

**10 DCCW2007/2317/F - PROPOSED DETACHED HOUSE WITH ANCILLARY GARAGE AND FORMATION OF NEW VEHICULAR ACCESS AT LAND AT JABRIN HOUSE, THE ROW, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AP**

**For: Mr. & Mrs. A. Hughes per Paul Smith Associates,  
19 St. Martins Street, Hereford, Herefordshire, HR2  
7RD**

**Date Received: 20th July, 2007**

**Ward: Wormsley Ridge**

**Grid Ref: 49074, 47781**

**Expiry Date: 14th September, 2007**

Local Member: Councillor AJM Blackshaw

**1. Site Description and Proposal**

- 1.1 Jabrin House is a detached cottage flanking the east side of The Row (C1109) towards the end of an informal ribbon of dwellings extending southwards from the principal village street and within the main village settlement boundary as defined in the Herefordshire Unitary Development Plan 2007.
- 1.2 The curtilage of Jabrin House includes a garden and small orchard area that stretches southwards some 45.00 metres along the highway frontage. The application site itself is formed from most of this area of land and has a frontage of some 41.00 metres and a mean depth of some 24.00 metres. It is elevated approximately 1.10 metres above the adjoining narrow carriageway and is enclosed by an attractive roadside hedge.
- 1.3 It is proposed to erect a detached four bedroom dwelling with front and rear dormer windows and a short gabled projection at the front. Its length would be 13.00 metres and width 7.00 metres plus the front projection of 1.20 metres. Eaves and ridge heights would be 4.20 metres and 7.90 metres respectively. The main front wall would be set back approximately 10.00 metres from the highway boundary. In addition the design includes such local architectural vernacular features as a bracketed porch canopy, brick arched lintels and an external tiered chimney stack. The proposed detached single garage would be set back between the north side of the proposed house and the proposed boundary with Jabrin.
- 1.4 Specified facing materials are natural slate for the roof and Redland 'Olde English Birtley' bricks for the walls.
- 1.5 A new vehicular access to the site would be formed in a position close to the south side of Jabrin. It would serve a driveway to the proposed garage, a parking area and turning head. Submitted details indicate that a 12.00 metre length of boundary hedge on the southern side of the access would be realigned to the rear of the proposed visibility splay.

- 1.6 Ground levels would be reduced by approximately 1.00 metres for the footprint of the house, garage and surrounding hard surfaces. This would result in the construction of an embankment to the immediate west and south of the building footprint.
- 1.7 On the opposite side of the road is Gelerts Brow, a detached bungalow also elevated above the carriageway and with a front main wall set back some 4.50 metres from the highway boundary. To the south, set back behind the proposed position of the house is Salerno, a detached two storey dwelling and to the rear an orchard.
- 1.8 The application follows the refusal of planning permission for a detached dwelling (DCCW2006/2733/F) and is the result of lengthy discussions with officers to overcome the previous reasons for refusal.

## 2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design

## 3. Planning History

- 3.1 DCCW2006/1154/F Proposed erection of two detached houses and ancillary garage, new vehicular access. Withdrawn 23rd May, 2006.
- 3.2 DCCW2006/2733/F Erection of detached house and ancillary garage and formation of new vehicular access. Refused 15th November, 2006.

## 4. Consultation Summary

### Statutory Consultations

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

### Internal Council Advice

- 4.2 Traffic Manager: Recommends standard conditions concerning visibility splays ..... (2.00m x 43.00m (northside) and 2.00m x 33m (south side), driveway gradient, vehicular access construction, access gates set back 5.00m and implementation of access turning area and parking.

## 5. Representations

- 5.1 Wellington Parish Council: "The best has been done with the site to address the Parish Council's previous objections. The Parish Council have concerns over the narrow road

which is an obvious danger and should the application be passed, hope that a planning condition will be imposed to regulate traffic related to the building."

- 5.2 Letter of objection received from Mr. A. Lucas, Gelerts Brow, The Row, Wellington on the following grounds:-

"Firstly my whole bungalow, frontage and garden will be overlooked, both the siting and positioning of this dwelling will mean that the new occupants of this dwelling will be able to look directly into my kitchen, living room, bath room and one bedroom, resulting in a complete loss of personal privacy.

Secondly, the proposed site entrance (even though apparently redesigned from the last application by the applicants) is still onto a very narrow and at peak times very busy side road that is used as a "rat run" by most of the villagers, it is literally a few yards from the blind brow of a hill to the south and an equally blind corner to the north, the siting of this dwelling here would still only add to an already dangerous section of road.

Thirdly, many of the residents of The Row chose to live here because of its quiet location, the building of this dwelling would only detract from that, not only during the process of construction, but also after with even more everyday living noises and light pollution that increased population of a small area brings with it, undoubtedly the new owners of the proposed dwelling will be car owners themselves all adding to the number of vehicles using what would be a very dangerous access to the road."

- 5.3 Letter of objection received from Mrs. J.R. Lucas, Salerno, The Row, Wellington on the following grounds:-

"Firstly on the grounds of increased traffic on the narrow road that cannot cope with the volume of daily traffic that already uses it.

Secondly although there is a 30 mph limit on this road it is seldom adhered to, and the siting of an entrance point to this dwelling just over the blind brow of the hill would be a complete folly. Thirdly the dwelling would be quite literally a few yards from my front door, and at my age and condition the noise and dust from its construction would cause me great distress. I have been a resident of The Row for over fifty years and I have chosen to live here because of its peacefulness, but also because it is a close knit community, the building of this dwelling would drive a wedge into our community, not only during its construction, but also after with even more every day hustle and bustle, not to mention the increase daily noises and night time light pollution that we have already seen happen elsewhere in Wellington, also the new owners will almost certainly have at least one car themselves, may be more, all wanting to use the already over used road, and all trying to get in and out of a very dangerous access point."

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 previous application ref. No. DCCW2006/2733/F was refused on the following grounds:-

- “1. The proposal would necessitate the removal of a large section of hedgerow along this sunken lane which in itself would have a detrimental visual impact on its character and appearance. Furthermore the opening up of the site to form the access, by reason of its prominent and elevated nature, coupled with the size and scale of the proposed dwelling would detract from the attractive open and rural character of the site and surroundings. The proposal would therefore be contrary to Policies DR1, H4 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).
  2. The proposal, in the absence of the removal of the roadside hedgerow would fail to provide a safe and adequate means of access to the site and would therefore be contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).”
- 6.2 Having regard to the nature of the proposal, relevant development plan policies, representations received and other material considerations, it is considered that the key issues for consideration are as follows:-
1. The Principle of Development
  2. Siting, Design and Visual Amenity
  3. Residential Amenity
  4. Highway Safety

#### The Principle of Development

- 6.3 The site lies within the defined Main Village settlement boundary for Wellington as defined in the Herefordshire Unitary Development Plan 2007.
- 6.4 Policy H4 of the Herefordshire Unitary Development Plan 2007 states that the provision of housing in the main villages will be restricted to sites within the identified settlement. Residential development will be permitted on both allocated and windfall sites within these boundaries where proposals are in accordance with the housing design and other policies of the Plan.
- 6.5 In the above-mentioned development plan policy context, it is considered that there is a clear presumption in favour of residential development on the application site.

#### Siting, Design and Visual Amenity

- 6.6 The siting some 10.00 metres back from the highway boundary gives a transitional building line midway between Jabrin to the north and Salerno to the south. Spacing in relation to those neighbouring dwellings is not too tight so the proposed house would sit comfortably within the roadside scene.
- 6.7 The position of the proposed dwelling has also been offset in relation to the main face of Gelerts Brow, the bungalow facing the southern end of the application site. A cross section on the submitted drawings indicates the relative building levels at this point and a distance of some 18.00 metres between the southwest corner of the proposed house and the northeast corner of Gelerts Brow.
- 6.8 Taking account of the building to building spacing, their relative levels and topography of the area, it is considered that the design character of the proposed dwelling respects

the diverse scale and character of neighbouring dwellings in the rural context of the locality.

- 6.9 With regard to the visual implications of the proposed access, the position now proposed, close to Jabrin will result in less disruption to the existing boundary hedge and less ground works compared to that previously proposed. Moreover the position of the access will be further away from Gelberts Brow and the rising length of hedgerow opposite. It will now appear more appropriately related to Jabrin itself. In the circumstances it is considered that the proposal overcomes the previous grounds of refusal and will not detract from the open rural character of the site and its surroundings.

#### Residential Amenity

- 6.10 The front main wall of Gelerts Brow contains windows to a kitchen, living room, bathroom and bedroom. The occupiers have expressed fresh concerns about overlooking and loss of privacy from the proposed house. Taking account of the building-to-building relationship referred to earlier, it is considered that the proposal would not produce an unacceptable risk of overlooking or loss of privacy. With regard to the concerns about everyday living noises and light pollution, it is not considered these will be of a level that would cause undue harm to residential amenity. However it would be reasonable to include an appropriate condition relating to the restriction of hours during construction in order to protect the amenity of local residents.
- 6.11 Salerno the neighbouring detached dwelling is positioned gable end on to the south side of the application site rearwards of the proposed dwelling. It has three windows in the gable end to a landing, bedroom and attic. The south facing gable end of the proposed dwelling would have two living room windows at ground floor level and an ensuite bathroom window and secondary bedroom window at first floor level. The oblique gable-to-gable distance would be some 19.00 metres. It is not considered that the proposal would result in an unacceptable risk of overlooking or loss of privacy. Other amenity issues raised by the neighbouring occupier have been previously addressed.
- 6.12 The rear of the proposed dwelling would be fairly close to the rear boundary to an extended orchard area, however it is not considered that there would be any negative amenity consequences.
- 6.13 In relation to Jabrin itself, it is also considered that the siting would be acceptable.

#### Highway Safety

- 6.14 Along the frontage of the application site, the width of the adjacent carriageway is narrow. The position of the proposed access has now been moved away from the brow of the rising land to the south. It is now proposed in a position close to the side of Jabrin which fronts the edge of the carriageway. However the alignment of the road curves away immediately to the north of the access point and would allow for an acceptable degree of visibility in that direction. Moreover being further away from the brow to the south, it would improve visibility in that direction.
- 6.15 The Traffic Manager has no objection subject to conditions regulating visibility splay provision, driveway gradient, vehicular access construction, access gates set back and implementation of turning area and parking.

6.16 Notwithstanding the narrowness of the lane, given that the access is considered acceptable from a highway safety point of view, the additional traffic likely to be generated by one house is not considered to represent an unacceptable safety hazard.

#### Conclusions

6.17 The comments of the Parish Council and the concerns of the objectors have been taken into account but in the light of this appraisal, it is considered this proposal is acceptable in accordance with development plan policies.

### **RECOMMENDATION**

**That 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. No development shall take place until a scheme of replacement hedge planting for the length of realigned hedge along part of the front boundary of the site, has been submitted to and approved by the local planning authority. All hedgerow planting in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner.**

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

- 4. G01 (Details of boundary treatments).**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

- 5. Foul water and surface water discharges must be drained separately from the site.**

**Reason: To protect the integrity of the public sewerage system.**

- 6. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the local planning authority.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.**

- 7. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**

- 8. Before any other works hereby approved are commenced, visibility splays shall be provided and thereafter be maintained from a point at the centre of the access to the application site and 2.00 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly for a distance of 43.00 metres to a point at the centreline of the road (north) and for a distance of 33.00 metres to a point at the centreline of the road (south). Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

**Reason: In the interests of highway safety.**

- 9. Before any works are commenced in connection with the formation of the visibility splays required pursuant to condition 8 above, details of the engineering works including earth moving, finished ground levels, construction materials and surface treatment for the formation of the visibility splays shall be submitted to and approved by the local planning authority.**

**Reason: In the interests of highway safety.**

- 10. H05 (Access gates) (5 metres).**

**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. 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.**

**Informatives:**

- 1. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.**
- 2. HN01 - Mud on highway.**
- 3. HN04 - Private apparatus within highway.**
- 4. HN05 - Works within the highway.**
- 5. HN10 - No drainage to discharge to highway.**

- 6. N03 - Adjoining property rights.
- 7. N19 - Avoidance of doubt.
- 8. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision: .....

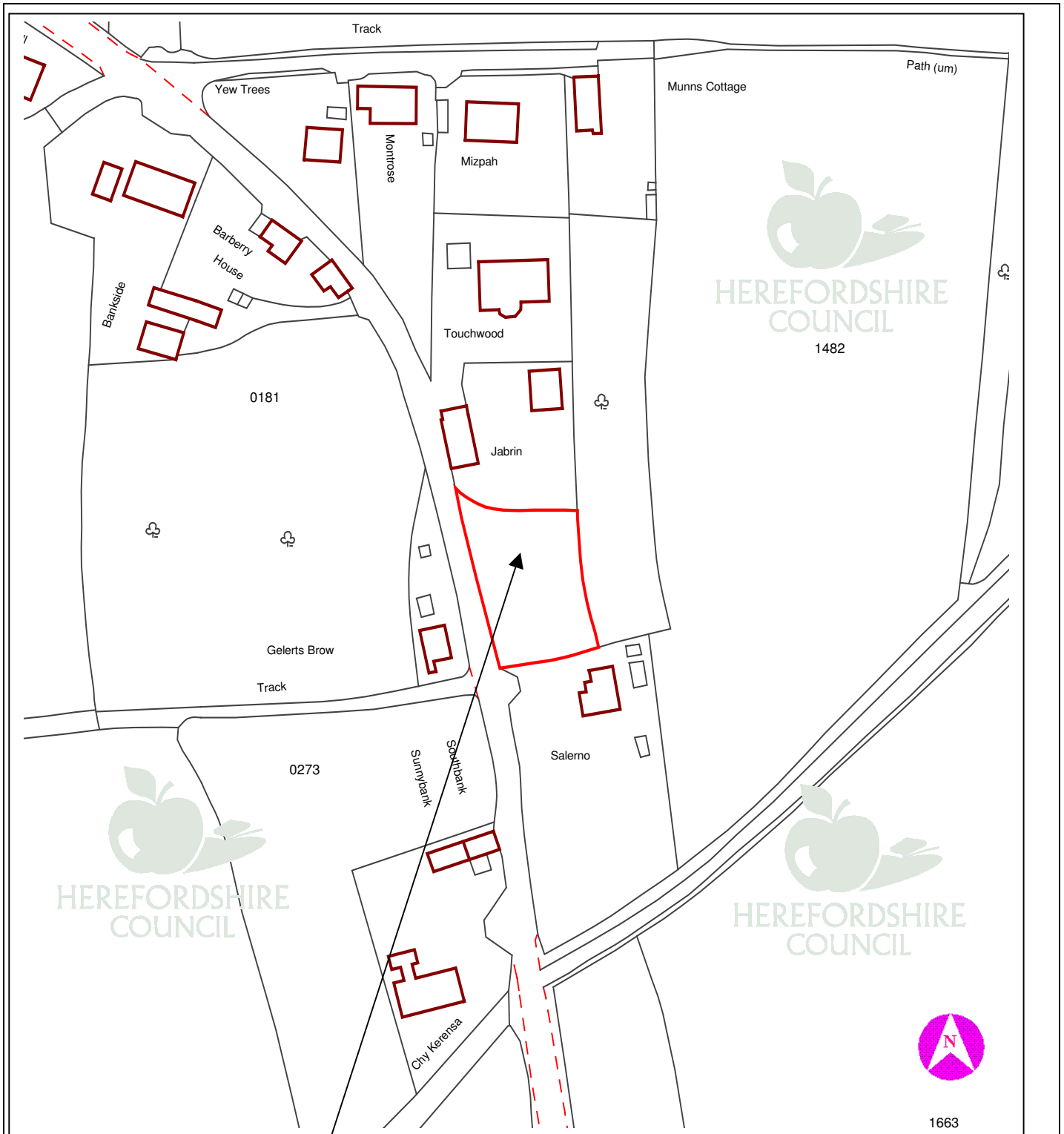
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCCW2007/2317/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at Jabrin House, The Row, Wellington, Hereford, Herefordshire, HR4 8AP

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