

**14 DCCE2008/1453/F - RETROSPECTIVE APPLICATION FOR A REPLACEMENT DWELLING AND DETACHED GARAGE AS BUILT (DEVIATIONS FROM APPROVED PLANS DCCE2007/1033/F) AT HAUGHLEY COTTAGE, MORDIFORD, HEREFORDSHIRE, HR1 4LT**

**For: Mr. S. Maltby per Linton Design, 5A Old Road, Bromyard, Herefordshire, HR7 4BQ**

**Date Received: 4 June 2008**

**Ward: Backbury**

**Grid Ref: 58702, 36483**

**Expiry Date: 30 July 2008**

Local Member: Councillor Mrs JE Pemberton

**1. Site Description and Proposal**

- 1.1 The application site is situated on the western edge of Haugh Woods to the east of Mordiford. It falls within an Area of Outstanding Natural Beauty and a Site of Special Scientific Interest. The site is accessed via a public footpath FWB3C south of the junction with the C1297. The application site covers 0.3 hectares in area and is located in a prominent position overlooking Mordiford and the River Wye. The curtilage is defined by mature vegetation along the northeast and southeast and the ground rises steeply toward the south to Haugh Woods. Planning permission was granted on 25 May 2007 for the demolition of the original cottage and its replacement with a two storey dwelling and a detached single storey double garage (Ref: DCCE2007/1033/F).
- 1.2 Works were completed on the construction of a dwelling and garage in May 2008. However, it has come to light that the development has not been constructed in accordance with the originally approved scheme. The deviations from the approved plans are so significant that the development as built is unauthorised. The main differences between the approved scheme and that which is now built are:
- i. The building is sited 10 metres further to the south east towards the woodland and the slab level is around 1.2 higher than originally indicated on the approved plan.
  - ii. The building is 230 cubic metres larger than that which was originally approved. In addition, three additional elements have also been built to the replacement dwelling including conservatory and canopy roof on the north elevation and porch to the west elevation. The total volume of the building is approximately 880 cubic metres, some 59% larger than the originally approved replacement and 162% larger than the original cottage.
  - iii. The fenestration to all elevations is at variance with the approved dwelling.
  - iv. The hard landscaping has been modified including the construction of a 23m long brick retaining wall, an additional hardstanding and patio area to the rear and front of the dwelling.

- v. The proposed garage is sited 6 metres away from the western boundary as opposed to 4 metres shown on the approved drawing. The eaves height of the garage has been raised by 800mm to introduce an additional level of habitable area within the garage at first floor level.
- 1.3 This application seeks the retention of the replacement dwelling and garage and the regularisation of all the unauthorised developments, apart from the existing conservatory, within the site area. The agent confirms that his client is willing to demolish the conservatory and a revised plan has been submitted showing the removal of the UPVC frame of the conservatory. The base and dwarf wall would be retained as a patio area.

## **2. Policies**

- 2.1 Planning Policy Statement 7: Sustainable Development in Rural Areas
- 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR4	-	Environment
H7	-	Housing in the countryside outside settlements
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape character and areas least resilient to change
NC3	-	Site of national importance
NC4	-	Site of local importance

## **3. Planning History**

- 3.1 DCCE2008/1234/F - Retrospective application for conservatory and porch extensions. Withdrawn 21 May 2008.
- 3.2 DCCE2007/1033/F - Demolition of existing cottage and erection of a replacement dwelling with detached double garage. Approved 25 May 2007.
- 3.3 DCCE2006/3953/F - Demolition of existing cottage and erection of a replacement dwelling with detached double garage and study. Withdrawn 6 February 2007.

## **4. Consultation Summary**

### Internal Council Advice

- 4.1 Traffic Manager: Visibility to west as shown on original access drawing has not yet been implemented on site.
- 4.2 Building Control Surveyor: Works completed on replacement dwelling and detached double garage on 8 May 2008.
- 4.3 Landscape Officer: Comments awaited.
- 4.4 Ecologist: Comments awaited.

4.5 Public Rights of Way Manager: Comments awaited.

4.6 Minerals and Waste Officer: Comments awaited.

## **5. Representations**

5.1 Fownhope Parish Council: Comments awaited.

5.2 Mordiford Parish Council: Comments awaited.

5.3 Herefordshire Nature Trust: Comments awaited.

5.4 Natural England: The deviation from the original plan should not present a particular detrimental effect on either the SSSI Haugh Wood nor the Wye Valley AONB. Clearly no material from the build should enter the SSSI woodland, and the site boundaries must remain intact.

5.5 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 site lies outside of a defined settlement boundary as identified in the Herefordshire Unitary Development Plan 2007. The area is therefore open countryside for the purposes of planning policies. There is a clear policy presumption against residential development in the open countryside. Policy H7 of the Herefordshire Unitary Development Plan establishes a number of circumstances where such development may exceptionally be permitted. It refers to the provision for replacement dwellings, provided that the replacement dwelling is comparable in size and scale with the existing dwelling.

6.2 The original cottage was considered to be of no architectural or historical merit and in poor condition internally and externally and therefore its replacement with a suitable dwelling was acceptable in principle.

6.3 In December 2006 an application (DCCE2006/3953/F) was submitted seeking permission for a larger two storey replacement dwelling and a detached double garage, which by virtue of its scale, design and siting could not be supported, and negotiations with the applicant and agent secured the submission of a more appropriate revised scheme, which resolved the principle policy objection. Consequently, planning permission was granted for the replacement dwelling and garage (DCCE2007/1033/F).

6.4 The design of the approved dwelling achieved a proposal that would have assimilated into its environment and still retained an architectural quality and scale that respected the original cottage and local context. The local planning authority also recognised the need to provide a larger dwelling in order to meet modern living standards and therefore considered that the 65% enlargement, although a comparatively large increase in volume, was reasonable and acceptable in accordance with the objectives of the development plan policies.

6.5 The original cottage had a volume of 336 cubic metres and the dwelling as built excluding the conservatory, is around 843 cubic metres, which amounts to an

enlargement in excess of 150% in the volume of the original cottage. This is considered excessive and clearly not comparable in size as required by Policy H7.

- 6.6 Consideration has also been given to the design of the approved dwelling but it is considered that the design of the dwelling as built is overly complex in comparison with the nearby traditional properties found in the vicinity. The application is located in open countryside and is within the Wye Valley Area of Outstanding Natural Beauty (AONB). There may be scope for the removal of those additional elements to reduce its visual impact, ensure a locally distinctive style of architecture with the site and surrounding area. However, the dwelling and garage would still represent a disproportionate and inappropriate built development within this attractive part of the Haugh Woods. It neither conserves nor enhances the natural landscape qualities of the AONB. No justification has been put forward for the replacement dwelling as built in this attractive part of the AONB and it is considered that the landscape impact should be accorded significant weight in this instance.
- 6.7 The decision is reached with due regard to the development plan and planning policy statement. The proposed dwelling and garage as built would not accord with the aims of the statutory development plan policies and therefore refusal is recommended.
- 6.8 Members are advised that, should the application be refused, formal enforcement action may well be required to secure amendments to the dwelling to achieve a scale commensurate with policy requirements. The potential exists for this action to require the demolition of all or significant parts of the dwelling as built but clearly this will require further detailed consideration dependent upon the outcome of this application.

**RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- 1. **The replacement dwelling is not comparable in size and scale with the original cottage and the development is therefore contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007 and advice contained in the Planning Policy Statement 7: Sustainable Development in Rural Areas.**
- 2. **The development, by virtue of its design, siting and scale, fails to respect the local distinctiveness architectural style result in an inappropriate form of development which is detrimental to the landscape character and visual amenities of the area which is within the Wye Valley Area of Outstanding Natural Beauty. The development is therefore contrary to Herefordshire Unitary Development Plan Policies S2, S7, DR1 and LA1.**

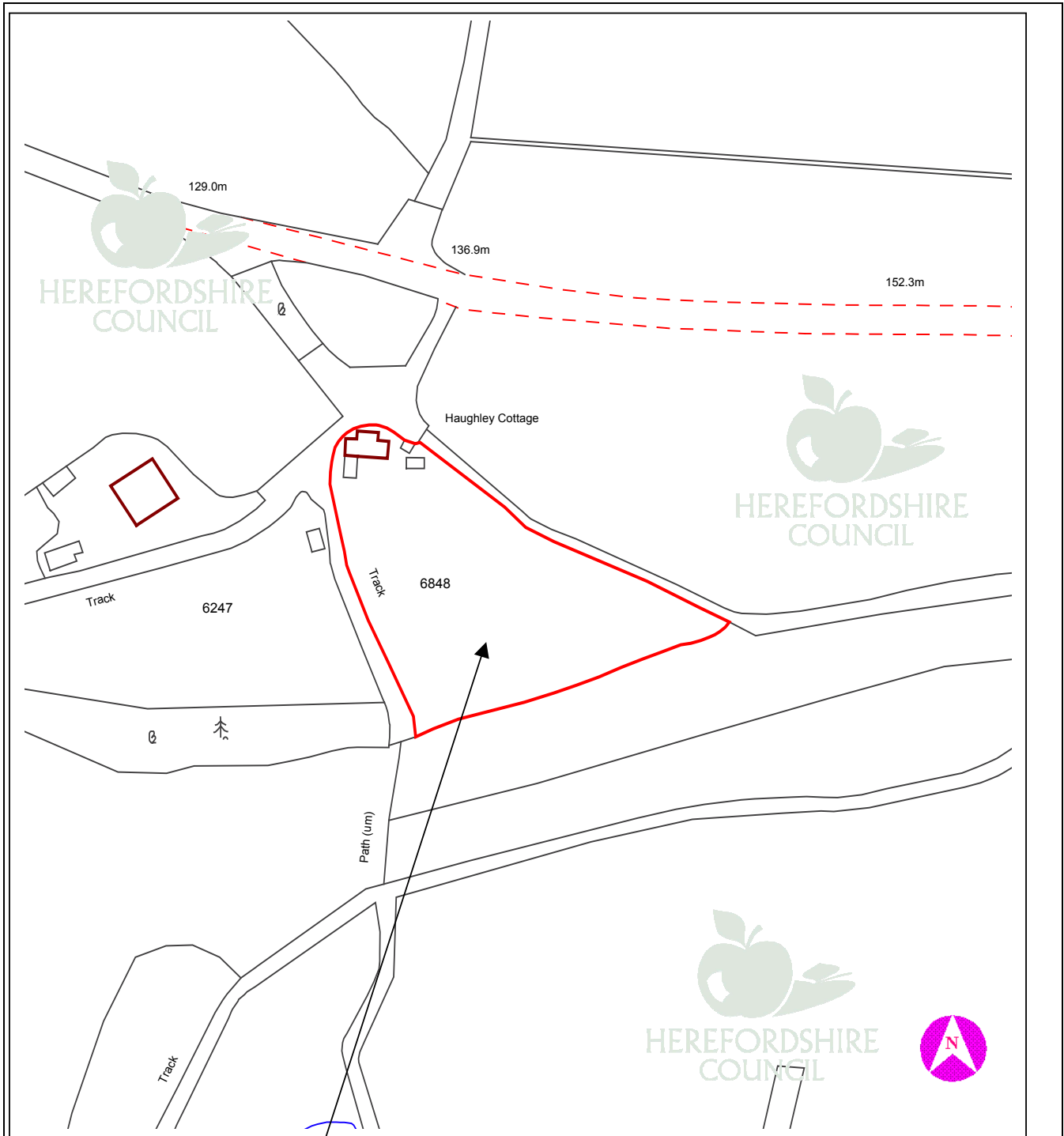
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DCCE2008/1453/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Haughley Cottage, Mordiford, Hereford, Herefordshire, HR1 4LT

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