

**10 DCNC2008/1618/F - PROPOSED NEW GARAGE, MILL STONE COTTAGE, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0EB.**

**For: Mr S. Bengree per Nick La Barre, RIBA, Easters Court, Leominster, Herefordshire, HR6 0DE.**

**Date Received: 12 June 2008**

**Ward: Upton**

**Grid Ref: 48669, 63127**

**Expiry Date: 7 August 2008**

Local Member: Councillor J Stone

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

- 1.1 This site, within the village of Luston, is located adjacent to the Balance Inn on a small section of land near to the applicant's dwelling. This section of land fronts onto a short access track to the north which serves the Balance Inn and a small number of dwellings. There are existing dwellings on the other three sides of the land. There is wooden close boarded fencing on either side of the land with a stone wall and fencing on the southern boundary. The site has a gravel surface. The site is within the designated Conservation Area. The dwelling immediately to the south of the site is a Grade II Listed building.
- 1.2 The proposal is to erect a single garage with a pitched roof. The garage will have brick walls and plain tiles on the roof. The garage will be 4.5 metres wide and 6 metres long and 4.8 metres high to ridge level (2.4 metres to eaves level).
- 1.3 The original plans submitted with the application showed the application site to include a small section of land used for parking adjacent to the proposed garage. However, it became evident that this adjacent section of land in fact was in the ownership of the neighbouring property. The applicant's agent was informed of this and revised plans omitting this land were submitted by the agent who admitted that the land had been included by mistake. The plans of the proposed garage were also amended to remove a side door which opened out onto the neighbour's land.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPS1	-	Delivering Sustainable Development
PPG15	-	Planning and the Historic Environment

### **2.2 Herefordshire Unitary Development Plan**

Policy S2	-	Sustainable Development
Policy DR1	-	Design
Policy DR3	-	Movement
Policy H18	-	Alterations and Extensions
Policy HBA4	-	Setting of Listed Buildings
Policy HBA6	-	New Development within Conservation Areas
Policy T11	-	Parking Provision

**2.3 Herefordshire Council's Supplementary Planning Guidance**

Design and Development Requirements

**3. Planning History**

3.1 None relevant.

**4. Consultation Summary**Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has no objections.

4.3 The Chief Conservation Officer recommends approval subject to approval of materials. The setting of the proposal is dominated by modern development and, on balance, it is considered that the additional impact of the proposed garage on the setting of the adjacent Grade II Listed building (Tudor House) would not be sufficient to recommend refusal.

**5. Representations**

5.1 The Parish Council states:

“Concern over inaccuracy on diagram. The access to and from the proposed garage poses a hazard onto a narrow driveway which is also access to the local public house.”

5.2 There have been three letters of objection received from:

Mr & Mrs H Hayday, Tudor House, Luston, HR6 0EB

M R Jones, Oaklands, Luston, HR6 0EB

Ms T Morgan, The Red House, Luston, HR6 0EB

The main points being:

- the proposed roof is too high
- the roof will reduce the light reaching neighbour's kitchen
- garage too near to boundary fences making it difficult for neighbour to maintain fence. A one metre clearance would make for easier maintenance and less crowding
- Mill Stone Cottage already has its own detached garage and therefore why does it need another one?
- where do soakaways drain to?
- the boundaries marked on location plan includes a parking area in objector's ownership. No requisite notice served on owner of land by applicant
- Mill Stone Cottage is owned by applicant but is subject to tenancy arrangement with the applicant residing at another property. Therefore why does applicant need garage?
- the applicant has failed to register a relationship with a member of Council staff

- a side door of the garage will necessitate access across boundary of neighbour's property
- a legal document was enclosed (relating to recent transfer of a section of land) indicating that a section of land at the rear of the site must not be built upon and remain open. The proposal will obstruct the said land.

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:

- (i) the size and design of the proposed development
- (ii) the effect on the residential amenities of neighbours' properties
- (iii) highway safety
- (iv) the ownership of the land and legal matters raised.

6.2 The proposed garage is considered to be acceptable in terms of its size, design and appearance and will not be out of place set in this position. In addition, it is considered that it will not adversely affect the character and setting of the adjacent Grade II Listed building to the south nor the character and appearance of the designated Conservation Area.

6.3 The proposed garage is set back from the neighbour's dwelling (i.e. to the south) to a sufficient extent that it will not over-dominate the dwelling nor will it adversely affect the residential amenities of its occupants. In any event the neighbouring property to the south only has small windows on this side.

6.4 The access drive serving the public house and the other dwellinghouses is not a classified road, and it is not considered that the proposed development would result in any significant hazard to pedestrians or vehicles using the driveway.

6.5 The revised plans submitted by the applicant's agent would appear to address the questions raised relating to the ownership of the application site. In addition, any legal covenants/restrictions on the land in question and matters relating to maintenance of boundary fencing are civil matters and not material planning considerations.

6.6 In conclusion, it is considered that the proposed erection of the garage on this land is acceptable and in accordance with planning policies and guidance, in particular Policies S2, DR1, H18, HBA4 and HBA6 of the Herefordshire Unitary Development Plan and Government advice contained in Planning Policy Guidance 15 'Planning and the Historic Environment'.

6.7 It should be noted that although the applicant's partner is employed by Herefordshire Council, she does not work in the Planning Services Division and as such there is no requirement for the application to be reported to the Main Planning Committee.

## **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. 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**

**Informative(s):**

**1. N03 - Adjoining property rights**

**2. N14 - Party Wall Act 1996**

**3. The applicant should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners nor does it override any legal covenants/restrictions which may pertain to the land in question. As such, the applicant is advised to contact owners of adjacent properties where these rights may be affected and seek legal advice on the aforementioned matters prior to undertaking any building work.**

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

**5. N15 - Reason(s) for the Grant of Planning Permission**

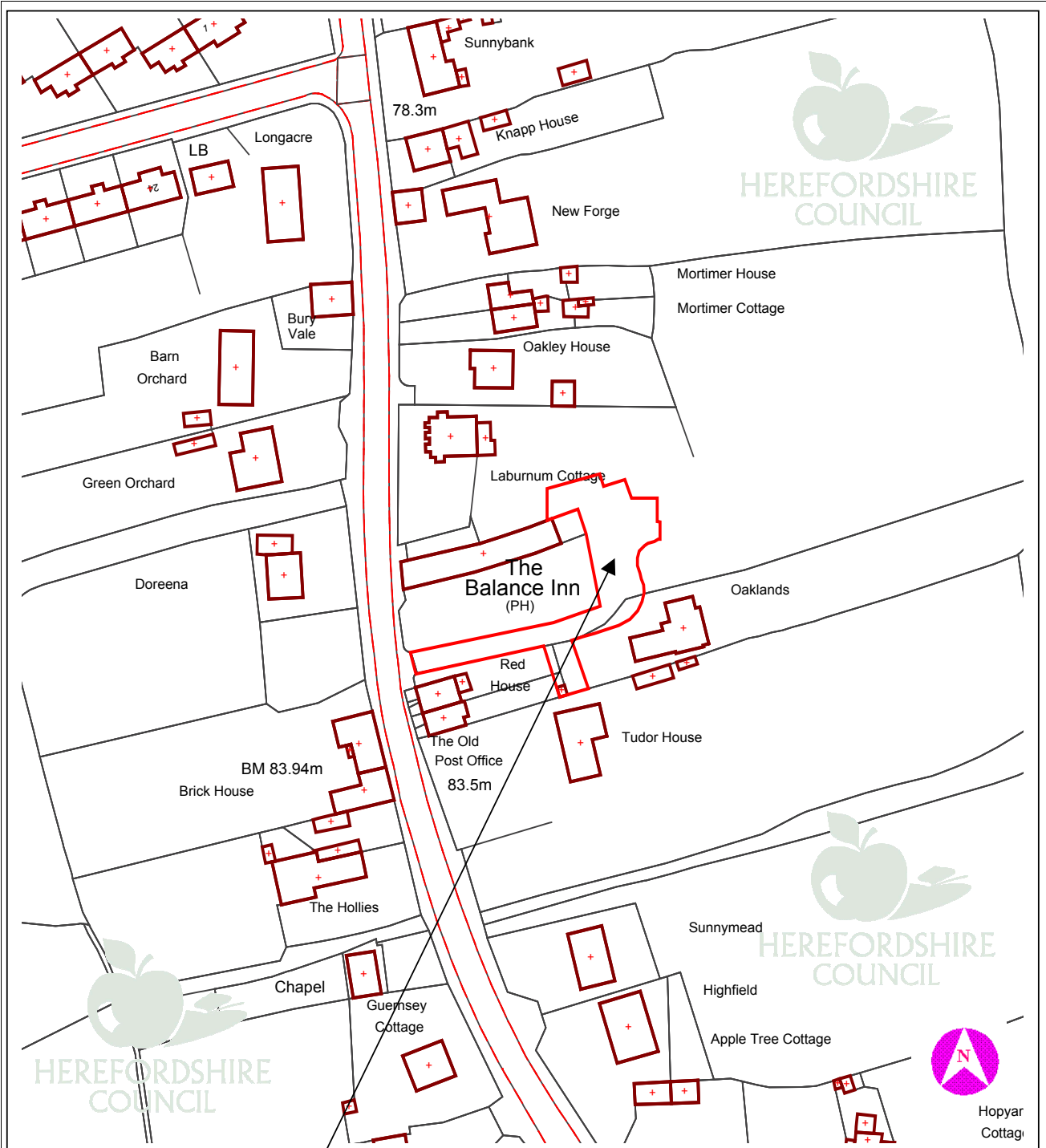
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2008/1618/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Mill Stone Cottage, Luston, Leominster, Herefordshire HR6 0EB

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