

**7 DCSW2007/2404/F - ERECTION OF SIX DWELLINGS,  
LAND AT HAWTHORN RISE, PETERCHURCH,  
HEREFORDSHIRE, HR2 0RQ****For: Mr P Smith per Mr A Powell, Architectural  
Drawing, Yew Tree Cottage, Brockhampton,  
Herefordshire, HR1 4SJ****Date Received: 30th July, 2007      Ward: Golden Valley      Grid Ref: 34774, 38393  
North****Expiry Date: 24th September, 2007**

Local Member: Councillor PD Price

**1. Site Description and Proposal**

- 1.1 The site lies within the settlement of Peterchurch as defined by the Herefordshire Unitary Development Plan. It is situated to the south east of the B4348, providing access to residential development known as Hawthorn Rise. The development comprises detached bungalows with integral garaging that are situated to the periphery of the site, served by the existing access road. Already built are bungalows numbered 1, 1A to 15 and plot 16 is under construction. A parcel of land remains in the middle of the site, which abuts the existing access road and shared private drive that serves plots 12 to 16. The land to the north west of the site is designated open space and land to the north and north east is open fields.
- 1.2 The proposal seeks to develop the remaining area of land that is 0.39 ha's. The applicant proposes to erect six bungalows with integral garages, providing off-street parking, a shared private road serving these bungalows and an area of open space. Plots 17 and 18 are two and three bedroom bungalows situated to the south west of the plots 13 and 14. Plot 19 is a corner plot providing four bedroom/study room with detached double garage, situated to the south west of plots 15 and 16. Plots 20, 21 and 22 are to the north west boundary providing two & three bedroom bungalows. The private road serving these bungalows would loop around the area of open space and would lead off the existing access road adjacent to plots 17 and 22. A smaller landscaped area is adjacent to Plot 17. The north west boundary constructs a 1m high stock proof fence with a native hedgerow and the north east boundary constructs a 1.5m close boarded fence with a 0.3m timber trellis. Boundary treatment between garden areas constructs 1.8m close boarded fencing reducing to 0.9m dividing front garden areas.
- 1.3 A Design and Access Statement was also submitted with the planning application.
- 1.4 The submitted plans raised objections from the Parish Council, Transport Manager and residents of Hawthorn Rise in terms of drainage/flooding, street lighting, parking problems, fencing too high and plots directly in line with existing plots. Discussions have taken place with the Agent to address these concerns and a further site plan was submitted on the 7th September 2007. Further consultations were sent to the Parish Council, residents and Transport Manager on the 7th September, 2007. The Transport Manager still raised some concerns and as such further amendments have been submitted on the 19th October, 2007.

**2. Policies****2.1 Planning Policy Statements**

PPS3 - Housing

**2.2 Herefordshire Unitary Development Plan 2007**

Policy S1 - Sustainable Design  
 Policy S2 - Development Requirements  
 Policy S3 - Housing  
 Policy DR1 - Design  
 Policy DR4 - Environment  
 Policy H4 - Main Villages: Settlement Boundaries  
 Policy H13 - Sustainable Residential Design  
 Policy H16 - Car Parking  
 Policy H19 - Open Space Requirements

**3. Planning History**

3.1	SH880215PO	25 detached dwellings	-	Approved 06.04.88
	SH890760PM	Proposed development of 22 new residential dwellings in accordance with revised plans received 20/9/89	-	Approved 28.07.89
	SW1999/1533/F	Proposed re-design of bungalows (plots 2,4,5 & 6) and redesign of access road	-	Approved 21.07.99
	SW2000/3234/F	Proposed re-design and siting of 2 & 3 bedroom bungalows to plots 1,2,7,8,9,10,11,12 & 13. Proposed 2 bedroom bungalow plot 1A. Proposed redesign of access road serving phase 2	-	Approved 24.11.01
	SW2004/1966/F	Omission of attached garage and construction of detached garage to Plot 11 and redesign of plot 12	-	Refused 21.07.04
	SW2004/2852/F	Omission of attached garage and construction of detached garage	-	Approved 29.09.04
	SW2005/0429/F	Re-siting and design of Plot 12	-	Approved 29.03.05
	SW2005/3418/F	Re-siting and design of Plots 14 & 15	-	Approved 01.12.05
	SW2006/4043/F	Detached bungalow and detached double garage	-	Withdrawn 29.01.07

SW2007/1398/F Detached bungalow and detached - Approved 26.06.07  
double garage

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Environment Agency has no objection subject to condition for surface water disposal including SuDS in line with PPS25 (Annex F), Policy DR4 and DR7 of the Herefordshire UDP.

##### Internal Council Advice

- 4.2 Traffic Manager observed that the submitted site plan was unacceptable because the site plan did not tie in with drawing number 271:01B dated November 2000 delineating the proposed adopted road for Hawthorn Rise. Questions related to the visibility fence line west of Plot 22, layout of Plot 17, service strips, demarcation between private and proposed public highway and crossing points to the adopted footway.

The amended plan dated 7th September 2007 still raised some concerns and it has been necessary to carry out a further site visit, this being undertaken on Tuesday, 16<sup>th</sup> October, 2007. From this visit, further plans have been received on the 19th October 2007, to which the Transport Manager has no objection, subject to conditions.

#### 5. Representations

- 5.1 The applicant's agent has submitted a Design and Access statement which is in summary:-

- Applicant proposes to erect 2, two-bedroom bungalows and 4, three-bedroom bungalows and will face directly onto a crescent-shaped private road.
- Bungalows would reflect closely the scale, form and composition of the existing bungalows
- Open spaces would be maintained by owners of the proposed bungalows
- Open space would provide a green foil to the existing and proposed as well as provide a focal point that the estate lacks.
- Vehicle access would be by means of the private road, which has two junctions with the existing estate road.
- Vehicle accesses accord fully with highway requirements
- Bungalows would appear cupped with existing bungalows, therefore scale and form of proposed bungalows should match closely to those that exist.
- Bungalows will be seen only in context with the existing bungalows and the design of the open space will help to marry together the disparate elements of this estate and create a stronger sense of cohesiveness.

- 5.2 The agent submitted a further letter dated 3rd September 2007 along with the amended drawing no. 616:01A, received on the 7th September 2007, which responded to the issues raised by the Transport Manager and the observations of the Parish Council, whom resolved to refuse the application.

The points are summarised below:-

- Service strip and splays relating to adopted highway have been added.
- Plot 17 and car parked in front would stand clear of this strip

- Shared drive opposite Plots 14 and 15 have been widened to ease vehicle turning
- Lighting and adopted highway has been agreed previously.
- Neighbours' concerns over surface water run-off from adjoining field - a solution of using the open space or direct water to the mains via existing drainage arrangements.
- Concerns of height of fence to the rear boundaries of Plots 17 &18. This is desirable to ensure the mutual privacy. The use of trellising for the top 0.3m will relieve the uniform appearance
- Consideration in the past to position Plots 17 and 18 side onto plots 13 and 14. The gable ends would be closer to the neighbour properties increasing their presence upon these units. Retention of boundary fencing will screen most of the plots from 13 and 14.

5.3 The Agent has submitted a further letter and drawings dated 19<sup>th</sup> October, 2007, responding to issues raised during the site visit on the 16<sup>th</sup> October, 2007 and states the following:

- Bungalow 17 handed – access to garage/drive now off new private road, not adopted turning head.
- Bungalow 22 moved to south on site and garage moved to north elevation away from proposed access off existing adopted road.
- Bungalow 18 moved 1m south on site.
- Dimension of 20m front to back of bungalows 13 and 17.
- Position of turning head – as approved on planning permission DCSW2007/1398/F. Please note that the turning head has not yet been constructed.
- Alterations to existing private road serving bungalows 13, 14, 15 and 16, passing bay in front of bungalows 14 and 15 along with part of road increased to 4.1m in width.

5.4 Peterchurch Parish Council resolved unanimously that the application, as originally submitted, should be refused for the following reasons:-

- 1) Considerable concern is expressed over land drainage, as during heavy rain, water flows from the fields at the north east of the site through plots 16 and between plots 12 and 13 flooding gardens and flooding the "grass open space area". The Council feels very strongly that this problem, must be addressed with a permanent solution before any further development of the site is allowed.
- 2) Because of the nature and type of properties on this development the residences are predominately elderly and therefore for both safety and security reasons the Parish Council feel that suitable street lighting should be installed by the developer.
- 3) To alleviate potential parking problems appropriate parking bays should be constructed opposite the new plots.
- 4) Fence H-K being a total height of 1.80m is considered too high.
- 5) The Parish Council would also ask if consideration be given to avoid plots 17 & 18 being directly in line with plots 13 and 14

The amended site plan, received on 7<sup>th</sup> September, 2007, was sent to Peterchurch Parish Council for their observations, along with a copy of drawing no. 271:01B from the Transport Manager.

5.5 The Parish Council observations upon the amended plan dated 7th September are:-

"At an ordinary Parish Council meeting on Tuesday 18th September 2007, the Parish Council were made aware of information regarding land drainage and street lighting as well as off road parking revision. The Parish Council are fully aware of the current position and wish to change their position. The Parish Council resolved unanimously to support the revised application."

5.6 A letter of objection was signed by Roger & Pamela Savage of No. 13 Hawthorn Rise; Eva Morgan of No. 14 Hawthorn Rise and Colin & Sandra Kirby of No. 15 Hawthorn Rise. A separate letter of objection was sent in by Mrs Lesley Hawkins, No. 11 Hawthorn Rise, Peterchurch

The letters expressed concerns relating to the amended site plan, which are summarised below:-

- Private road in front of plots 13 and 16 remains at 3.6m, albeit with an improved turning splay
- Turning area, is welcomed, but cannot substitute for lack of width in road to allow to vehicles to pass
- The width of the new road is 4.1m with on-site standing areas, but ignored problem on shared road which is only 3.6m
- Problems for emergency vehicle access to plots 13 - 16 and reiterate width should be at least 4.1m.
- 1.8m high fence and continuous roofline will provide poor outlook.
- Original outline planning permission was for 22 dwellings and bought into a development on this understanding.
- No notification as to where the 23rd property has appeared.
- One less dwelling, which we believe, was indicated on application SW2007/1398/F could achieve a different layout and less crowding.
- The statutory requirement to provide open space, we agree, is necessary, in its proposed layout seriously disadvantages properties 13 - 16.
- Builder has constructed low bund behind numbers 11 -16 - what consideration has been given to drainage?
- Proposed layout is hideous -how can anybody say the proposed layout will achieve cohesiveness.

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 The main issues are considered to be the scale and form of the development, open space requirement, highway issues and privacy of local residents.

6.2 The site is within the main village of Peterchurch and Hawthorn Rise is an identified housing estate. The proposal seeks to finalise the remaining 0.39 ha's of land by constructing six bungalows, a shared private road and an area of open space.

6.3 Firstly, it would be of benefit to refer to the planning history of the site, given that planning permission was first granted in 1988, (LPA Ref: SH880215PO). This application granted planning permission for 25 dwellings including open space and the access roads to serve the site. This application was subsequently amended in 1989,

(LPA Ref: SH890760PM), which reduced the number of dwellings to 22. Piecemeal development has occurred since 1989 and subsequent applications have been submitted to the Local Planning Authority. These applications have sought a different layout of the estate as well as altering the type and design of the dwellings to bungalows. The development so far has constructed the bungalows to the periphery of the site and has left the parcel of land in the middle to provide an area of open space and the remaining dwellings.

- 6.4 The last application refers to plot 16 (LPA Ref: SW2007/1398/F), where it was necessary to alter the existing shared access serving plots 12 to 15. A turning head was introduced adjacent to plots 12 and 13 to enable plot 16 to be constructed at the end of the shared access. The approved site plan for plot 16 also outlined 5 dwellings and designated open space for the remaining land, however, this was only for indicative purposes and not a final layout for the remaining parcel of land.
- 6.5 Discussions took place before the submission of the application for the remaining bungalows and the requirement to provide an area of open space, which had not been addressed previously. Discussions resolved that the two areas of open space first identified and the shared private road would not be adopted by the Council's Parks and Countryside and Highways Department. As such the developer reduced the open space adjacent to plot 17 and sought a further bungalow. In principle, a further dwelling was acceptable subject to ensuring that private amenity and access to the properties would not be impinged upon and that the larger area of open space was retained.
- 6.6 The proposal was submitted on this basis and now seeks to construct six bungalows, increasing the number on the site to 23 bungalows. The layout of the bungalows would be developed off the new private road that loops around the area of open space. The private road would be accessed from the existing hammerhead junction adjacent to plot 17 and further access point adjacent to plot 22. Each bungalow is centrally positioned within their plots providing front gardens and off-road parking and small rear gardens. The bungalows are positioned to provide a minimum 2m boundary between buildings. The overall height would reflect the existing bungalows this being 6.2m to the ridge with the gable end section of the roof to the side elevations. To the front elevation, a gable section projects forward situated at a lower level to the ridgeline. The boundary treatment is close-boarded timber fencing of 1.8m in height dividing the garden areas and reducing to 1.2m and 0.9m, dividing the front gardens, which is used throughout the existing development. The bungalows would be of a scale and form and composition of the existing bungalows, as well as providing an area of open space for the residents of Hawthorn Rise.
- 6.7 Turning to highway matters, the Transport Manager has had regard to the Manual for Streets, page 134, where a private drive accepts up to 5 houses, however, more would be accepted dependent on the arrangements put in place to manage the site. Amendments have been sought to plots 17 and 22, which has altered the position of garaging to enable ease of access off the private road. The arrangements of the six dwellings served by the private road from the access points adjacent to plot 17 and plot 22 is acceptable. Given that submitted plans have been at variance, the site plan received 19th October, 2007, now reflects the necessary changes to ensure that the development is completed satisfactorily in terms of existing shared access and that the new private road and access points achieve highway safety requirements. The Transport Manager has viewed this plan and has no objections to the scheme subject to necessary conditions.

- 6.8 The Parish Council's initial comments portrayed the residents concerns and at the time of the application were not aware of proposed adopted site plan, drawing no. 271:01B for Hawthorn Rise. This drawing delineates the storm and foul drainage, road layout and street lighting that will eventually be adopted by the Council and have resolved to withdraw their initial refusal of the application.
- 6.9 Drainage arrangements would be resolved once the development has been completed and as such the Environment Agency has suggested a condition to ensure satisfactory surface water disposal.
- 6.10 The concerns of the neighbouring residents are noted in terms of the width of their shared access, drainage, emergency access and privacy issues. Whilst the existing shared access has been constructed adjacent to plots 12 - 15, this will in effect be altered to construct the hammerhead junction adjacent to plots 12 and 13, which was sought to enable access to plot 16, thus still only serving five dwellings. At present this has not been completed due to on-going building works for plot 16. The existing width of 3.6m was acceptable for shared accesses serving five dwellings, as specified in the Council's Highways Development Design Guide, which seeks a minimum width of 3.5m. The increase to at least 4.1m is not a necessity in terms of the required minimum width. Nevertheless, the agent has submitted a further site plan on the 19<sup>th</sup> October delineating works to be carried out on the existing shared access. It shows the proposed turning head adjacent to plots 12 and 13; a passing bay of 1.5m wide in front of plots 14 and 15 for ease of reversing, as well as increasing part of the road width to 4.1m, to allay residents' concerns.
- 6.11 Residents' private amenity space has also been considered. The distance from the front elevation of plots 13 and 14 to the rear elevation of plots 17 and 18 is 20m in distance, which is also separated by the shared access. The existing plots have open frontages providing views across the parcel of land, whilst views are not a material consideration, the introduction of 1.8m timber panel fencing serving the rear boundary of plots 17, 18 and 19 would not be unduly intrusive nor would it affect the private amenity of the existing residents. Lowering the height of the fencing would in fact lead to privacy issues between dwellings and may lead to pressure to increase the height once bungalows are occupied.
- 6.12 The applicant has demonstrated that the proposal to development the remaining 0.39 ha's of land has considered the scale and form of the existing bungalows as well as ensuring that the residents' amenity would not be unduly affected by this proposal. The proposal to construct a further six dwellings, private road and open space is acceptable and complies with the relevant development plan policies of the Herefordshire Unitary Development Plan.

## 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. E09 (No conversion of garage to habitable accommodation)**

**Reason: To ensure adequate off street parking arrangements remain available at all times.**

**4. E16 (Removal of permitted development rights)**

**Reason: To protect the residential amenity of adjacent properties.**

**5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**

**Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of the Herefordshire Unitary Development Plan 2007.**

**6. Notwithstanding the approved drawings, a management plan for the responsibilities and maintenance of the private road serving the six bungalows shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development or any phase of the development, whichever is the sooner. The road management plan shall be carried out as approved.**

**Reason: In order to maintain the private road to an acceptable standard to comply with Policies S2, S6 and H13 of the Herefordshire Unitary Development Plan 2007.**

**7. No development approved by this permission shall be commenced until a scheme for the provision of surface water disposal including SuDs has been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented before the first use of the development hereby approved.**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan 2007.**

**8. 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.**

**9. H19 (On site roads - phasing)**

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.**

**10. H27 (Parking for site operatives)**



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

**Informative(s):**

- 1. HN01 - Mud on highway**
- 2. HN04 - Private apparatus within highway**
- 3. HN05 - Works within the highway**
- 4. HN10 - No drainage to discharge to highway**
- 5. N19 - Avoidance of doubt**
- 6. N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

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**Background Papers**

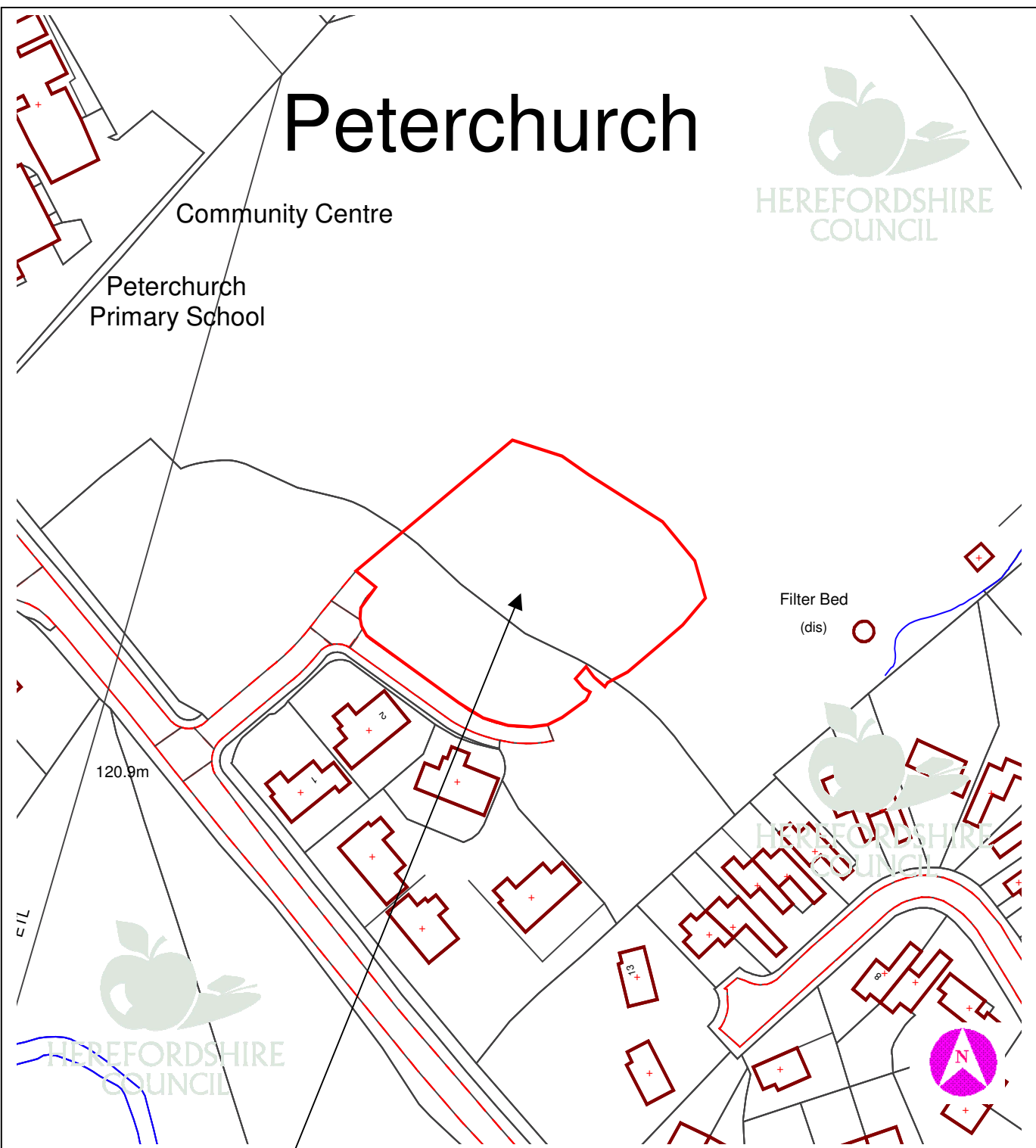
Internal departmental consultation replies.

# Peterchurch



Community Centre

Peterchurch  
Primary School



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**APPLICATION NO:** DCSW2007/2404/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at Hawthorn Rise, Peterchurch, Hereford, Herefordshire, HR2 0RQ

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