

**DCNW2008/0863/F - PROPOSED ERECTION OF ONE HOUSE. LAND ADJACENT TO STONEWOOD COTTAGE, OXFORD LANE, KINGTON, HEREFORDSHIRE.**

**For: Mr & Mrs G. & S. Burton, Burton & Co, Lydiatt Place Brimfield, Ludlow, Shropshire SY8 4NP**

Date Received: 25 March 2008

Ward: Kington Town Grid Ref: 29832, 56766

Expiry Date: 20 May 2008

Local Member: Councillor TM James

## **1. Site Description and Proposal**

- 1.1 A brown field site, located within the town's Conservation Area, elevated with far ranging views in a south-easterly direction over the town. The site is adjoined on its western and northern boundaries by a stone wall, making a positive contribution to the surrounding Conservation Area.
- 1.2 To the immediate south and east of the application site are residential curtilages to dwellings of various scale and character.
- 1.3 The application proposes a construction of a two-storey dwelling of external timber clad construction on a stone plinth under a slate roof, with internal accommodation measuring 150 square metres (measured externally).
- 1.4 The internal accommodation is arranged on two floors and consists of open plan kitchen/dining room and sitting room on the first floor and entrance hall, two bedrooms, bathroom and utility on the ground floor.

## **2. Policies**

Herefordshire Unitary Development Plan 2007

- S1 – Sustainable development
- S2 – Development requirements
- DR1 – Design
- DR2 – Land use and activity
- DR3 – Movement
- DR4 – Environment
- H13 – Sustainable residential design
- H14 – Re-using previously developed land and buildings
- LA3 – Setting of settlements
- HBA6 – New development within Conservation Areas.

### 3. Planning History

- 3.1 NW08/0517/F – Erection of one house – Refused 15 April 2008.
- 3.2 NW08/021312 – Proposed erection of one dwelling house – Refused 4 March 2008.
- 3.3 NW04/1041/F – Proposed temporary access through wall for construction purposes – Approved 20 May 2004
- 3.4 NW04/0946/F – Proposed erection of a detached cottage – Approved 13 May 2004.
- 3.5 NW03/1972/F- Proposed erection of a cottage – Approved 12 October 2003

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water raise no objections

#### Internal Council Advice

- 4.2 The Conservation Manager recommends approval subject to conditions requiring the rebuilding of the wall on Oxford Lane.
- 4.3 The Transportation Manager recommends approval, subject to satisfactory cycle parking provision.
- 4.4 The Public Rights of Way Manager raises concerns about the close proximity of the proposed development to the adjoining Public Right of Way (Oxford Lane footpath adjacent to the site boundary).

### 5. Representations

- 5.1 Kington Town Council raise concerns about disabled and general vehicular access to the development once completed. Also concerns raised about re-instatement of the boundary wall. Requires that assurances are obtained from the applicants before support can be given to this application.
- 5.2 Two letters of objection have been received from:
  - M Franklin, 39 Duke Street, Kington
  - Lewis and Ruth Goldwater, Stonewood Cottage, 5 Oxford Lane, Kington

Objections can be summarised as follows:-

- Concerns about location of proposed dwelling in consideration of adjoining properties privacy and amenity.
- Scale of the proposed development
- Vehicular access to the site
- Impact on historic importance of the surrounding area by service vehicles attending the site.

- 5.3 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 with regard to the application refer to:
- Impact of the development on the character of the surrounding area
  - Impact on amenity and privacy
  - Vehicular access to the site

### Impact of the development on the character of the surrounding area

- 6.2 The site is located within the designated Conservation Area, to the rear of Duke Street. The application site is surrounded on its western and northern boundary by a stone wall, which is of historic interest in relationship to the Conservation Area.
- 6.3 The Conservation Manager has recommended approval to the application, subject to conditions requiring the rebuilding of the wall alongside Oxford Lane.
- 6.4 The Conservation Manager's response, with regard to the adjacent wall, is in consideration of the fact that the plans submitted for planning determination indicate a request for temporary access off Oxford Lane, for construction purposes through an existing steel gate already in situ within the stone wall line.
- 6.5 In consideration of the fact that the gate is already in place, as a result of planning approval NW2004/1041/F dated 20 May 2004 this request is considered reasonable, subject to appropriately worded conditions, with regards construction/repair to the stone wall, to make it good in order to retain its character and preserve the historic character of the surrounding Conservation Area.
- 6.6 The external design of the dwelling is considered acceptable in relationship to the surrounding area, which is of a mixed time period and design. At the rear of the application site, within close proximity to its northern boundary, is the site of the recently approved Maes-y-deri residential development.

### Impact on amenity and privacy

- 6.7 The applicant has submitted amended plans that indicate a dwelling with internal floor space of approx 150 square metres (measured externally) located 18.3 metres from the dwelling, located alongside the southern boundary of the application site, known as "Stonewood Cottage". To the rear of the application site is the "Maes-y-deri" residential development site. The nearest dwelling on this development site, will be on its boundary with "Board School Lane" (6 metres away). This runs at the back of the application site alongside its northern elevation, to which it is considered no significant detrimental impact will be created, as a result of either loss of light or privacy on occupants of the yet to be completed dwellings, on the Maes-y-deri site. There are no other dwellings within the immediate vicinity of the application site, to which there will be any detrimental impact on amenity and privacy issues. In consideration of the distance between the proposed development and the dwelling known as Stonewood Cottage, there are insufficient grounds for refusing this application in respect of amenity and privacy issues, in relationship to this property.

Vehicular access to the site

- 6.8 The applicants propose vehicular access to the site via "Bulls Yard", from the south-eastern corner of the application site. No objections to this proposal have been received from the Council's Transportation Manager.
- 6.9 With regard to the temporary access, this is already in place, as a result of planning application ref NW2004/1041/F approved on 20 May 2004, in order to gain temporary access to the site for construction of a dwelling on site, approved subject to either application ref NW04/0946/F dated 13 May 2004 or application ref NW03/1972/F dated 17 December 2003.
- 6.10 Therefore, temporary access to the site along Oxford Lane for construction purposes is considered acceptable.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

**1. A01 - Time limit for commencement (full permission)**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**2. C01 - Samples of external materials**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**3. DO4 - Details of window sections, eaves, verges and barge boards**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.**

**4. DO5 - Details of external joinery finishes**

**Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural and historic interest of the building (as one which is in a conservation area), and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan**

**5. D10 - Specification of guttering and downpipes**

**Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.**

**6. E01 - Site investigation – archaeology**

**Reason:** To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

**7. F14 - Removal of permitted development rights**

**Reason - For new houses -** In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

**8. F01 - Restriction on hours of working**

**Reason:** To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

**9. L01 - Foul/surface water drainage**

**Reason:** To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

**10. L02 - 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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

**11. L03 - No drainage run-off to public system**

**Reason:** To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

**12. H08 - Access closure**

**Reason:** To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

**13. H12 - Parking and turning - single house**

**Reason:** In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

**14. H29 - Secure covered cycle parking provision**

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

conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

- 15. Prior to first occupation of the dwelling hereby approved, full details will be submitted to the Local Planning Authority for approval in writing on the method and type of construction materials to be used for reinstatement of the boundary wall to the application site.

Reason: In the interests of preserving the character of the surrounding Conservation Area and to comply with Policy HBA8 of the Herefordshire Unitary Development Plan.

- 16. B06 - Implementation of one permission only

Reason: In order that the Local Planning authority can control the type of development on site in consideration of Policy HBA6 of the Herefordshire Unitary Development Plan.

**Informatives**

- 1 - HN03 - Access via public right of way
- 2 - HN04 - Private apparatus within highway
- 3 - HN10 - No drainage to discharge to highway
- 4 - N19 - Avoidance of doubt - Approved Plans
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC

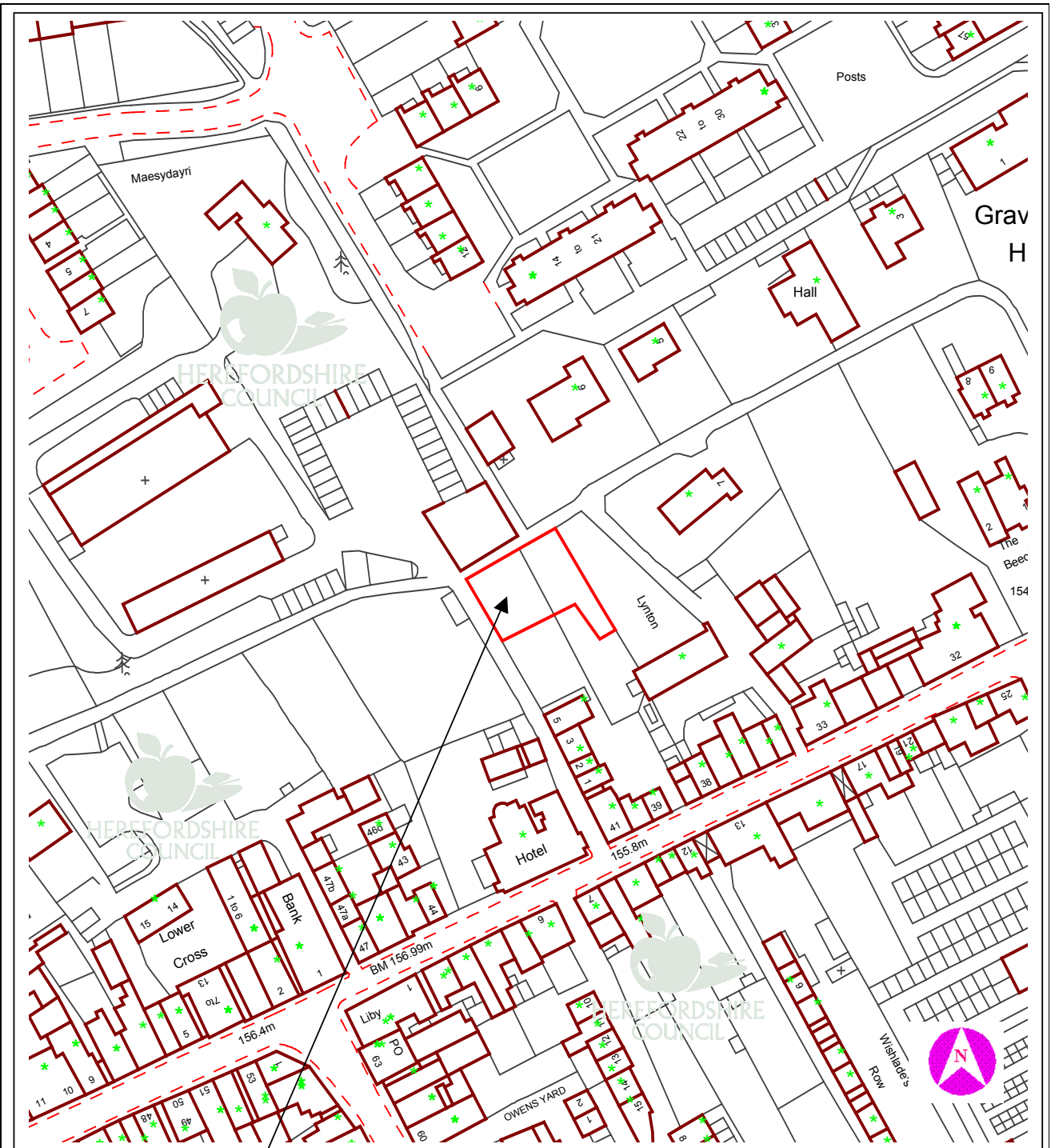
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2008/0863/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to Stonewood Cottage, Oxford Lane, Kington, Herefordshire.

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