

**7 DCCW2008/0578/F - PROPOSED DWELLING AT LAND TO THE REAR OF 140-142 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0SD**

**For: Mr. & Mrs. G. Fairbrother per JBD Architects, Mortimer House, Holmer Road, Hereford, Herefordshire, HR4 9TA**

**Date Received: 4th March, 2008**

**Ward: Three Elms**

**Grid Ref: 48425, 41110**

**Expiry Date: 29th April, 2008**

Local Members: Councillors P.A. Andrews, S.P.A. Daniels and A.M. Toon

**1. Site Description and Proposal**

- 1.1 The application site is comprised of a parcel of amenity land which in total extends to approximately 0.07 hectares located to the rear of properties known as 140/142 Kings Acre Road, situated on the northeastern corner of the junction of Kings Acre Road and Huntingdon Lane.
- 1.2 The application seeks permission to erect a detached 3 bedroom dwelling with a single integral garage, set within its own curtilage. The design of the dwelling is relatively contemporary comprising a brick and timber clad elevations under a slate roof, which will be orientated fronting onto Huntingdon Lane with private amenity space to the rear.

**2. Policies**

2.1 Planning Policy Statement 3 – Housing

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S10	-	Waste
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy T11	-	Parking Provision
Policy CF2	-	Foul Drainage

**3. Planning History**

- 3.1 CW2002/3602/O Site for a 4 bedroom dwelling. Refused 21/01/2003.

3.2 DCCW2004/0217/O Site for a 2 bedroom bungalow. Refused 05/03/2004. Appeal dismissed 15/12/2004.

3.3 Adjoining Site:

DCCW2006/3156/F Two storey extension to provide ground floor self contained annexe with two bedrooms at first floor. Application Withdrawn 20/03/2006.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 Welsh Water: No objection, there are no foul/surface water sewers in the immediate vicinity, therefore it is likely that off-site sewers will be required to connect to the public sewerage. Standard drainage conditions are recommended.

##### Internal Council Advice

4.2 Traffic Manager: No objection subject to the use of standard highway conditions.

#### 5. Representations

5.1 Hereford City Council: This application should be refused as there would be an encroachment into open countryside.

5.2 Breinton Parish Council (Adjoining Parish): Objection, summarised, proposed development is contrary to Policy S2. The Parish Council have irrefutable evidence that the existing properties (140/142) are causing problems with the sewerage system, further development would exacerbate this situation. The proposed development will provide no positive environmental benefits. The proposed dwelling will harm the residential amenity and outlook of neighbouring dwellings. Additional traffic movement close to junction would harm highway safety.

5.3 Five letters of objection have been received from Mr. Cullen, 13 Pennine Close; Mr. Terry, 2 Cheviot Close; Mr. Barton, 8 Cheviot Close; Mr. Davies, 10 Cheviot Close and Mr. Pritchard, 11 Pennine Close which are summarised as follow:

- Loss of privacy/overlooking.
- Loss of light.
- Density of development is too high.
- Increase traffic movements would be a danger to highway safety.
- No agreement has been sought for connection into the length of private sewer pipe, which runs along the length of Cheviot Close.
- We will hold Hereford Council responsible for any costs incurred maintaining the private length of sewer pipe, if this development is allowed to connect to it.
- Existing property prices will be devalued.
- Noise and dust during the construction phase.
- Inappropriate materials.

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. Officer's Appraisal

6.1 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

- The Principle of Development
- The Previously Dismissed Appeal
- Visual and Residential Amenity
- Water and Sewerage
- 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 a single dwelling is acceptable in principle, subject to other material considerations being satisfactorily resolved.

6.3 The concerns of Hereford City Council are noted but in view of the fact that the site lies within a designated settlement boundary, it cannot be argued in policy terms that the proposed development encroaches into the open countryside.

### The Previously Dismissed Appeal

6.4 Members will note from section 3 of this report that planning permission was refused and an appeal dismissed in December 2004 for a single dwelling on the site. The reasons for dismissal of the appeal were the impact of the development on the character and appearance of the area and the amenity of adjoining residents. There are several notable differences between the current proposal and that dismissed on appeal, which as a result warrant a different recommendation.

6.5 Firstly, the adopted development plan was the Hereford City Local Plan and the development was assessed against the policies contained in this plan. This now being superseded by the Unitary Development Plan and Planning Policy Statement 3 on Housing. Both documents place greater emphasis on the sustainable re-use of brownfield sites for residential development.

6.6 Secondly, the previous appeal site was only half the size area the subject of this application, which led the Inspector to conclude the resultant proposal, would appear unacceptable cramped. The Inspector also considered the bungalow to appear out of place in the context of nearby development. Although the proposal would to some extent remove the open transition to the open countryside, it is not considered that this issue could be sustained as a reason for refusal under the current policy framework.

6.7 Finally, the siting of the dwelling now maintains the privacy and outlook for existing dwellings south of the site (140 and 142 Kings Acre Road) whereas the appeal decision proposed a new dwelling directly to the rear of number 140 Kings Acre Road with the resultant unacceptable impact on their amenity. Minor concerns existed regarding the size of the remaining gardens and amended plans have now been provided to increase the depth of the rear gardens associated with the existing dwellings.

Visual and Residential Amenity

- 6.8 Having regard to character of the wider locality, the siting, design, scale, massing and orientation of the proposed dwelling are considered to be acceptable.
- 6.9 More specifically, although the concerns about overlooking and loss of light are noted, having regard to the separation distances involved it is not considered that the proposed development will materially alter the level of residential amenity presently enjoyed, to a degree, which would give rise to any sustainable ground for refusal.
- 6.10 Overall the proposed development is not considered to give rise to any harm to the visual or 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.

Water and Sewerage

- 6.11 In the absence of any objection from Welsh Water, it is not considered that the concerns raised in the letters of representation can be substantiated as grounds for refusal, however an appropriate condition is recommended requiring the prior approval of a scheme of drainage to serve the development.
- 6.12 For the information of Members, the properties in Cheviot Close east of the site connect to the public sewer which runs along Cotswold Drive, therefore they are not on a private system but rather they are responsible for the maintenance of the pipes between their property and its intersection with the public system.

Access and Highways

- 6.13 In principle, the Traffic Manager has no objection to the proposed access and parking arrangements but comments that two parking spaces should be provided, as well as stating that the access should meet minimum design standards. These comments are considered reasonable and the appropriate conditions are recommended.
- 6.14 In the absence of any objection from the Traffic Manager, it is not considered that the concerns raised by objectors or the Parish Council can be substantiated as grounds for refusal on highway safety grounds.

Conclusion

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

**RECOMMENDATION**

**Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:**

- 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. **A07 (Development in accordance with approved plans).**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

3. **B01 (Samples of external materials).**

**Reason: To ensure that the materials harmonise with the surroundings.**

4. **E17 (No windows in side elevation of dwelling).**

**Reason: In order to protect the residential amenity of adjacent properties.**

5. **E19 (Obscure glazing to windows).**

**Reason: In order to protect the residential amenity of adjacent properties.**

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

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

7. **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.**

8. **H03 (Visibility splays).**

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

9. **H05 (Access gates) (5 metres).**

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

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

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

11. **H10 (Parking - single house) (2 cars).**

**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. **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.

- 14. **F18 (Scheme of foul drainage disposal).**

**Reason:** In order to ensure that satisfactory drainage arrangements are provided.

- 15. **During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason:** To safeguard residential amenity.

- 16. **The development shall be designed and constructed to meet level three of the Code for Sustainable Homes: A Step change in Sustainable Home Building Practice Design dated December 2006 or equivalent standard as may be agreed in writing with the local planning authority. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard and prior to the occupation of the last dwelling, further certification shall be provided confirming that the development has been constructed in accordance with the agreed standard.**

**Reason:** To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'.

**Informatives:**

- 1. **N01 - Access for all.**
- 2. **N03 - Adjoining property rights.**
- 3. **N14 - Party Wall Act 1996.**
- 4. **HN05 - Works within the highway.**
- 5. **HN10 - No drainage to discharge to highway.**
- 6. **All machinery and plant shall be operated and maintained in accordance with BS5228: 1987 'Noise Control of Construction and Open Sites'.**
- 7. **N19 - Avoidance of doubt**
- 8. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

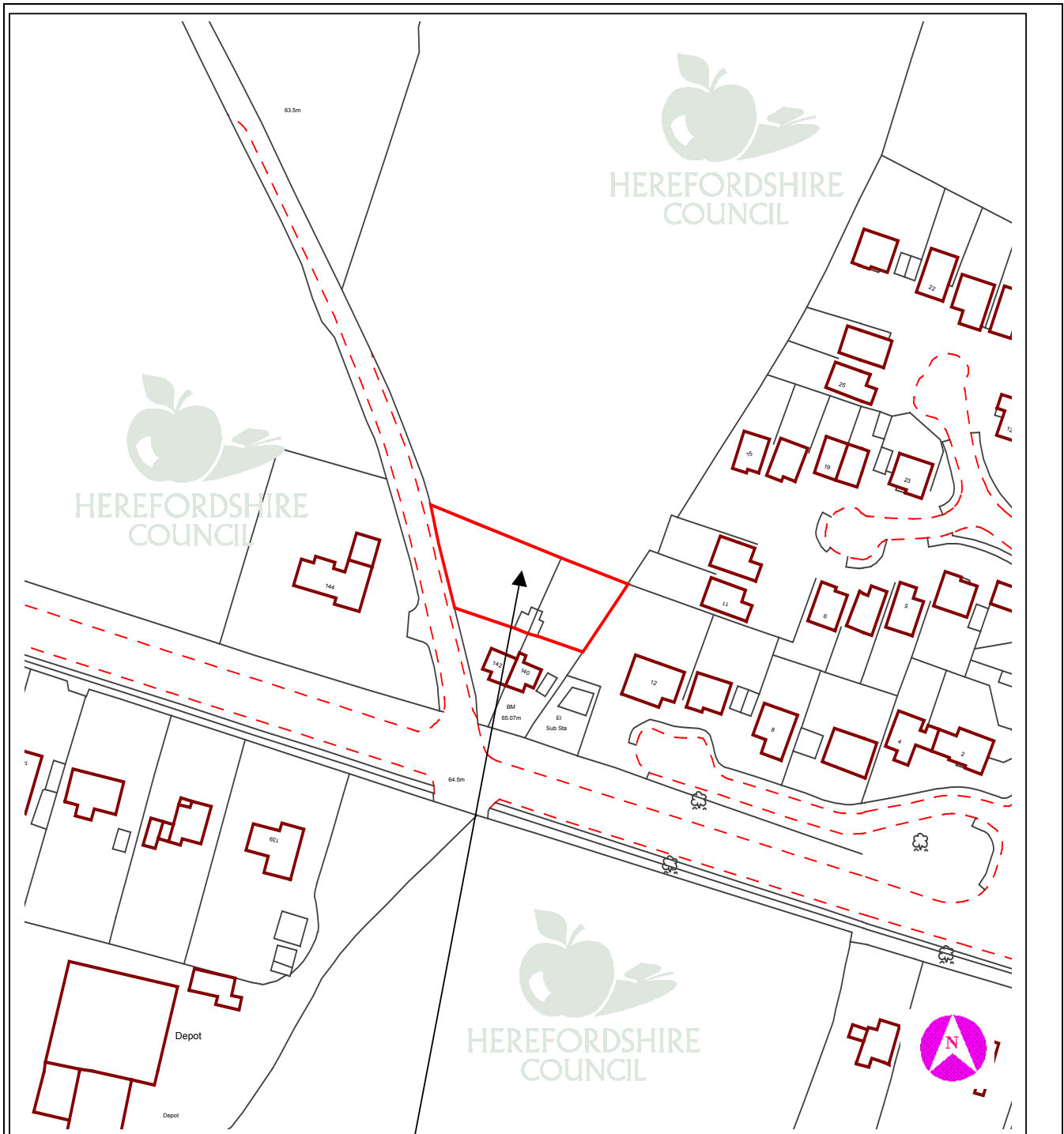
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCCW2008/0578/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land to the rear of 140-142 Kings Acre Road, Hereford, Herefordshire, HR4 0SD

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005