

11 DCNC2007/3464/F - PROPOSED NEW HOUSE AND DETACHED GARAGE. LAND ADJACENT TO CHAPEL COTTAGE, WYSON LANE, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL**For: Mr & Mrs Sellers per Mr N La Barre, Easters Court
Leominster Herefordshire HR6 0DE****Date Received:
2nd November 2007****Ward:
Upton****Grid Ref:
51986, 67953****Expiry Date:
28th December 2007**

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The site flanks the western side of Wyson Lane and is located within the approved village boundary for Brimfield. The site itself forms part of the applicant's garden which serves their existing cottage. The cottage is positioned within the northern part of the garden and has its own parking and vehicular access. There is an existing tree lined hedgerow on the roadside boundary. The site itself is set amongst other dwellings with a Methodist Chapel/Hall on the opposite side of road.
- 1.2 The proposed development is a full application for a two storey dwelling house with a detached garage in the southern half of the applicant's garden. A new vehicular access will be created onto the highway at the south eastern corner of the site to serve the proposed new dwelling. There will be parking and turning facilities within the site and a 30 metre visibility splay created in each direction. This will entail removing the hedgerows along the road frontage of both the applicant's property and that of the neighbours property to the south i.e. 'Cornerpost' and planting new hedgerows behind the visibility splay lines.

2. Policies**2.1 Planning Policy Guidance/Statements:-**PPS1 – Delivering sustainable development
PPG3 – Housing**2.2 Herefordshire Unitary Development Plan:-**Policy S2 – Development requirements
Policy DR1 – Design
Policy DR3 – Movement
Policy DR7 – Flood risk
Policy H4 – Main villages: settlement boundaries
Policy H16 – Car parking

2.3 Supplementary Planning Guidance (Herefordshire Council)

Design and development requirements.

3. **Planning History**

- 3.1 DCNC2005/1457/F - Erection of a detached dwelling and garage - Withdrawn 24th June 2005
- 3.2 DCNC2006/1067/F - Erection of new detached dwelling and garage - Refused 26th May 2006
- 3.3 DCNC2007/2575/F - Proposed dwelling and detached garage - Withdrawn 8th October 2007.

4. **Consultation Summary**

Statutory Consultations

- 4.1 None.
- 4.2 The Traffic Manager recommends that any planning permission granted includes certain conditions.

Internal Council Advice

5. **Representations**

- 5.1 The applicant's agent states that a previous application DCNC2006/1067/F for a similar proposal was refused on highway grounds only and this current application seeks to resolve those concerns. The proposed new dwelling will be situated at a point midway between Chapel Cottage and Cornerpost. The scale and style of the proposal reflects that of the cottage and Church. A new vehicular access will be formed by removal of existing roadside hedgerows and planting new hedges behind the visibility splay lines for both the applicant's property and 'Cornerpost'.
- 5.2 The Parish Council states - Objection - our previous comments stand. We would argue that visibility remains a danger to all road users at this location. As per DR7 it lies within the flood plain.
- 5.3 There have been seven letters of objection received from:

Mrs S Battersby, Eldin, Wyson, Brimfield, Ludlow, SY8 4NL
Mr J Lucas, Welland House, Wyson, Brimfield, Ludlow, SY8 4NN
S L Clarke, Elm Lea, Wyson, Brimfield, Ludlow, Shropshire , SY8 4NL
Ms S C Read, Bredon, Wyson, Brimfield, Ludlow, Shropshire , SY8 4NL
Mrs S M Kean, Meadowlands, Wyson, Brimfield, Ludlow, Shropshire , SY8 4NL
Mr P Darby, Pendelfin, Wyson, Brimfield, Ludlow, Shropshire , SY8 4NL
Mrs D Lines, Cornerstones, Wyson, Brimfield, Ludlow, Shropshire , SY8 4NN

The main points being:

1. The proposed new vehicular access is at narrow part of lane which takes just one vehicle at a time. Lane used by school buses, farm vehicles and private vehicles and as such anymore traffic will make use of lane more difficult and dangerous.
- 2,. Lane is in poor condition and additional traffic will make condition worse.
3. Construction traffic and lorries delivering building materials will cause problems in a narrow lane.
4. The proposed turning and parking facilities too small and will result in cars reversing onto lane causing a hazard to safety.
5. Many children and elderly people attend functions at Chapel opposite. Site near to pick up/drop off place for school coaches. The proposal will make it more dangerous for them to walk along the road.
6. The proposed dwelling is too large for site.
7. The new dwelling will result in overlooking and loss of privacy to nearby dwelling.
8. Questions accuracy of drawings.
9. Concern over possible damage to trees on site especially a mature yew tree.
10. Loss of hedgerow could increase noise from farm vehicles using road.

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

6. Officer's Appraisal

6.1 The main issues relate to:

- a. The principle of erecting a new dwelling on this site
- b. The size and design of the dwelling
- c. Its effect on the residential amenities of neighbouring dwellings
- d. Highway safety

6.2 The proposed dwelling is situated within the approved main village boundary for Brimfield and as such the principle of erecting a new dwelling on this site is considered to be acceptable. The size and design of the proposed dwelling and the use of facing brick and tiles for external materials are also considered to be acceptable and in accordance with planning policies and guidance. In addition the proposed dwelling will not result in any adverse overlooking or loss of privacy to any of the adjacent dwellings/properties.

6.3 A previous application on the site for the erection of a new dwelling was refused for reasons of highway safety due to the inability of the applicants to provide the required visibility splays over land in their control and the lack of any proposed turning provision within the site. The current application has now got suitable parking/turning provisions

within the site and the required visibility splays can now be achieved. The applicants have entered into a legal agreement/deed of mutual covenant with the owners of the existing dwelling immediately to the south 'Cornerpost' which requires the existing roadside hedgerow in front of 'Cornerpost' to be removed and a new hedgerow to be planted behind the visibility splay line and also the visibility splay area to be kept free of any obstruction. This deed of mutual covenant has recently been formally agreed and signed between both parties. Consequently it is now considered that the proposed new access/parking arrangements are now acceptable and will not result in a hazard to highway safety. Also it is considered that the erection of one new dwelling will not cause any significant increase in traffic which will be detrimental to highway safety.

- 6.4 The proposed development will not result in the loss of any of the existing large mature trees on the site. Also the site is not within a designated flood plain.
- 6.5 The proposed development is therefore considered to be acceptable and in accordance with the relevant planning policies and guidance, in particular Policies S2, DR1, DR3, H4 and H16 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 - H03 (Visibility splays)**

Reason: In the interests of highway safety.

- 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 - The whole of the splayed entrance shall have a sealed surface and shall remain unobstructed at all times.**

Reason: In the interests of highway safety.

- 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.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N03 - Adjoining property rights
- 3 - The applicants should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicants are advised to seek legal advice on the matter.
- 4 - N14 - Party Wall Act 1996
- 5 - The development should be carried out in accordance with the requirements of the Deed of Mutual Covenant formally agreed between the current owners of Chapel Cottage and Cornerpost, which was submitted with the application.
- 6 - HN04 - Private apparatus within highway
- 7 - HN05 - Works within the highway
- 8 - HN22 - Works adjoining highway
- 9 - N19 - Avoidance of doubt
- 10 - HN10 - No drainage to discharge to highway

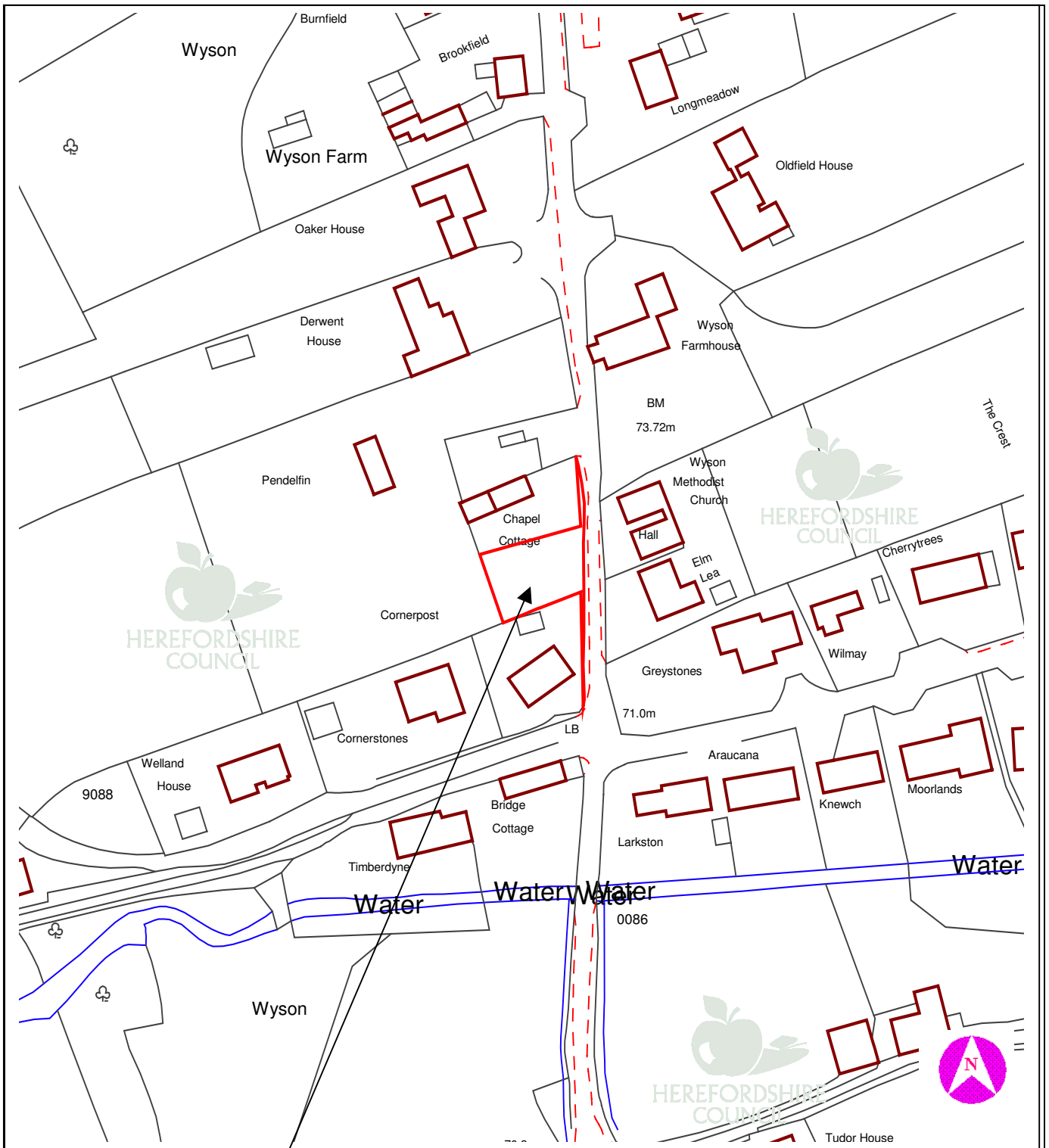
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/3464/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Chapel Cottage, Wyson Lane, Brimfield, Ludlow, Herefordshire, SY8 4NL

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