

13 DCSE2007/2695/F - DEMOLITION OF SCHOOL HALL AND ERECTION OF A TWO-STOREY BLOCK OF FOUR FLATS AND CONVERSION OF THE RETREAT TO THREE FLATS, ST JOSEPH'S, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE**For: M F Freeman Ltd per Geoff Jones Architect, 53 Broad Street, Ross on Wye, Herefordshire, HR9 7DY****Date Received: 21st August 2007 Ward: Ross-on-Wye East Grid Ref: 59828, 23565****Expiry Date: 16th October 2007**

Local Member: Councillor PGH Cutter and Councillor Mrs AE Gray

1. Site Description and Proposal

- 1.1 St Joseph's is a large Victorian stone villa and grounds situated on the east side of Walford Road. To the north of the main building extensive single-storey buildings (The Retreat and a hall) were erected in the 1970's when the premises were used as a convent. This use has now ceased and the main building is used as offices. The application site is in a primarily residential part of Ross on Wye but adjoining it to the east is a primary school (St Joseph's), to the north is a social club and to the south a residential home for the elderly (Lawfords House). Adjoining the north-east part of the site are dwellings in The Avenue and there are further dwellings on the west side of Walford Road and to the south of Lawfords House.
- 1.2 It is proposed to demolish the hall to the front of The Retreat which has been used until recently as school hall by St Joseph's RC Primary School. A two-storey block of 4 flats would be erected in its place. This would be about 16m wide x 10m deep x 5.1m to eaves/7.4m to ridge. It would have a ridge roof with gables projecting front and back at both sides of the building with, on the front (west) elevation, a further two gables between. The ground floor between the two outer gables would be facing brickwork; the remainder of the building would be rendered. Windows and doors would be aluminium with two steel and glass balconies on the front elevation at first floor level.
- 1.3 The remaining part of The Retreat would be converted into 3, 2-bedroomed residential units. The accommodation would be on the ground floor except for the central unit which would have the bedrooms and bathrooms within the roof slope, lit by existing rooflights plus three new rooflights in the north elevation. Other external changes would be the provision of additional lighting from new floor to ceiling windows in the south and east elevations. Car parking (10 spaces) would be provided to the front of the block of flats with access via the new entrance to the south of St Joseph's.

2. Policies**2.1 Planning Policy Statement**

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007

Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas
Policy HBA8	-	Local Important Buildings
Policy HBA9	-	Protection of Open Areas and Green Spaces
Policy T11	-	Parking provision
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment

3. Planning History

3.1	SE2002/1929/F	Extension to provide classroom, cloaks and store. Re-provision of displaced car parking.	-	Approved 19.08.02
	DCSE2004/2614/F	New access.	-	Approved 04.11.04
	DCSE2004/3905/F	Demolition of existing 1970's hall and living accommodation. Construction of new block of 11 no. flats.	-	Withdrawn 32.03.05
	DCSE2004/3906/C	Demolition of existing 1970's hall and living accommodation.	-	Not determined.
	DCSE2004/3495/F	Conversion from house in multiple occupancy into six residential units.	-	Approved 06.05.05
	DCSE2005/0949/F	Construction of block of 8 flats.	-	Appeal dismissed 26.1.07
	DCSE2005/0951/C	Demolition of 1970's hall and living accommodation.	-	Appeal allowed. 26.1.07

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommends that conditions are imposed with regard to foul and surface water drainage.
- 4.2 English Heritage does not wish to offer any comments on this occasion and recommends that the application be determined in accordance with national and local policy guidance and on the basis of the Council's specialist Conservation advice.

Internal Council Advice

- 4.3 The Traffic Manager recommends that conditions be attached to any grant of permission. However cycle parking needs to be addressed before approval.
- 4.4 The Conservation Manager points out "the former St Joseph's Convent is identified as a building of local interest. It is one of Ross's more notable unlisted buildings and notwithstanding the present buildings on the application site, any new development in such close proximity must be complimentary to its character. The existing hall is of limited merit but as a single storey building, it at least has the virtue of being self-effacing and it is clear that the previous application foundered in part because of its scale. The present scheme offers a significant reduction in size, and although still of two storeys, it now occupies an intermediate position between the extremes of St Joseph's and the Conservative Club to the north.

The gabled form also carries echoes of St Joseph's lively silhouette but the architect has argued that a low-key, contemporary architectural approach remains valid and I am inclined to support this view. It is virtually impossible to replicate the quality of St Joseph's High Gothic detailing within modern budgets and any attempt at pastiche would literally be a 'pale imitation' when contrasted against such a vigorous original. Although 'Modern', the design is generally deferential to the principal building, and the careful selection of materials will further help it to harmonise with its context.

The proposed conversion of the Retreat, the retained existing building, is largely acceptable but I would like further details of the extent of the exterior masonry painting proposed."

5. Representations

- 5.1 The applicant's agent has submitted a Design and Access Statement which is in summary:
- (1) The Inspector in dismissing the previous application on this site refers to the existing single storey hall and retreat buildings as "having eroded the space around St Joseph's, but that their low height means that a sense of openness remains above them and the main St Joseph's building remains the very strongly dominant built element on the site".
 - (2) In the present scheme, The Retreat is to remain and be converted to three dwellings, with the hall and its ancillary connections to The Retreat being demolished.
 - (3) The new two storey block of flats will sit on the footprint of the existing hall.
 - (4) The design approach was to relate it in height and roof depth to the extensions to the Conservative Club on the adjacent site. Although essentially single storey, the ground level on that site is considerably higher, and the new flats will relate more to them, partly because of the intervening mass of trees, than to St Joseph's. However, the roofline of the new flats, a series of steeply pitched gables, relates to the roof of St Joseph's.

- (5) The disposition of the windows to the new flats is two-fold: to provide a variety of exciting views of the site from within the flats, and to maintain a high level of security on the site, giving intruders little scope for unwarranted access.
 - (6) Each flat is given its own outdoor space, either a decked area at ground floor level, or a balcony at first floor level.
 - (7) External wall materials are render, to match with the Conservative Club's extensions and to provide a foil to St Joseph's flamboyant style, and small areas of facing brick to match as near as possible the sandstone of St. Joseph's.
 - (8) The Retreat is to be converted from 15 bedrooms plus bathrooms and kitchens, to 3 self-contained 2-bedroom flats.
 - (9) To prevent overlooking to the properties in The Avenue, the new rooflights are positioned at a minimum of 1800mm above floor level.
 - (10) The external fabric of The Retreat will be overhauled, and the dull brown facing brick will be painted to differentiate each flat.
 - (11) The planning requirement is for one parking space per unit (7) but ten spaces will be provided.
 - (12) Steel cycle rails will be located adjacent to individual flats or in secure enclosures, away from public view.
 - (13) A store for refuse will be located to the west of the car park near the pedestrian access to the site.
 - (14) A presentation of the scheme has been made at a public meeting on site. Although relatively short notice was given 20 attended, and the scheme was well received. There were no objections to the proposals.
- 5.2 Ross Town Council has no objections but would request the Tree Officer inspect the site and agree any tree works.
- 5.3 Two letters have been received expressing the following concerns:
- (1) the site is extremely close to the school, classrooms and pathways which pupils have to use - 'child protection' may therefore be compromised as residents may be able to overlook classrooms and outside lessons especially from flat 1 (new windows and doors facing the school).
 - (2) Disruption to lessons and possible safety issues whilst building work is carried out.
 - (3) Regular club functions are held at the Conservative Club in a room that borders the site and purchasers may not be away of this and complain about noise in the future.
 - (4) It is understood that the Convent now belongs to a company and access details should refer to the company's name not the school's.

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

6. Officer's Appraisal

6.1 This is a new scheme following dismissal of the appeal relating to a 3-storey storey block of flats. A copy of the Inspector's decision letter is included as an appendix to this report. His main conclusions were:

- (i) that the appeal building would be out of scale and character with the adjoining buildings and the character of the area, and
- (ii) its height so close to the boundary would be intrusively overbearing in the outlook from the garden of Invermoray.

The current proposal seeks to overcome these concerns. The key issues therefore are firstly the effect on the setting of the adjoining Victorian villas and the character of the Ross on Wye Conservation Area and secondly the effect on the amenities of neighbours.

6.2 The proposed building would be 2-storeys high, with a ridged roof, and although in a modern idiom the steeply pitched gables would have a visual connection with St Joseph's. Furthermore in its scale and massing the proposed block of flats would not compete for dominance with the existing building. In relation to the Conservative Club the eaves and ridge heights would be the same as for the single-storey extensions to that building and considerably lower than the main building. Nevertheless it would not be a scaled down version of the Victorian building. As the Conservation Manager points out any attempt to replicate, on a smaller scale, St Joseph's would be likely to result in a pale imitation without the wealth of detail which is such a striking feature of that building. "The design", he continues "is generally deferential to the principal building and the careful selection of materials will further help to harmonise it with its context". The existing planting along the street boundary and within the site would limit views of St Joseph's and the block of flats together. Towards the new entrance trees and shrubs have had to be removed, opening up views of St Joseph's. The retention of two large Thujas (Western Red Cedars) between the two buildings would help to separate them visually. According to the Tree Survey and Arboricultural Assessment both trees can be retained provided root damage is minimised. Since the survey was carried out a car park has been formed and further consideration needs to be given to the protection and future health of these trees. This can be required by planning condition. I consider, therefore, that the proposed block of flats would fit acceptably in this location without undue harm to the setting of St Joseph's and the Conservative Club.

6.3 The Appeal Inspector granted conservation consent for demolition of The Retreat, including the hall. The hall is not an attractive building. The Conservation Manager refers to it as of limited merit. In my opinion its replacement by a building which although larger, would be architecturally and visually appropriate would ensure that the Conservation Area was not harmed.

6.4 On the second issue the key consideration is that the new building, unlike the appeal proposal, would not extend as far as the boundary with Invermoray (the first house along The Avenue). Furthermore it would have only two storeys with the roof sloping away. At the nearest point the building would be about 13m from the garden of Invermoray. Views from the rear windows of the new flats towards Invermoray would

be blocked in part by The Retreat but the distances (about 13m to the garden and about 24m to the house) would be sufficient to protect the privacy of occupiers of that property. The Retreat would not be increased in size and the only new windows in the north elevation (3 rooflights) would be installed above eye-level to restrict overlooking of the adjoining residential properties. There would be some overlooking of the Conservative Club but of the rear yard and I understand that none of this property is occupied residentially. There is a tall brick/stone wall along the boundary with the Conservative Club and Invermoray. In these circumstances I consider that the proposals would not harm the amenities of neighbours.

- 6.5 The security of the school could be ensured by retention of the close-boarded fence that has been erected along the common boundary which, as for cycle parking, could be required by planning condition.

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 C02 (Approval of details)**

Reason: To safeguard the character and appearance of this building of architectural or historical interest.

- 3 G04 (Landscaping scheme (general))**

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

- 4 G05 (Implementation of landscaping scheme (general))**

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

- 5 G01 (Details of boundary treatments)**

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

- 6 W01 (Foul/surface water drainage)**

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

- 7 W02 (No surface water to connect to public system)**

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.

- 8 W03 (No drainage run-off to public system)**

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

- 9 The foul only discharge from the proposed development must be connected to the 225mm public combined sewer at manhole SO59237401, located at the junction of Palmerston Road and Walford Road.**

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.

- 10 H08 (Access closure)**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

- 11 H11 (Parking - estate development (more than one house))**

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

- 12 H27 (Parking for site operatives)**

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 13 H29 (Secure covered cycle parking provision)**

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

- 14 F32 (Details of floodlighting/external lighting)**

Reason: To safeguard local amenities.

- 15 F48 (Details of slab levels)**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 16 G24 (Location of trees on and adjacent to development sites)**

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

INFORMATIVES:

- 1 N19 - Avoidance of doubt**

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

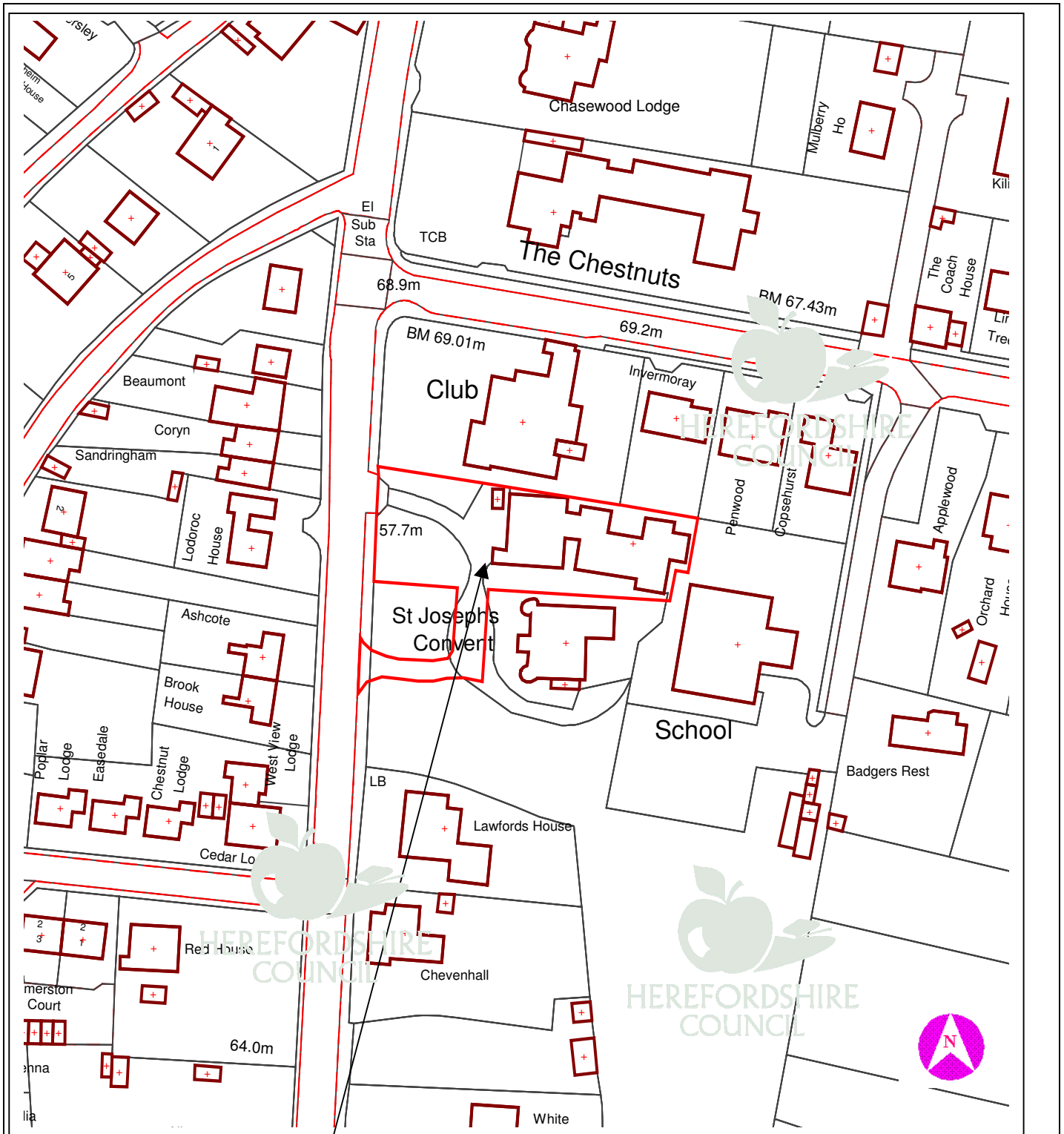
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/2695/F

SCALE: 1 : 1250

SITE ADDRESS : St Joseph's, Walford Road, Ross-on-Wye, Herefordshire

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Appeal Decision

Inquiry held on 08 November and 12 December 2006
Site visit made on 12 December 2006

by **David Grace** BSc Dip TP MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 26 January 2007

Appeal A Ref: APP/W1850/A/06/2007985

St Josephs Convent, Walford Road, Ross on Wye HR9 5PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Woodfield Developments Ltd against the decision of Herefordshire Council.
- The application Ref. DCSE2005/0949/F, dated 23 March 2005, was refused by notice dated 3 August 2005.
- The development proposed is demolition of existing 1970's hall and living accommodation and construction of new block of 8 no. flats.

Summary of Decision: The appeal is dismissed.

Appeal B Ref: APP/W1850/E/06/2007983

St Josephs Convent, Walford Road, Ross on Wye HR9 5PQ

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Woodfield Developments Ltd against the decision of Herefordshire Council.
- The application Ref. DCSE2005/0951/C, dated 23 March 2005, was refused by notice dated 3 August 2005.
- The proposal is for demolition of existing 1970's hall and living accommodation and construction of new block of 8 no. flats.

Summary of Decision: The appeal is allowed, and conservation area consent is granted in the terms set out below in the Formal Decision.

Procedural Matter

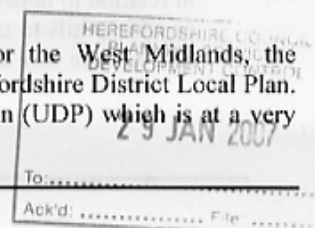
1. Notwithstanding the description of the proposal included in the conservation area consent application, I have dealt with appeal B on the basis that the proposal is for demolition of the existing 1970's hall and living accommodation that are shown on plans 1026.2-310 and 311.

Main Issues

2. I consider there are two main issues in **Appeal A**. The first main issue is whether the proposed development would preserve or enhance the character or appearance of the Ross on Wye Conservation Area. The second main issue is the effect of the proposed development on the living conditions of nearby residents in terms of visual impact and privacy. I consider the main issue in **Appeal B** is whether the proposed demolition works would conflict with national and local policies for the control of demolition in conservation areas and, if so, whether there are material considerations that would outweigh this.

Planning Policy

3. The development plan includes Regional Planning Guidance for the West Midlands, the Hereford and Worcester County Structure Plan and the South Herefordshire District Local Plan. There is also an emerging Herefordshire Unitary Development Plan (UDP) which is at a very



advanced stage of preparation and is a material consideration of substantial weight. Of the policies that have been drawn to my attention, I consider below those that are most directly relevant to the main issues of this appeal.

4. The proposal is situated within the Ross on Wye Conservation Area. Accordingly I am required by the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Structure Plan Policy CTC.15 accords with this duty. Local Plan Policy C.23 goes beyond it and includes a requirement that development should preserve or enhance the character and appearance of conservation areas. However, emerging UDP Policy HBA6 accords with the requirement of the Act and the Structure Plan in these respects. Policy 16 of the Local Plan specifically deals with Ross on Wye and, as it relates to this appeal, broadly accords with the thrust of Policy C.23. Local Plan Policy 5 indicates that within the built up area of Ross on Wye new housing on small sites will generally be considered favourably unless, amongst other things, it would adversely affect the appearance and character of the Conservation Area.
5. In combination, as they relate to this appeal, Structure Plan Policy CTC.9 and Local Plan Policies C.23, GD.1 and SH.14 seek a high standard of design and require that the layout, design, form, mass, scale, height, materials and colour of development should respect and be in keeping with the quality, character and appearance of the area. Emerging UDP Policies HBA6, P10, S2, DR1 and DR2 continue the thrust of these policies.
6. Policy GD.1 includes a requirement that development should have regard and be appropriate to the setting of neighbouring buildings. Emerging UDP Policy HBA8 indicates that proposals which would adversely affect the setting of buildings that make a valuable contribution to the character and appearance of the area will not be permitted. Local Plan Policy 3, which specifically relates to Ross on Wye, requires, amongst other things, that the design and materials of development are in harmony with surrounding buildings particularly when within the Conservation Area.
7. Local Plan Policy C.25 indicates that consent for demolition of buildings in conservation areas will only be given where the loss of the building will not have a detrimental effect on the conservation area. Emerging UDP Policy HBA7 includes an indication that demolition of unlisted buildings in conservation areas will only be permitted where it is accompanied by redevelopment proposals that are in accord with Policy HBA6. This goes beyond Local Plan Policy C.25 but is in accord with the advice contained in paragraph 4.27 of Planning Policy Guidance 15: Planning and the Historic Environment (PPG15).
8. Local Plan Policy GD.1 requires that development should not disturb or conflict with adjoining uses and Local Plan Policy SH.15 requires that the relationship between new and existing dwellings maintains adequate levels of privacy. Emerging UDP Policy DR2 indicates that development should not prejudice the amenity of adjoining land and buildings.

Reasons - Appeal A

General

9. The appeal site is within the curtilage of the former St Josephs convent and includes an existing hall and a retreat building. It is therefore previously-developed land the efficient re-use of which for housing is encouraged by Government policy. However, it is also Government policy in relation to housing and design quality that development which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. I consider this below.

Effect on the Ross on Wye Conservation Area

10. The former St Josephs convent is one of a number of large mansion style buildings grouped in the area close to the junctions of Walford Road, The Avenue and Eastfield Road. These buildings have a consistency in their design and materials and are generally of a high Victorian style. They are predominately faced in stone with feature banding, lintel and cill details and have steeply pitched slate roofs. Pronounced gables are significant features in this area. The buildings are typically set in large gardens with mature vegetation and bounded by stone walls with decorative gateway features. Views of many of the buildings are at least partly screened by garden vegetation but, nonetheless, their presence is apparent and this establishes a strong, distinctive character for a substantial length of this part of the east side of Walford Road. In my opinion, this sense of large and grand traditional buildings in relatively spacious settings makes an important contribution to the character and appearance of the Conservation Area. Dwellings have been built in the curtilages of some of the large houses in this part of the Conservation Area. However, it has not occurred at the series of large houses on the east side of Walford Road close to The Avenue, although some have been extended and annex buildings have previously been constructed adjacent to St Josephs.
11. The above pattern of development and the sense of the grandness of the buildings are particularly apparent near to the junction of Walford Road and The Avenue. The existing single storey hall and retreat buildings adjacent to St Josephs, which are proposed to be demolished, have eroded the space around the building but their low height means that a sense of openness remains above them and the main St Josephs building remains the very strongly dominant built element on the site. This dominance is in keeping with the overall grain of this part of the Conservation Area and allows the juxtaposition of St Josephs and the adjacent Conservative Club to the north to make an important contribution to the townscape.
12. The proposed building would be 3 storeys high. It would have a flat roof which would be approximately at the level of the eaves of St Josephs. The building would have a smaller footprint than the buildings it would replace and would increase the size of the garden at the rear of the site. However, it would have substantially more bulky overall massing. The front elevation would be slightly further back than that of the existing hall but would be forward of the main part of the front elevation of St Josephs. This would, in my view, accentuate the bulk of the new building in relation to St Josephs. For these reasons I consider the proposed building would be significantly less subservient than the existing hall and retreat and the dominance of St Josephs would be substantially reduced by it. Moreover, the greater height and bulk of the proposed flats would greatly reduce the sense of space between St Josephs and the Conservative Club. As a result, I consider the scale of the proposed building in relation to its surroundings would be unacceptable. It would detract from the setting of St Josephs and the Conservative Club and would be at odds with, and detract from, the character of the area.
13. The proposed flats would have a modern appearance. The materials would be a mixture of brickwork, painted render and terra cotta rain screen cladding. There would also be extensive areas of glazing behind balconies on the second floor in the south and west elevations. The building would have sharp, clean lines with rectangular panels of render. The proportions of the building would have a horizontal emphasis in all but the east elevation.
14. I do not agree with the appellant that the building would have a restrained appearance that would not compete with St Josephs. In my view, the building would have a strong, distinct identity and its contrast with the buildings to either side would accentuate its presence. In my opinion, the building would appear incongruously out of accord with the proportions, form, shape, fenestration, detailing and overall character of both St Josephs and the Conservative Club. As a result, I consider it would unacceptably intrude into, and detract from, the visual relationship of those two buildings. The north elevation would be particularly horizontal in its

emphasis. It would have a slab-like appearance that would be largely unrelieved by openings or features. In my view, this would be starkly at odds with the more complex form and more richly detailed elevations of the neighbouring buildings. PPG15 advises that what is important is not that new buildings in conservation areas should imitate earlier styles but that they should be designed with respect for their context. In my view, the appeal scheme does not achieve this objective. That the attractive roof form of St Josephs would be visible from the Avenue over the new building would not overcome this. Rather, in my opinion, it would highlight the scheme's lack of accord with its surroundings. Removal of the retreat building would increase views from The Avenue to the hills beyond the town to a limited extent. However, in my opinion, this would not outweigh the intrusive impact of the development in such southward views.

15. The appellant says the colour and texture of the materials could be dealt with by means of a condition. However, in my opinion, this would not be sufficient to make the overall design of the elevations acceptable and bring the scheme into accord with the surroundings.
16. Despite the presence of mature trees and shrubs at the front of the appeal site the proposed block of flats would be visible from Walford Road. It would be seen through the new access to the site and through the existing entranceway. It would also be seen for a significant part of the year, when the trees are not in leaf, in views across the garden in front of the Conservative Club. The new building would also be very prominent in views from The Avenue across the Conservative Club car park. As a result, the incongruous and intrusive impact that I consider the proposed development would have, and its lack of accord with the prevailing character of the area, would be clearly apparent and would unacceptably detract from the quality of the street scene.
17. The appellant has submitted a completed S106 unilateral undertaking in respect of a scheme of remedial works for the gate pillars and adjoining walls at the existing site entrance. Such works would enhance the frontage of the site. However, in my view, this would not outweigh the harm that I have identified above. The appellant says that if there is no redevelopment scheme the existing hall and retreat building will not be demolished. I agree that these buildings detract from the setting of St Josephs and the overall appearance of the Conservation Area. However, taking into account the small scale and low profile of the existing annex buildings, I consider the harm that would result from the proposed development would outweigh the benefits that would result from their removal.
18. The proposed development would be seen in some long views from the countryside beyond the town. Whilst the unacceptable incongruity of the scheme in relation to St Josephs and the Conservative Club would be apparent, it would only be seen from a considerable distance. It would be below the skyline and would be perceived in the context of the suburban development in front of it. In my opinion, the scheme would not unacceptably affect the natural beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB) within which it is situated.
19. Notwithstanding my favourable assessment in respect of the AONB, I conclude on the first main issue that the adverse effects of the proposed development on the townscape of the area are such that the scheme would fail to preserve or enhance the character or appearance of the Ross on Wye Conservation Area and would conflict with Structure Plan Policies CTC.9 and CTC.15, Local Plan Policies C.23, GD.1, SH.14, 5 and 16 and emerging UDP Policies HBA6, HBA8, P10, S2, DR1 and DR2. I also conclude that this unacceptable effect outweighs the accord of the scheme with Government and development plan policy in respect of encouraging the re-use of previously-developed land for housing.

Effect on living conditions

- 20. The Council confirmed during the Inquiry that it no longer objects to the scheme in respect of overlooking from its south side because St Josephs is now being converted for B1 office use. Some of the windows of the proposed flats would face towards Invermoray, a neighbouring dwelling. However, the scheme includes projecting wall fins adjacent to some of the windows and obscure glazing could be used for bathroom windows. Also many of the views would be at oblique angles. Taking these factors into account, together with the separation distance between the dwelling and the proposed block, I consider the scheme would not result in an unacceptable reduction in *privacy* for the occupiers of Invermoray. The scheme would increase overlooking of the garden of Invermoray but, in my view, it is common within residential areas for there to be some overlooking of rear gardens from neighbouring upper floor windows. I consider it is not reasonable to expect that there should be no such overlooking in a suburban setting such as that which exists in this area. For these reasons, I consider the proposed development would not conflict with the requirements of Local Plan Policy SH.15 in respect of privacy.
- 21. The council considers the proposed development would increase *overshadowing* of Invermoray. However, it confirmed during the Inquiry that this would not be to an extent that would justify the withholding of permission. I accept that view.
- 22. The north-east corner of the proposed building would be very close to the south-west corner of the curtilage of Invermoray. In my opinion, the 3 storey height of the proposed building so close to the boundary would result in it being intrusively overbearing in the *outlook* from the garden. The scheme would remove the retreat building that is positioned to the rear of Invermoray and would open up the outlook in that direction. However, the retreat roof slopes away from the garden which reduces its impact and avoids an oppressive sense of enclosure. On balance, I consider the adverse effect of the scheme on the outlook from the garden of Invermoray outweighs the benefit of removing the retreat building. Notwithstanding my favourable conclusions in respect of privacy and overshadowing, I consider this is the determining matter in the second main issue. I therefore conclude that the proposed development would unacceptably affect the living conditions of the occupiers of Invermoray in terms of visual impact and would conflict with Local Plan Policy GD.1 and emerging UDP Policy DR2 in that respect.

Conclusions - Appeal A

- 23. For the reasons given above and having regard to all other matters raised, I conclude that appeal A should not succeed.

Reasons and Conclusions - Appeal B

- 24. There is no permitted scheme for the redevelopment of the appeal site. As a result, the proposal would conflict with emerging UDP Policy HBA7 and the advice contained in PPG15. However, in my view, the proposed removal of the hall and retreat building would increase the sense of space around St Josephs and improve its setting. Provided the cleared site is landscaped, which can be dealt with by means of a condition, I conclude that the proposal would enhance the character and appearance of the Conservation Area. It would, therefore, not conflict with Local Plan Policy C.25 and, in my view, the benefit of the proposal in the above respect is a material consideration that outweighs its conflict with national and emerging local policy. I therefore conclude that appeal B should succeed.

HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL

29 JAN 2007

To:.....
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Formal Decisions

- 25. **Appeal A - Ref. APP/W1850/A/06/2007985**
- 26. I dismiss the appeal.
- 27. **Appeal B – Ref. APP/W1850/E/06/2007983**
- 28. I allow the appeal, and grant conservation area consent for the demolition of the existing 1970's hall and living accommodation at St Josephs Convent, Walford Road, Ross on Wye HR9 5PQ in accordance with the terms of application Ref. DCSE2005/0951/C dated 23 March 2005 and the plans submitted subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than 5 years from the date of this consent.
 - 2) The works hereby authorised shall not take place until a scheme and programme for landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of arrangements for removal from the site of materials resulting from the works hereby authorised. The works shall be carried out in accordance with the approved details and the agreed programme.

D Grace

INSPECTOR