

**10 DCCE2008/1458/F - PROPOSED DEVELOPMENT TO FORM 5 DWELLINGS - ALTERATIONS TO PREVIOUSLY APPROVED PLANNING APPLICATION DCCE2005/3449/F AT 11 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET**

**For: GB Electrical & Building Services per Axys Design, 30 Grove Road, Hereford, Herefordshire, HR1 2QP**

**Date Received: 4 June 2008**

**Ward: Central**

**Grid Ref: 51419, 40150**

**Expiry Date: 30 July 2008**

Local Member: Councillor MAF Hubbard

**1. Site Description and Proposal**

- 1.1 Permission is sought for design amendments to planning permission DCCE2005/3449/F, which dealt with the erection of 5 dwellings on land to the rear of No. 11 Kyrle Street, Hereford. The site was part of a former car sales business and before that would have been part of the garden to No. 11 Kyrle Street.
- 1.2 The design amendments proposed under this application involve alterations to the roof pitch and fenestration detailing. The approved scheme employs an asymmetrical roof pitch with rooms at the rear of the first floor (kitchens) lit by small roof lights. The current proposal would reverse the internal layout and place bedrooms at first floor. It is proposed to raise the eaves and ridge heights so that genuine first floor windows can be accommodated in the rear elevation.
- 1.3 Formerly proposed 'juliet' balconies are also removed from the front elevation, which is improved as a result.
- 1.4 The scheme remains unchanged in all other respects.

**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 DR5	-	Planning Obligations
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings

- Policy H16 - Car Parking
- Policy ARCH6 - Recording of Archaeological Remains

### 3. Planning History

- 3.1 DCCE2005/3449/F Proposed development to form 5 dwellings. Approved with conditions 12 November 2005.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: Recommend standard conditions regarding the treatment of foul and surface water drainage.

#### Internal Council Advice

- 4.2 Conservation Manager: No objection subject to the prior approval of materials.
- 4.3 Traffic Manager: No objection.
- 4.4 Economic Regeneration Manager: No objection.

### 5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 One letter of objection has been received from Mr. J. Ball, 9 Kyrle Street, Hereford. The letter expresses concern at the potential for the overlooking of the rear garden at No. 9 Kyrle Street.
- 5.3 The applicant has written a letter to highlight the existing propensity for overlooking in the area.

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 The application seeks permission for design amendments to an existing, extant planning permission for the erection of 5 dwellings on land to the rear of 11 Kyrle Street. The principle and basic footprint of the development is established by the existing planning permission.
- 6.2 Accordingly, the key issue with regard to the design revisions is whether the proposed alterations to the fenestration would result in an unacceptable impact upon the residential amenity of the neighbouring dwelling.
- 6.3 The principle amendments involve the raising of the eaves and ridge heights by 0.7m and 0.35m respectively, to allow for the introduction of first floor windows in the rear elevation in substitution for the previously approved roof lights. Roof lights were employed previously in recognition of the impact that windows would have upon the enjoyment of the adjoining garden.

- 6.4 The proposed scheme introduces a single bedroom window to each unit in the rear facing first floor. In recognition of the implications for the privacy of the neighbouring garden, the windows in the two dwellings closest to the rear of No. 11 would be of a smaller size and obscure glazed. Further along the development (units 3, 4 and 5) the proposed windows are further removed from the rear of Nos. 9 and 11, with an aspect over the bottom of the garden, which is already overlooked from a number of nearby developments, including the apartments over the Litten Tree Public House.
- 6.5 Typically it is the area of garden closest to the rear of dwellings that should be afforded the greatest privacy, as these areas normally see the highest levels of use. In this respect the move to make smaller and obscure glaze the windows in units 1 and 2 is considered to adequately address the privacy issue.
- 6.6 Overall, the design revisions are considered to improve the external appearance of the development. The front elevation, in particular, is more coherent and less fussy, whereas the introduction of first floor windows at the rear introduces some interest to this aspect, whilst addressing the concerns over the loss of privacy expressed above.
- 6.7 As the scheme proposes design amendments to an existing planning permission (which predated the Supplementary Planning Document) it is not considered reasonable to seek S.106 contributions in this instance.
- 6.8 The principle of erecting five dwellings on this land is established. The design revisions, necessary to incorporate genuine first floor windows, are not considered to adversely affect neighbouring residential amenity subject to the use of obscure glazing in units 1 and 2, which will be controlled via condition. The application is recommended for approval subject to conditions.

## RECOMMENDATION

**That planning permission be granted subject to 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. **B03 (Amended plans).**

**Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

3. **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**

4. **F14 (Removal of permitted development rights).**

**Reason: 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.**

- 5. F16 (No new windows in specified elevation).**

**Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

- 6. F17 (Obscure glazing to windows).**

**Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

- 7. I16 (Restriction of hours during construction).**

**Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

- 8. G09 (Details of Boundary treatments).**

**Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.**

- 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**

- 10. 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.**

- 11. 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.**

- 12. 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.**

**Informatives:**

- 1. N19 - Avoidance of doubt - Approved Plans.**

**2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

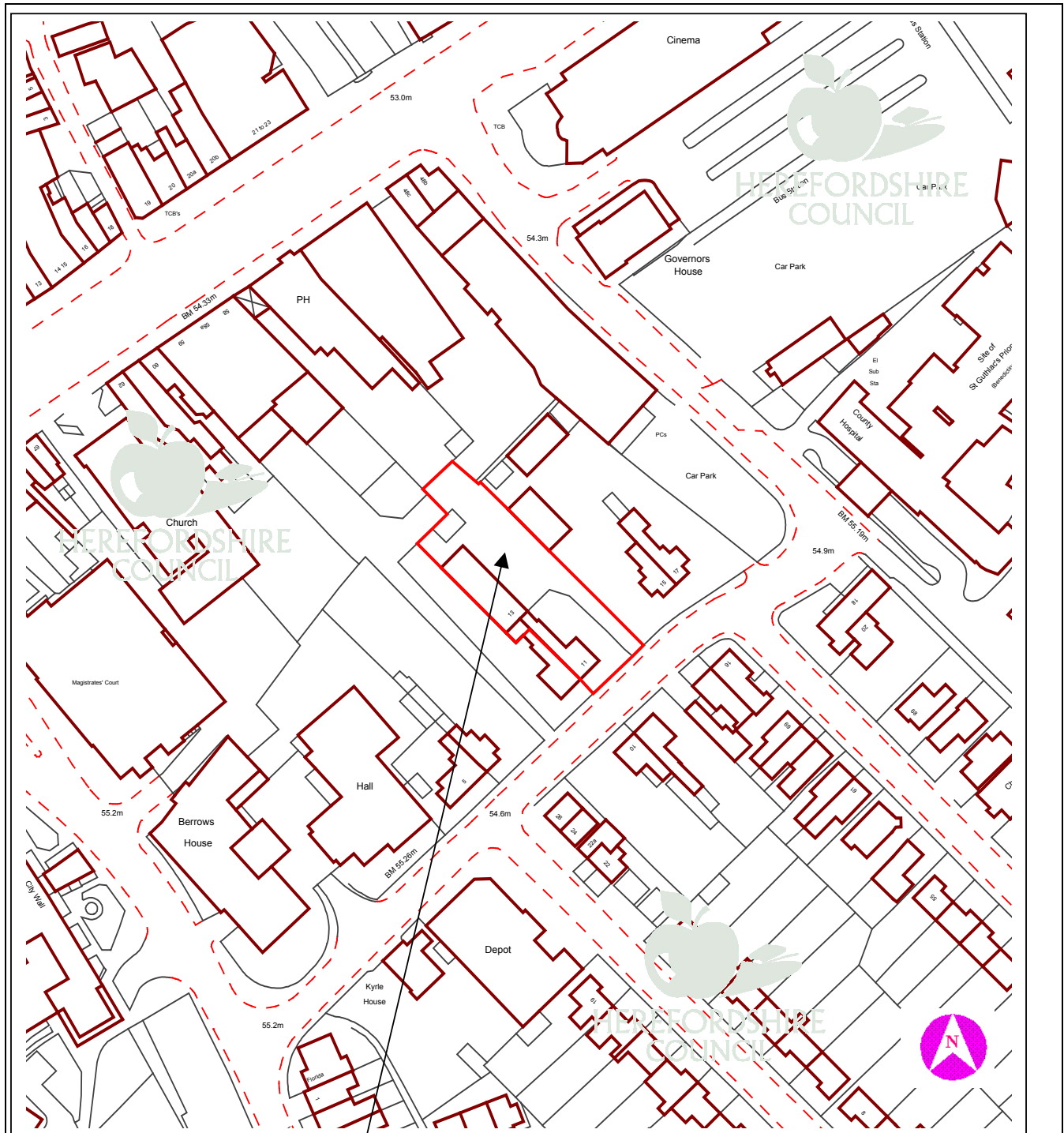
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DCCE2008/1458/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 11 Kyrle Street, Hereford, Herefordshire, HR1 2ET

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