

**18 DCCE2007/0553/F - ERECTION OF A DETACHED THREE BEDROOM BUNGALOW. LAND TO THE REAR OF THE SQUIRRELS, FOWNHOPE, HEREFORD, HEREFORDSHIRE, HR1 4PB****For: Mr. & Mrs. K. Harrison, per Mr. C. Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW****Date Received: 21st February, 2007    Ward: Backbury    Grid Ref: 57964, 34690****Expiry Date: 18th April, 2007**

Local Member: Councillor Mrs. J.E. Pemberton

**1. Site Description and Proposal**

- 1.1 The site is accessed via an unmade track off the C1295 (Woolhope Road) in Fownhope. The site is largely set out to lawn and forms part of the garden associated with The Squirrels. The southern and western boundaries are largely enclosed by a mature hedgerow and shrubs and a newly planted beech hedge exists along the northern boundary. Ground levels falls relatively steeply from east to west both within and surrounding the site.
- 1.2 The site lies within the identified settlement boundary and is also designated as a Conservation Area within the Development Plan. The site and surrounding landscape is also designated as an Area of Great Landscape Value and an Area of Outstanding Natural Beauty with land east of The Squirrels designated a Special Wildlife Site.
- 1.3 Planning permission is sought for the erection of a detached three bedroom bungalow and provision of a new vehicle parking area to serve both the existing and proposed properties.

**2. Policies****2.1 Herefordshire Unitary Development Plan 2007:**

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H4	-	Main Villages: Settlement Boundaries
H13	-	Sustainable Residential Design
H16	-	Car Parking
HBA6	-	New Development Within Conservation Areas
LA1	-	Areas of Outstanding Natural Beauty
CF2	-	Foul Drainage

### 3. Planning History

- 3.1 SH931000PO Erection of single storey dwelling and garage. Planning permission refused 6th October, 1993.
- 3.2 SH941169PO Single storey dwelling and garage. Planning permission approved 20th March, 1995.
- 3.3 DCCE2005/0030/O Proposed site for detached 3 bedroom bungalow with detached garage. Application withdrawn 25th February, 2005.
- 3.4 DCCE2005/4167/F Erection of detached 3 bedroom bungalow. Planning permission refused 8th March, 2006. The refusal was:
- ‘The proposed use of the cesspool foul drainage system to serve the development is considered unacceptable due to the environmental, amenity, transport, public health problems that are likely to arise with such a system at the site. As such the development is contrary to Policy C40 and C43 of the South Herefordshire District Local Plan and Policies S1, S2, DR4 and CF2 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: No objections subject to conditions.

#### Internal Council Advice

- 4.2 Traffic Manager: Comments awaited.
- 4.3 Conservation Manager: The proposal is an attractive design and will not detract from the character of the Conservation Area nor will it adversely affect the setting of the Listed Building. Therefore I have no objection.
- 4.4 Building Control Manager: There is an existing main sewer nearby. The proposals are acceptable providing the existing private drain to which they are connecting is in full working order and is large enough to take the additional dwelling.

### 5. Representations

- 5.1 Fownhope Parish Council: The Parish Council do not support this application as with previous applications. The previous concerns being:
1. The suitability of car parking arrangements is questioned as well as access for emergency services.
  2. The corner boundary hedges should be retained to protect the privacy of Court Orchard residents.
- 5.2 Four letters of objection have been received the main points raised are:

1. The track serving the site is narrow and in poor condition, has no passing places or pavements and is not suitable to accommodate any additional traffic.
2. The proposed footpath leading from the parking area to the proposed bungalow could become a vehicular access in the future severely damaging the enjoyment of the neighbouring property and its garden.
3. No information has been provided to demonstrate the existing drain has sufficient capacity.
4. The removal of the garage will reduce the privacy with the neighbouring property.
5. A new property would overlook adjoining gardens leading to a reduction in privacy.
6. The development would adversely affect the view and value of neighbouring properties.
7. The development would damage the character and appearance of the Conservation Area.
8. Visibility from the access road onto the main road is severely sub-standard.
9. The proposed site is cramped.
10. The applicant has not obtained a way leave to use the proposed foul drain and no such way leave will be granted. As such the previous reason for refusal is still valid.
11. The site of the dwelling presently provides a septic tank soakaway to the applicants existing property, which has proved problematic in the past.

5.3 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. Officers Appraisal**

- 6.1 The site lies within the settlement boundary for Fownhope as identified in the Herefordshire Unitary Development Plan 2007. As such the principle of residential development is acceptable subject to amenity, highway and conservation considerations in particular.
- 6.2 The existing curtilage associated with The Squirrels is sufficiently large to be subdivided into two separate plots and the size of the existing and proposed curtilages that would be created would not be out of character with the general pattern of development or other plot sizes in the locality.
- 6.3 A modestly sized three bedroom bungalow is proposed which can satisfactorily be accommodated on the proposed site with the appropriate amenity space. The bungalow is also to have ground floor accommodation only and the design reflects the topography of the site and the characteristics and vernacular of other properties in the locality. Materials will be controlled by a condition.
- 6.4 The bungalow is to be sited at the western end of the curtilage and the floor level would be 3.5 metres below the floor level of the applicant's existing bungalow. This is achieved due to the difference in the natural levels and slight excavation of the proposed slab for the bungalow into the rising ground. The difference in levels along with the existing mature boundary hedgerows will mean that the development will have no impact on the landscape and minimal impact on the Conservation Area. This view is supported by the Conservation Manager who raises no objection both to the impact on the Conservation Area and on the setting of Fownhope Court which is Grade II listed.

- 6.5 The difference in levels also ensures that the outlook from the applicant's existing bungalow and objector's property is over the roof of the proposed bungalow. There is also a distance of 25 metres between the existing and proposed properties which is above the general planning standard for window-to-window relationships of 21 metres. Consequently, a satisfactory level of privacy will be maintained for both the existing and proposed properties.
- 6.6 The impact of the development on properties to the west and south can be minimised through requiring the existing boundary hedges to be retained. In terms of the impact on one of the objector's properties, Willow Lodge, there will be no increased overlooking as the garden associated with Willow Lodge is already overlooked by Fownhope Court and The Squirrels. Only pedestrian access is proposed to be provided and therefore there will be no increased disruption as a result of vehicle movements directly to and from the property. Furthermore, appropriate boundary treatments can ensure existing privacy is maintained as a result of the loss of the garage.
- 6.7 The Traffic Manager, whilst acknowledging that the existing access track could not be brought up to an adoptable standard is satisfied that the likely traffic associated with this proposed development can safely be accommodated on the existing access track and access itself without unacceptably compromising highway safety. Also, the proposed parking and manoeuvring space is adequate to serve the existing and proposed properties
- 6.8 The previous application was refused as the proposed cesspool was considered unacceptable for environmental, amenity and transport reasons. It is clear that no acceptable private drainage system can satisfactorily operate on the site to serve the development. The only option available is therefore a connection to the mains drain. An existing private 100mm drain crosses the application site and connects into the mains drain. The drain has capacity to accommodate the development and the applicants now advise that they have a legal right to connect to this private drain and have provided documentation in support of this claim. The immediate neighbour has, however, advised that no such rights exist and therefore further information has been requested from the applicants.
- 6.9 Subject to satisfactory evidence being provided to demonstrate that the applicants have a legal right to utilise the drain, the previous reason for refusal will effectively have been addressed and the application is therefore supported. To safeguard the situation, a condition is also recommended that no above ground works are commenced until such time as foul drainage infrastructure has been installed and is certified as acceptable by Building Control. Subject to this requirement the proposal is considered acceptable.

## RECOMMENDATION

**Subject to further evidence being provided to demonstrate that the development can lawfully be served by mains foul drainage by 4th April, 2007, planning permission be granted subject to the following conditions:**

1. **A01 (Time limit for commencement (full permission)).**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

2. B01 (Samples of external materials).

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

3. E01 (Restriction on hours of working).

Reason: To safeguard the amenities of the locality.

4. H13 (Access, turning area and parking).

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

5. There shall be no vehicular access from the proposed parking as identified on drawing no. 05/442/01A to serve the bungalow.

Reason: In order to safeguard the residential amenity of neighbouring properties.

6. G04 (Landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

7. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

8. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

9. No above ground works shall commence, with the exception of the construction of the foundation slab of the bungalow hereby permitted until evidence documenting the foul drainage connection to the main sewer has been submitted to and approved in writing by the local planning authority. The development shall thereafter remain connected to the mains sewer in accordance with the approved details.

Reason: In order to ensure that satisfactory drainage arrangements are provided.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no cess pool, septic tank or other private sewage treatment package shall be installed.

Reason: In order to ensure that the mains drainage connection is retained and to ensure that the drainage arrangements are satisfactory.

**Informatives:**

1. N15 - Reason(s) for the Grant of Planning Permission.

**2. N19 – Avoidance of doubt**

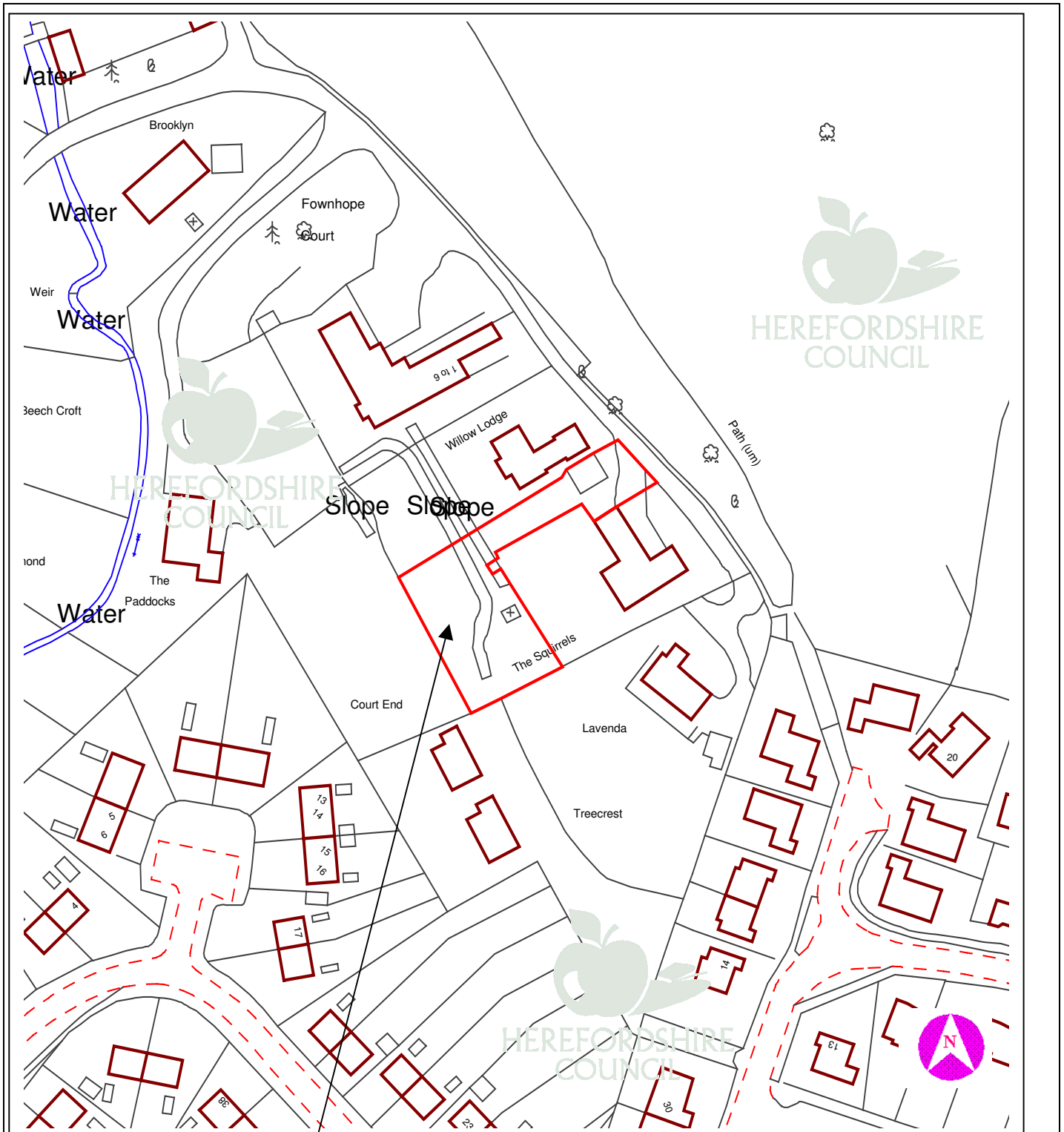
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0553/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land to the rear of The Squirrels, Fownhope, Hereford, Herefordshire, HR1 4PB

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