

18 DCCE2006/3508/O - PROPOSED NEW DWELLING LAND TO THE REAR OF 105 GORSTY LANE (RYDER CLOSE) HEREFORD, HEREFORDSHIRE, HR1 1UN**For: Mr. & Mrs. Harris, John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH****Date Received: 3rd November, 2006** **Ward: Tupsley** **Grid Ref: 53385, 39330****Expiry Date: 29th December, 2006**

Local Members: Councillors Mrs. M.D. Lloyd-Hayes, Mrs. E.A. Taylor and W.J. Walling

1. Site Description and Proposal

- 1.1 No. 105 Gorsty Lane is a bungalow with a detached garage situated within the designated Conservation Area and the Established Residential Area of Hereford. The property has a substantial rear garden, which is flanked to the north by Ryder Close, a cul-de-sac serving 5 detached dwellings. This boundary is currently formed by a 2.4 metre high beech hedge.
- 1.2 This proposal seeks outline planning permission to erect a dwelling with all matters reserved although an indicative layout plan is provided. The application site comprises an area of garden associated with No 105 Gorsty Lane. The existing detached garage serving the property would be demolished and the area would be sub-divided to form a new curtilage of the proposed dwelling.
- 1.3 In 1989 planning permission was granted for one dwellinghouse with garage on the same site (HC890551POE) but this has not been implemented.

2. Policies**2.1 Hereford Local Plan:**

ENV14	-	Design
H3	-	Design of new residential development
H12	-	Established residential areas – character and amenity
H13	-	Established residential areas – loss of features
H14	-	Established residential areas – site factors
CON12	-	Conservation areas
CON13	-	Conservation areas – development proposals
CON14	-	Planning applications in conservation areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment

- H1 - Hereford and the market towns: settlement boundaries and established residential areas
- H13 - Sustainable residential development
- H15 - Density
- H16 - Car parking
- HBA6 - New development within conservation areas

3. Planning History

- 3.1 BP21339 - Proposed extension to form utility and kitchen. Approved 27th July, 1978.
- 3.2 HC890270PO/E - One proposed dwelling house with vehicular access. Not determined 29th June, 1989.
- 3.3 HC800551PO/E - One proposed dwelling house with garage and vehicular access. Approved 31st October, 1989.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Request conditions relating to separation of foul water and surface water discharge from the site.

Internal Council Advice

- 4.2 Traffic Manager: Recommends standard conditions concerning visibility splays, vehicular access construction, driveway gradient and provision of sufficient parking.
- 4.3 Conservation Manager: No objections.

5. Representations

- 5.1 Hereford City Council: No objections.
- 5.2 Local Residents: Five objection letters have been received from Mr Tam of 1 Ryder Close, Mr Caton of 2 Ryder Close, Mrs Green of 3 Ryder Close, Mr & Mrs Wilson of 4 Ryder Close and Mr & Mrs mant of 107 Gorsty Lane. The concerns raised can be summarised as follows:
 - 1. The size of the plot is limited;
 - 2. Ryder Close is already over congested with traffic and parking from the five family houses; another exist into the Close would increase congestion and be potentially difficult for emergency vehicles to access;
 - 3. The removal of the beech hedge will destroy the visual aspect and character of Ryder Close as well as the natural habitat of wildlife;
 - 4. The proposal would have a detrimental impact on the amenities of the neighbouring properties in relation to the overlooking and loss of privacy.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The site is situated within the Established Residential Area of Hereford and previously was granted planning permission for the erection of a single dwelling. The location is one where residential infill would be considered acceptable in principle subject to satisfying detailed policy requirements.
- 6.2 The proposed plot is 14 metres wide and 21 metres deep and the general character of this area comprises relatively modern housing development. Whilst the plot is not as spacious as those properties in Ryder Close, it is not considered so restricted that an appropriately sized dwelling would appear cramped or out of character in relation to the general pattern of development in the locality.
- 6.3 With regard to the concerns raised in respect of the overlooking and loss of privacy, careful consideration has been given to the likely impact of a dwelling. With regard to the property to the north (3 Ryder Close), the indicative layout plan demonstrates that with a reasonable set back a distance of 18 metres between the two front elevations could be achieved. In terms of the impact upon 107 Gorsty Lane to the south and west of the site, it is acknowledged that an additional dwelling would enable overlooking of the property and its garden but the impact will not be significant since the property is already overlooked by existing dwellings. To the east is 5 Ryder Close, which is set in some 8 metres from the boundary with the application site and has no windows in the side elevation. Ultimately a reserved matters application would need to demonstrate that a detailed scheme could be satisfactorily accommodated.
- 6.4 In the light of the above it is considered that subject to conditions, an appropriately sized and orientated dwelling could be accommodated on the proposed plot without detriment to the character of the locality, the Conservation Area or the privacy of the neighbouring occupiers.
- 6.5 Regarding the parking and highway safety issues, it is acknowledged that this is course for significant concern from local residents and that of the properties in Ryder Close benefit from detached garages and a minimum of 2 off street parking spaces. However the Traffic Manager raises no objection in principle to this proposal, it is considered that Ryder Close is capable of supporting the additional traffic generated by the proposed dwelling and with the conditions as requested, highway safety will not be detrimentally affected.
- 6.6 The loss part of the existing mature hedge along the south boundary of Ryder Close is unfortunate but the removal of this hedgerow is not controlled by planning legislation. A condition requesting a replacement boundary treatment will effectively ensure that the visual impact on the character and appearance would be protected in the long term. The Conservation Manager raises no objection to this proposal.
- 6.7 Policy guidance generally encourages the submission of a detailed planning application within the Conservation Area but in this case having regard to the modern residential character of the area and the planning history of the site, it is assessed that an outline proposal can be considered in this particular instance.
- 6.8 The concerns of the objectors are acknowledged but having regard to the appraisal above, the proposed development is considered in accordance with the relevant planning policies and represent an acceptable form of development.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
4. **E16 (Removal of permitted development rights).**
Reason: [Special Reason].
5. **E17 (No windows in side elevation of extension).**
Reason: In order to protect the residential amenity of adjacent properties.
6. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
7. **F18 (Scheme of foul drainage disposal).**
Reason: In order to ensure that satisfactory drainage arrangements are provided.
8. **F22 (No surface water to public sewer).**
Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.
9. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
10. **H03 (Visibility splays).**
Reason: In the interests of highway safety.
11. **H06 (Vehicular access construction).**
Reason: In the interests of highway safety.

12. H09 (Driveway gradient).

Reason: In the interests of highway safety.

13. H10 (Parking - single house).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Informatives:

- 1. N03 - Adjoining property rights.**
- 2. HN05 - Works within the highway.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 4. N19 - Avoidance of doubt.**

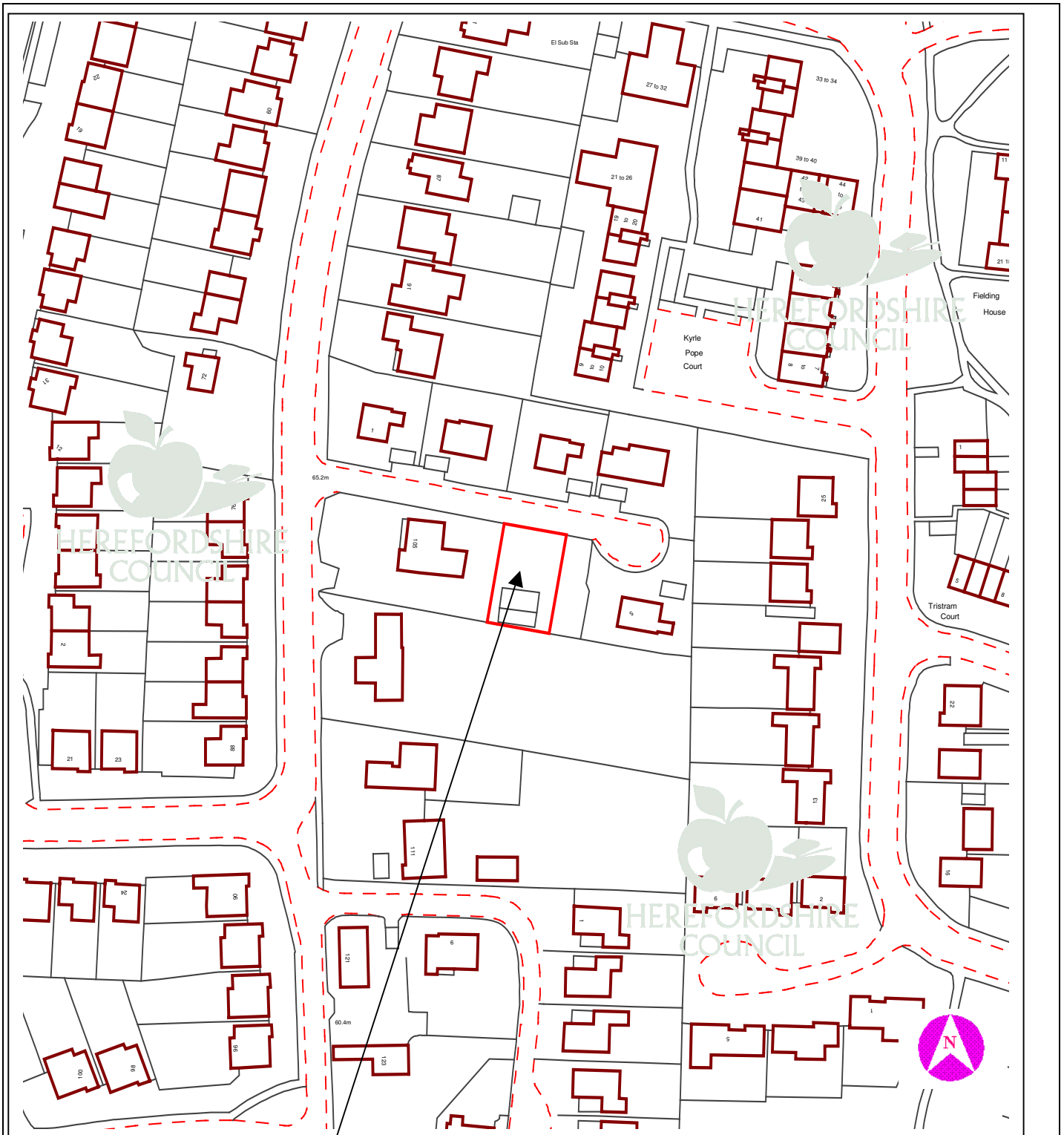
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCE2006/3508/O

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of 105 Gorsty Lane (Ryder Close) Hereford, Herefordshire, HR1 1UN

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005