

**6 DCCW2007/3582/F - CONSTRUCTION OF A SINGLE DWELLING AT 10 LUARD WALK, HEREFORD, HEREFORDSHIRE, HR2 7BA****For: Mr. & Mrs. J. & C. Brady per S.J. Methven, 42 Churchill Way, Long Manborough, Witney, Oxon., OX29 8JL****Date Received: 19th November, 2007      Ward: Belmont      Grid Ref: 50037, 39225**  
**Expiry Date: 14th January, 2008**

Local Members: Councillors H Davies, PJ Edwards and GA Powell

**Introduction**

This application was deferred at a meeting of the Central Area Planning Sub-Committee on the 19th December, 2007 in order to carry out a Members' site visit

**1. Site Description and Proposal**

- 1.1 The application site forms the eastern third of an existing domestic curtilage which serves a two storey detached dwelling known as 10 Luard Walk, located within an established residential area known as Hunderton. The application site is bounded to the west and south by residential development, an area of public open space incorporating a children's play area lies to the east, whilst the banks of the River Wye form the northern boundary. The site is located within the Conservation Area.
- 1.2 The application seeks planning permission for the erection of detached two storey dwelling, comprising a kitchen, dining room, two reception rooms and a balcony on the first floor above four bedrooms and a bathroom on the ground floor.

**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 DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy HBA6	-	New Development Within Conservation Areas

### 3. Planning History

- 3.1 DCCW2007/2401/F Construction of a single dwelling. Withdrawn 10th September, 2007.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: No objection subject to the finished floor levels being no lower than 54.07 metres (AOD).

#### Internal Council Advice

- 4.2 Conservation Manager: No objection, the proposed design has taken account of discussions following the previous application and addresses the particular issues of this site much more successfully. The south elevation is well proportioned and should sit comfortably within this part of the conservation area while the arguably more important north and east elevations should have a positive impact on a part of the conservation area that has suffered from poor quality design in the past.
- 4.3 Traffic Manager: No objection, but recommends the use of conditions to control the access and parking arrangements.

### 5. Representations

- 5.1 Parish of Hereford City Council – Request that this application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council has no objection to this application for planning permission.
- 5.2 Letters of objection have been received from Mrs. D. Pace, 3 Luard Walk; Mr Amies, 17 Lewis Smith Avenue; Mr Birch, 6 Villa Street; Mrs Preedy, 1 Villa Street which are summarised as follows:
- There is no footpath so pedestrians could be at risk using the highway.
  - Children walking to the playground may be at risk from vehicles accessing the site.
  - Loss of view.
  - Increased traffic.
  - We may have difficulty getting in and out of our driveway opposite.
  - An Environmental Impact Assessment should be required.
  - Existing property prices will be devalued.

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

### 6. Officer's Appraisal

- 6.1 Having regard to the relevant policies, the primary issues in determining this application are considered to be as follows:-
- The Principle of Development
  - Design and Layout

- Residential Amenity
- Flooding
- Access and Highways Issues

#### Principle of Development

- 6.2 The application lies within the settlement boundary for the City of Hereford and the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development within this area providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore the proposal to erect new dwelling is acceptable in principle, subject to other material considerations being satisfactorily resolved.

#### Design and Layout of the Development

- 6.3 The application site lies just within the southern boundary of the Broomy Hill Conservation Area, which incorporates a wide strip of land parallel to the southern riverbank of the River Wye. Therefore regard has been had to the impact of the proposed development on the character and appearance of the conservation area, as well as its impact on the established residential area to the south.
- 6.4 The pattern of development along the riverbank within the conservation area is characterised by older detached two storey cottages which are intermixed with more modern residential development. These properties front onto the public highway to the south and have private amenity space to the north which runs down to the top of the riverbank.
- 6.5 To the south the pattern of residential development forms part of a large planned housing estate comprised of semi-detached and terraced dwellings arranged in a linear formation, fronting onto the adjoining highway with private gardens lying to the rear.
- 6.6 In this particular case the design, bulk and massing is considered to be reflective of the wider locality. Therefore the design and layout is considered acceptable as the proposed development would not appear out of character with the urban grain of wider locality or harm the character and appearance of the conservation area. However to ensure the satisfactory appearance of the development it is considered expedient to recommend conditions requiring the prior approval of external materials and a landscaping scheme including the type and design of any boundary treatment.
- 6.7 In terms of the more strategic impact of the proposed development on distant views across and along the river corridor, it is not considered that the development will be a discordant feature within the landscape, being read against the backdrop of the established residential area that fully bounds the application site to the south.

#### Residential Amenity

- 6.8 The siting and orientation of the proposed dwelling takes appropriate account of the position and orientation of the adjoining properties and the separation distances are equal to that experienced by the existing properties to the north and south of Luard Walk.
- 6.9 With regard to the concerns raised in the letters of representation about the loss of a view, it is acknowledged that the proposed development will alter the outlook of the

surrounding properties, and particularly those immediately to the south. However the right to a view is not a material planning consideration, and therefore these concerns do not give rise to sustainable grounds for refusal in this instance.

- 6.10 With regard to the proposed balcony on the rear elevation (northern) this is not considered to give rise to an unacceptable level of overlooking or overbearing impact on the existing dwelling known as 10 Luard Walk.
- 6.11 Overall, the proposed development is not considered to give rise to any demonstrable harm to the residential amenity of the wider locality. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the construction phase.

#### Flooding

- 6.12 The site is located within Zones 2 & 3 on the Environment Agency's indicative flood plain maps. Therefore in accordance with standing advice a Flood Risk Assessment (FRA) was submitted in support of the application which demonstrates that proposed slab level of the development will be 54.43m (AOD) which is in excess of the 54.07m (AOD) required by the Environment Agency allowing for climate change. Therefore it is not considered that there is any significant flood risk which would justify refusal or the inclusion of any conditions requiring specific measures to protect the development from future flood events. However notwithstanding the submitted plans it is considered expedient to recommend a condition specifying the finished slab level to ensure that the dwelling remains free from flood risk

#### Access and Highways

- 6.13 In principle, the Traffic Manager has no objection to the access and parking arrangements, having consideration for the existing use of the property and the condition and capacity of the public highway, but comments that standard conditions are required to control the design and construction of the access and parking arrangements. These comments are considered reasonable and the appropriate conditions are recommended. Whilst the comments raised in the letters of representation about the perceived risk to pedestrians are noted, in the absence of any objection from the Traffic Manager, it is not considered that the concerns can be substantiated as a basis for refusal on highway safety grounds.

#### Conclusion

- 6.14 Overall the proposal complies with the relevant policies in the Local Plan, and as such, approval is recommended.

### **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. The finished slab level of the dwellings hereby approved shall be set no lower than 54.43 metres above Ordnance Datum.**

**Reason: To protect the development from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.**

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

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

**5. G02 (Landscaping scheme (housing development)).**

**Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.**

**6. G03 (Landscaping scheme (housing development) – implementation).**

**Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.**

**7. H06 (Vehicular access construction).**

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

**8. H09 (Driveway gradient).**

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

**9. 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.**

**10. H05 (Access gates).**

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

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

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

**12. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To safeguard residential amenity.**

**Informatives:**

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. HN05 - Works within the highway.
4. All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites'.
5. N19 - Avoidance of doubt.
6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

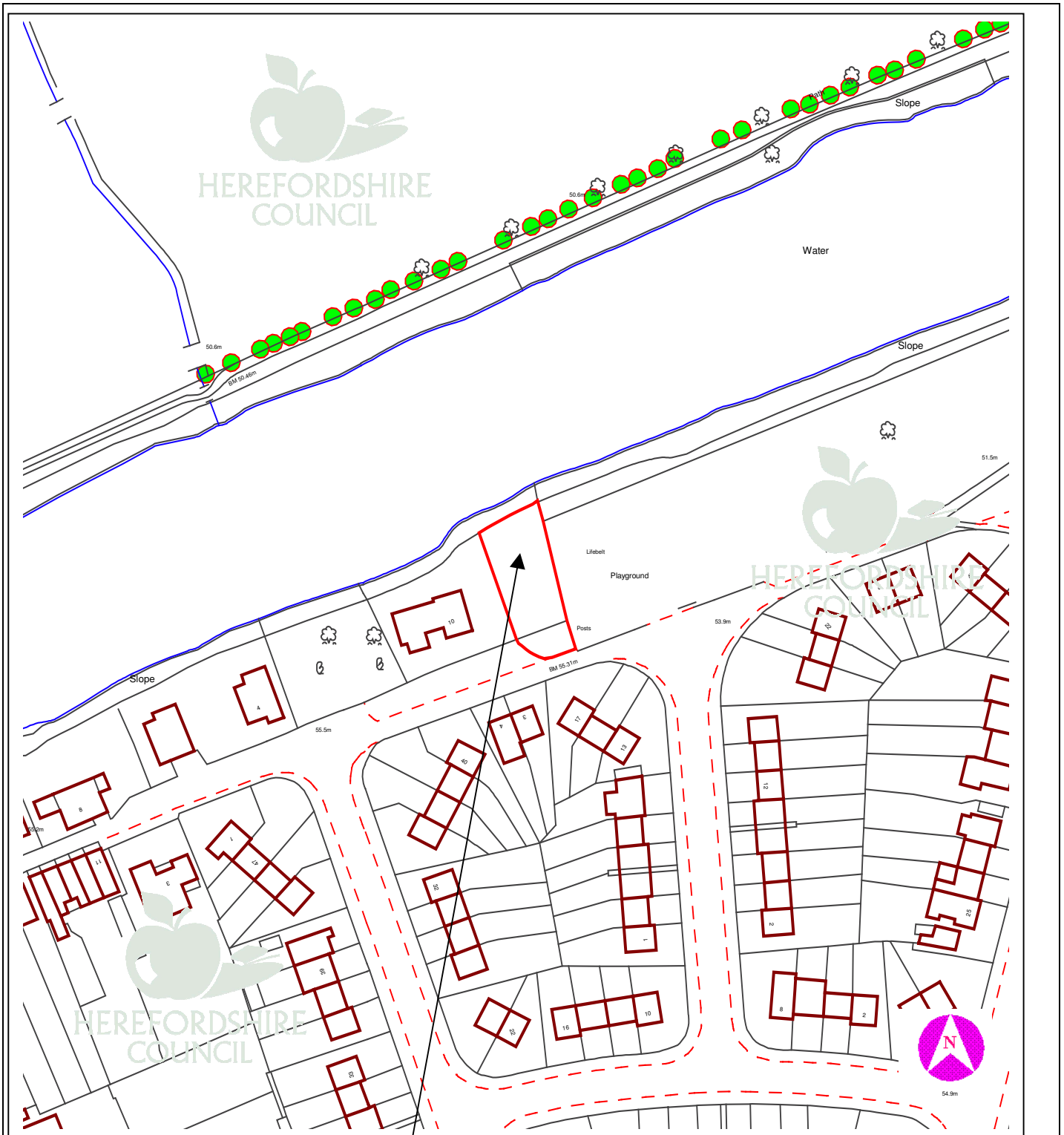
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2007/3582/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 10 Luard Walk, Hereford, Herefordshire, HR2 7BA

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