application following an outline approval under reference NE02/2904/O. The plans have been amended since their original submission and show a property that appears as a single storey dwelling from the roadside (the west elevation), but as two storey at the rear, eastern elevation. This is facilitated by the considerable change in levels across the site as described above.

- 1.4 The dwelling is orientated in an east/west plane with a gabled projection on both front and rear elevations. It is set back from the road frontage with a vehicle turning area to the fore and parking to the southern side.
- 1.5 The dwelling has a total floor area of approximately 125m<sup>2</sup>. From the front, its height from ground to ridge measures 5.4 metres and 7.7 metres from the rear. Accommodation is effectively reversed with bedrooms at the lower level and living areas and kitchen at the upper level. The rear, eastern elevation includes a significant amount of glazing, but a balcony originally included has been omitted from an amended scheme.
- 1.6 Further details have also been submitted in relation to drainage arrangements with a sustainable drainage scheme proposed to deal with surface water in particular. This will see 'grey' water being re-used whilst foul water will be discharged to an existing mains sewer.

## **2. Policies**

### **2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

H6 - Housing in Smaller Settlements

H14 - Re-using Previously Developed Land and Buildings

LA1 - Areas of Outstanding Natural Beauty

LA2 - Landscape Character and Areas Least Resilient to Change

LA3 - Setting of Settlements

H13 - Sustainable Residential Design

### **2.2 Hereford and Worcester County Structure Plan**

H16A - Housing in Rural Areas

H18 - Housing in Rural Areas Outside the Green Belt

CTC1 - Areas of Outstanding Natural Beauty

CTC2 - Areas of Great Landscape Value

### **2.3 Malvern Hills District Local Plan**

Housing Policy 3 - Settlement Boundaries

Landscape Policy 2 - Areas of Outstanding Natural Beauty

Landscape Policy 3 - Development in Areas of Great Landscape Value

## **3. Planning History**

- 3.1 NE02/2904/O - Site for the erection of one dwelling - Approved 29th January 2003.
- 3.2 NE03/3437/F - Application for non-compliance with condition 15 of NE02/2904/O (that the development should be a single storey bungalow with ground floor accommodation only) - Approved 28th January 2004

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 None required.

### Internal Council Advice

- 4.2 Transportation manager - No objections.

## 5. Representations

- 5.1 Wellington Heath Parish Council - No objections to the application as originally submitted. Reconsultation, following amendments to remove the balcony, resulted in the following comments:

*"Height and size of dwelling is inappropriate for the size of the plot.  
Concerns over site traffic and density in Floyds Lane, with no passing places.  
'Clay' soil causing drainage problems, particularly on sloping site.  
Strongly object - single storey might not result in quite such opposition."*

- 5.2 In response to the further amendments the parish council comment that the reasons for not adjusting the position of the dwelling or further reducing the first floor windows in the east elevation are not convincing. They also consider that drainage remains a problem and that a 2,000 litre tank to store surface water will be insufficient in a downpour and will cause problems for properties lower down the slope to Horse Road.

- 5.3 Severn Trent Water - No objection to the original submission subject to a condition requiring details of the disposal of surface water and foul sewage. Following the submission of the revised drainage strategy, they confirm that there is no objection to the proposal.

- 5.4 Objections have been received from the following:

- Mr & Mrs Blundell, Woodfields, Floyds Lane, Wellington Heath
- Mr & Mrs Holden-Smith, Hillside, Horse Road, Wellington Heath
- Dr & Mr Maclean, Jay House, Floyds Lane, Wellington Heath
- Mr Moore, Vine Cottage, Floyds Lane, Wellington Heath
- Frances Bradley, Pear Tree Cottage, Floyds Lane, Wellington Heath

- 5.5 In summary the points raised are as follows:

- 5.5.1 The proposal will cause overlooking and loss of privacy to adjacent dwellings.
- 5.5.2 Concerns over the finished floor levels of the proposed dwelling and the accuracy of the figures shown.
- 5.5.3 Some adjacent properties are not shown and the plans are therefore misleading.
- 5.5.4 The proposal constitutes over-development.
- 5.5.5 Concerns over traffic generation and highway safety.
- 5.5.6 Concerns relating to the drainage arrangements for the site, in particular surface water drainage.
- 5.5.7 Excavation of the site required to facilitate the development may cause subsidence to adjacent properties.
- 5.5.8 The scale and design of the proposal is inappropriate in an Area of Natural Beauty.

- 5.6 In light of the further amendments to the scheme, further letters of objection have been received from:

- Mr & Mrs Blundell, Woodfields, Floyds Lane, Wellington Heath
- Mr & Mrs Holden-Smith, Hillside, Horse Road, Wellington Heath
- Dr & Mr Maclean, Jay House, Floyds Lane, Wellington Heath
- Mr Moore, Vine Cottage, Floyds Lane, Wellington Heath

- 5.7 Each re-affirms their objection to the application and, in summary, the points raised are as follows:
- 5.7.1 The changes made are purely cosmetic and do nothing to address issues of residential amenity.
  - 5.7.2 The inability to relocate the proposal is further evidence that the plans represent inappropriate density of development.
  - 5.7.3 The revised plan is misleading, particularly as it does not show levels.
  - 5.7.4 The scheme will be overbearing and detrimental to residential amenity.
  - 5.7.5 Serious concerns regarding the disposal of surface water.
  - 5.7.6 Concerns about the possible removal of 4 metres of boundary hedge between the application site and Jay House.
  - 5.7.7 Reference is also made to a refused application at Jay House to add a first floor extension (application reference NE2000/1708/F). The application was also dismissed on appeal due to a loss of amenity to houses to the south and east of Jay House. It is considered that this demonstrates that this proposal will also result in a loss of amenity.
- 5.8 The applicant's agent has also submitted correspondence in relation to the most recent amendments and this can be summarised as follows:
- 5.8.1 Rotating the dwelling would mean that it would actually have to be located closer to Hillside in order that the parking and turning areas could be maintained.
  - 5.8.2 Reorientation would also bring the north west corner of the dwelling much closer to Woodfields, creating a discordant feature that would be at odds with the street scene.
  - 5.8.3 It is considered that reorientation would achieve the stated goal of reducing the degree of overlooking. Whilst the angle of view would be less direct, it would inevitably be closer.
- 5.9 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The principle of residential development has been accepted on the site by virtue of the outline application, whilst the acceptability of a two-storey development has effectively been considered under the later application to remove condition no 15 of the outline permission. The application was approved and it can be reasonably concluded that the committee considered issues relating to residential amenity and overlooking at that time. The current application does of course, provide detail against which the full extent of this and not just the principle, can be fully assessed.

### Residential Amenity

- 6.2 It is your officer's opinion that the re-positioning of the dwelling will create a less satisfactory appearance in terms of the street scene and will not significantly change the relationship between the existing dwellings and the proposal in terms of amenity issues.
- 6.3 A combination of restrictions resulting from conditions imposed on the outline permission, and the constraints created by the nature of the site, limit the position of

the dwelling. The outline consent requires that vehicles should be able to turn on site, and this can only realistically be achieved by allowing parking at the side of the dwelling with a turning area at the front, as shown on the submitted block plan. The dwelling cannot be moved further from the rear boundary, shared with Hillside, to increase separation between the two as a result. When viewed from Floyds Lane, the proposal continues the form of development in its immediate locality with dwellings being set back from the road. As a consequence, the proposal may cause some overlooking of the gardens of the dwellings either side, Woodfields and Jay House, but not significantly greater than in any usual residential context. The degree of overlooking of Hillside may be more significant, but in light of the approval to effectively allow two-storey accommodation, it is not considered that this is sufficient to warrant refusal. The scheme is therefore considered to be acceptable in terms of impact on residential amenity.

### Design

- 6.4 As has been referred to earlier, the design is also influenced by the conditions originally imposed and the constraints of the site, those being its steep slope and narrowness.
- 6.5 The site does lend itself to a split-level design and this is not dissimilar to the adjacent dwelling known as Woodfields. Land further to the south is much flatter and allows for single storey accommodation without significant degrees of excavation.
- 6.6 In your officer's opinion the design of this proposal is of a character scale and appearance that reflects the modern development, which surrounds it. It is therefore difficult to argue that it has a detrimental impact on the Area of Outstanding Natural beauty.
- 6.7 With a total floor area of 125m<sup>2</sup> it is not overly large, and the slope of the site dictates its ridge height. It is therefore considered that the scheme accords with policy in terms of its design and its impact on the area of natural beauty.
- 6.8 As stated previously, the size of the dwelling is not considered to be excessive in relation to the plot itself. It is estimated that the dwelling occupies approximately 1/5 of the site's entire area, and this is not considered to be excessive.

### Drainage

- 6.9 This has been a major point of contention with the owner of Hillside, who is particularly concerned that the treatment of surface water through a soakaway system will cause problems of seepage onto his property. He considers that the area of land is insufficient to provide adequate soakaways, particularly in light of the poor ground conditions.
- 6.10 A solution has been proposed to use a sustainable drainage scheme where surface water will be recycled and used within the household. This will considerably reduce surface water run-off and alleviate the concerns raised. The applicant is able to connect to the mains sewer to dispose of foul water, but as it is not a combined system an alternative solution for surface water must be found.
- 6.11 Consultation responses from Severn Trent Water confirm that they raise no objection to the scheme. Advice from the Building Control Officer assumes that a worst case scenario of very heavy rainfall, based on an assumption that 25mm will fall in one hour.

- 6.12 An analysis of information on the Met Office website suggests that in the months with the most rainfall; those being January, November and December, the average rainfall on days when it does rain is 6.5mm per day.
- 6.13 Whilst it is accepted that there will be events of heavy rainfall in excess of the average, it should be taken into account that the tank will fill and be emptied continuously.
- 6.14 The scheme is therefore considered satisfactory in terms of the proposed method of surface water drainage.

#### Southern Boundary with Jay House

- 6.15 The objectors at Jay House considers that the level of excavation likely to be required to create the parking area with store beneath will impact upon the continued viability of the hedgerow between the two. They also advise that the plans indicate the removal of 4 metres of a hedgerow and a low stone wall that fall under their control.
- 6.16 A condition of the outline planning permission required the submission of plans showing the proposed levels of the site, and this remains the case.
- 6.17 Notwithstanding any planning permission that may be granted, the removal of all or part of a boundary owned by an adjoining landowner is a legal matter to be agreed by both parties.

#### Refused Application and Dismissed Appeal at Jay House

- 6.18 The comments at paragraphs 6.1 and 6.2 are of considerable relevance in relation to this particular objection. A two storey development has been accepted through the removal of an original condition requiring development to be single storey. Each application must be treated on its own merits and on balance, the potential loss of residential amenity that may be caused by this particular proposal does not justify the refusal of planning permission.

#### Highway Safety

- 6.19 The issue of highway safety was debated as part of the outline application and conditions were imposed relating to off street parking and provision of parking for site operatives, and as such this point should not be revisited at this stage.

#### Other Issues

- 6.20 In light of the fact that the site is in a primarily residential area, it would seem reasonable to impose a condition to limit construction times. Other matters such as site levels and the extent of excavation works are addressed by conditions on the outline permission.
- 6.21 It is therefore concluded that the proposal accords with the relevant policies and the application is recommended for approval.

## **RECOMMENDATION**

**That reserved matters be approved subject to the following conditions:**

- 1 - B01 (Samples of external materials )

Reason: To ensure that the materials harmonise with the surroundings.

- 2 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

- 3 - The development shall be carried out in accordance with the details of the sustainable drainage system for the treatment of surface water received by the local planning authority on 22nd September 2006. The scheme shall be completed in accordance with the approved details before the dwelling is first occupied.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 4 - F40 (No burning of material/substances )

Reason: To safeguard residential amenity and prevent pollution.

- 5 - A09 (Amended plans )

Reason: To ensure the development is carried out in accordance with the amended plans.

- 6 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no works other than those expressly authorised by this permission shall be undertaken within the site that would fall within Classes, A, B, C, E and F of Part 1 or Class A of Part 2 of Schedule 2 of that order.

Reason: To define the terms of this permission.

- 7 - The flat roofed element of the east elevation shall not be used as a balcony or outside amenity area.

Reason: In the interests of adjoining residential amenity.

**Informatives:**

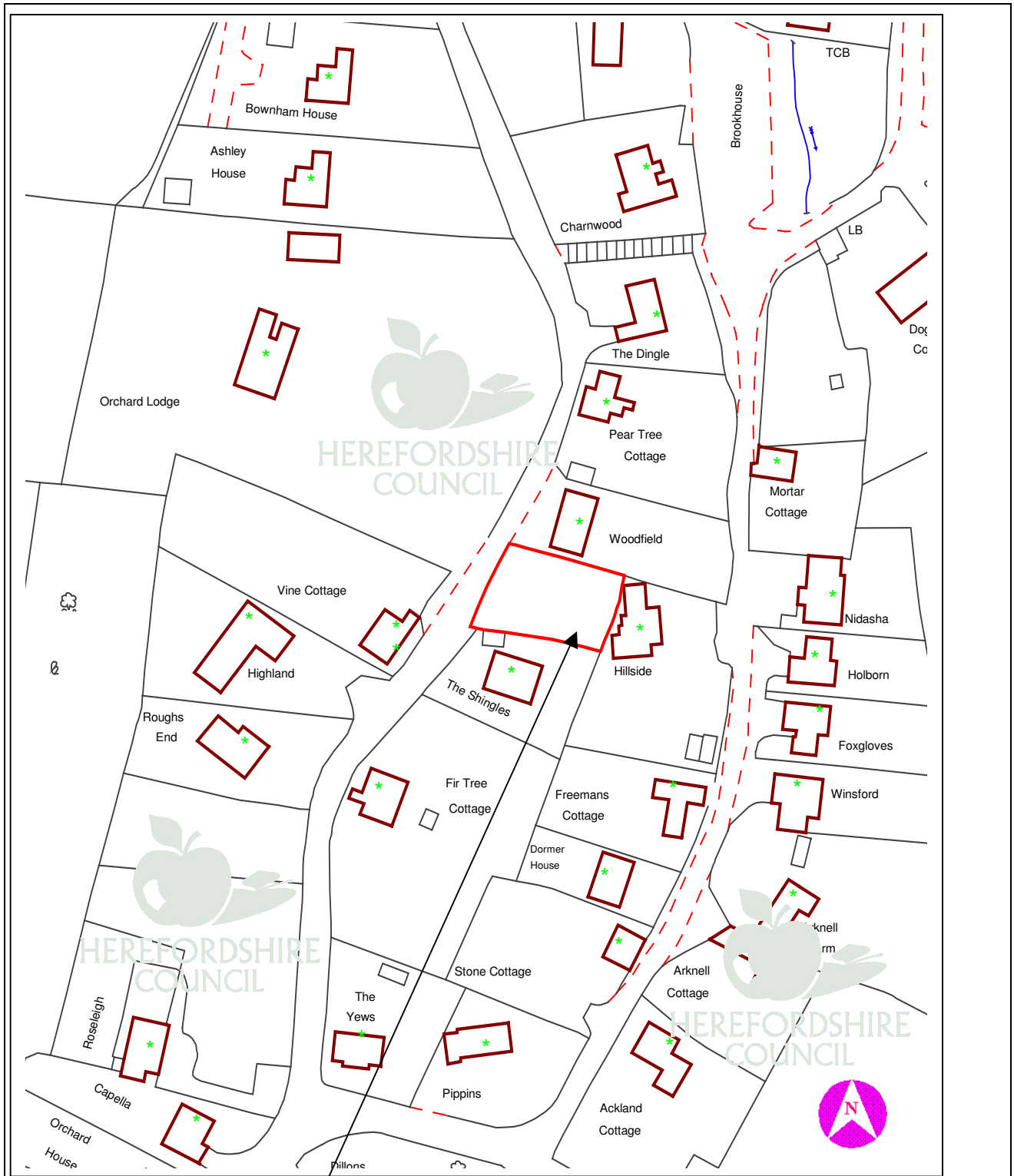
- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N09 - Approval of Reserved Matters

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNE2005/3784/RM

**SCALE :** 1 : 1250

**SITE ADDRESS :** Site of Rose & Coome Cottages, Floyds Lane, Wellington Heath, Ledbury, Herefordshire, HR8 1LR

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