

9 DCNW2008/1971/F - PROPOSED NEW COTTAGE AND DETACHED GARAGE AT THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.

For: Mr & Mrs S Griffiths per Mr N La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE.

Date Received: 28 July 2008

**Ward: Golden Cross
with Weobley**

Grid Ref: 45630, 57571

Expiry Date: 22 September 2008

Local Member: Councillor J H R Goodwin

1. Site Description and Proposal

- 1.1 The application site forms part of the residential curtilage of a two storey detached dwelling of external brick construction under a slate roof.
- 1.2 Adjoining the western boundary of the application site is the domestic curtilage, of a two storey detached dwelling of brick and timber frame external construction.
- 1.3 To the rear of the application site is open farmland and adjoining the application site alongside the front southern, elevation is the unclassified public highway U93003 known as Old Road.
- 1.4 The application proposes construction of a three bedroom two storey detached dwelling of external brick construction, under a slate roof with an internal floor space under 100 square metres. (Measured externally). Also proposed to the rear of the dwelling is a single storey bay garage of similar construction to the dwelling.
- 1.5 Included as part of the application is a Draft Heads of Terms indicating the applicants agreement towards payment under a S106 Agreement of financial contributions in line with the Council's Supplementary Planning Guidance on Planning Obligations.

2. Policies

S1	-	Sustainable development
S2	-	Planning requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in smaller settlements
LA2	-	Landscape character and areas least resilient to change

3. Planning History

- 3.1 N98/0443/O - Outline application for detached two-storey dwelling on land adjacent to Old Post Office, Monkland - refused planning permission on 28th September 1998 - later dismissed on appeal, 28th April 1999.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Transportation Manager raises no objections subject to conditions attached to any approval notice subsequently issued.

5. Representations

5.1 Monkland and Stretford Parish Council recommends that the application be refused for the following reasons:

- Proposed cottage is very narrow on a cramped plot and is located very close to the Old Post Office (applicants' home), and not in keeping with surrounding dwellings.
- A previous application for a garage on site was refused along with an application for a dwelling adjacent to The Beeches on opposite side of the public highway to the application site.
- Plans are not to scale and have no measurements to give a clearer picture of the scale of the plot and the proposed cottage.
- The proposed dwelling is not infilling with 'affordable housing' in line with Herefordshire Council policy on affordable housing.
- Potential damage to adjacent boundary hedge in consideration of proposed development.
- Adjacent to the site was a BT telephone box which has been removed without village consultation at the request of the applicants to BT.
- Concerns about Draft Heads of Terms accompanying application in that sums mentioned will not benefit the village of Monkland.

5.2 Four letters of objection have been received from the following:

- Dr D G Jeffery and Dr J M Barnes, Shop Cottage, Monkland
- Mrs M Parker, Hafod, Old Hafod Road, Monkland
- Wendy Jancey, 3 Arrow Cottage, Monkland Common
- Janet E Carr, Stonerake, Monkland

5.3 The reasons for objections from the above-mentioned can be summarised as follows:

- Previous application for development on site (N98/04430), refused planning permission.
- Planning application for 2 dwellings on land on opposite side of the adjacent public highway - refused planning permission in September 2006 and later dismissed on appeal in February 2007.
- Proposed dwelling is very near to boundary hedge (western side) and also very close to dwelling known as Old Post Office.
- Plot is barely 9 metres wide

- No identified local need for such development
- Excessive infilling has already taken place on other parts of Old Road
- Western end of Old Road is the only part that retains its original character
- Impact of proposed development on adjacent public highway, and surrounding built environment character
- A BT telephone box that was adjacent to the site was removed at the applicants request to which Herefordshire Council and local residents of Monkland were trying to save.

5.4 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 regards to this application are:

- Principle of the development
- Impact of the proposed development on the surrounding built environment's character
- Heads of Terms in accordance with Council's SPG

6.2 Principle of the development

Policy H6: Housing in smaller settlements, in the Herefordshire Unitary Development Plan, (HUDP), states in its criteria that a dwelling's size must be limited to a habitable living space of 90 square metres (3-bedroom house) or 100 square metres (4-bedroom house). The plot size limited to a maximum area of 350 square metres and the infill gap no more than 30 metres frontage.

6.3 Monkland is classed as a smaller settlement in accordance with Policy H6 criteria in the HUDP.

6.4 The site plan forming part of the application, indicates a site area of 350 square metres with a proposed dwelling of 90 square metres, (approx), internal habitable floor space (measured internally), on a site with 27 metres road frontage from the property known as Shop Cottage on the western side of the application site to the property known The Old Post Office on the eastern side of application site. Therefore, the application fulfils the requirements of Policy H6: Housing in smaller settlements in the Herefordshire Unitary Development Plan.

6.5 Impact of the proposed development on the surrounding built environment character

6.6 The application proposes a three-bedroom two-storey detached dwelling of external brick construction under a slate roof.

6.7 The design of the proposed development is considered acceptable in relationship to the surrounding built environment using external construction materials that are also considered acceptable in consideration of surrounding properties.

6.8 The proposed dwelling will be located 1 metre from the adjacent hedgerow boundary on the western side of the application site and 14 metres from the property known as Shop Cottage, situated alongside the western side of the application site, with one small window in the first floor elevation of the western side of the property to serve the landing area.

- 6.9 The Inspector's decision to application ref: N98/0443/0 (dismissed on appeal) clearly states that any dwelling on site would not infringe on the privacy and amenity of Shop Cottage in consideration of the distance between the application site and the dwelling known as Shop Cottage and the boundary hedge between the two sites.
- 6.10 The Inspector dismissed the appeal for the site subject to the refusal for application ref: N98/0443/O, in consideration of the impact of development on site in relationship to the surrounding build environment, to which he considered development on site would represent a harmful effect on the character and appearance of this particular part of Monkland.
- 6.11 The above-mentioned appeal was considered against policy of Leominster District Local Plan subsequently replaced by the Herefordshire Unitary Development Plan (HUDP).
- 6.12 The Leominster District Local Plan did not consider Monkland a village for residential development. Monkland in consideration of the HUDP, Policy H6, a smaller settlement for infill development, as outlined in paragraphs 6.2 – 6.4 of this report.

Therefore, in consideration of the HUDP and the design of the proposed dwelling, this proposal is considered acceptable, in scale and character, in relationship to the surrounding build environment and if Members are mindful to approve the application, a condition can be attached to the approval notice with regards to the small first floor landing window on the western elevation of the property, stating that it is glazed in opaque glass and non-opening in perpetuity.

- 6.13 It is noted the Council's Transportation Manager raises no objections to the proposed development.

Heads of Terms in accordance with Council's SPG

- 6.14 The applicants have indicated a willingness to pay contributions in accordance with advice in the Council's SPG on Planning Obligations, in a Draft Heads of Terms accompanying the application. The contributions (in accordance with relevant internal Council advice) are towards open space provision in the surrounding locality of the proposed development; Weobley High School infrastructure, Library facilities within the surrounding locality and public highway improvements within the locality.
- 6.15 In consideration of the plot's size, roadside frontage distance and criteria of Policy H6 of the HUDP, affordable housing provision is not an issue in respect of this application. The issue with regards removal of the BT payphone box is not a planning consideration.

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. **B07 (Section 106 Agreement)**

Reason: In order to provide enhanced sustainable transport infrastructure, and educational facilities, and improved play space in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

3. F14 (Removal of permitted development rights)

Reason 2 - 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.

4. F16 (No new windows in specified elevation)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the west elevation of the property and the approved window shall be glazed in opaque glass and be non-opening in perpetuity.

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

5. 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.

6. H04 (Visibility over frontage)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

7. H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

8. H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

9. 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

10. H29 (Secure covered cycle parking provision)

Informatives

1. **N15 - Reason(s) for the Grant of PP/LBC/CAC**
2. **N19 - Avoidance of doubt - Approved Plans**
3. **HN01 - Mud on highway**
4. **HN04 - Private apparatus within highway**
5. **HN05 - Works within the highway**
6. **HN10 - No drainage to discharge to highway**

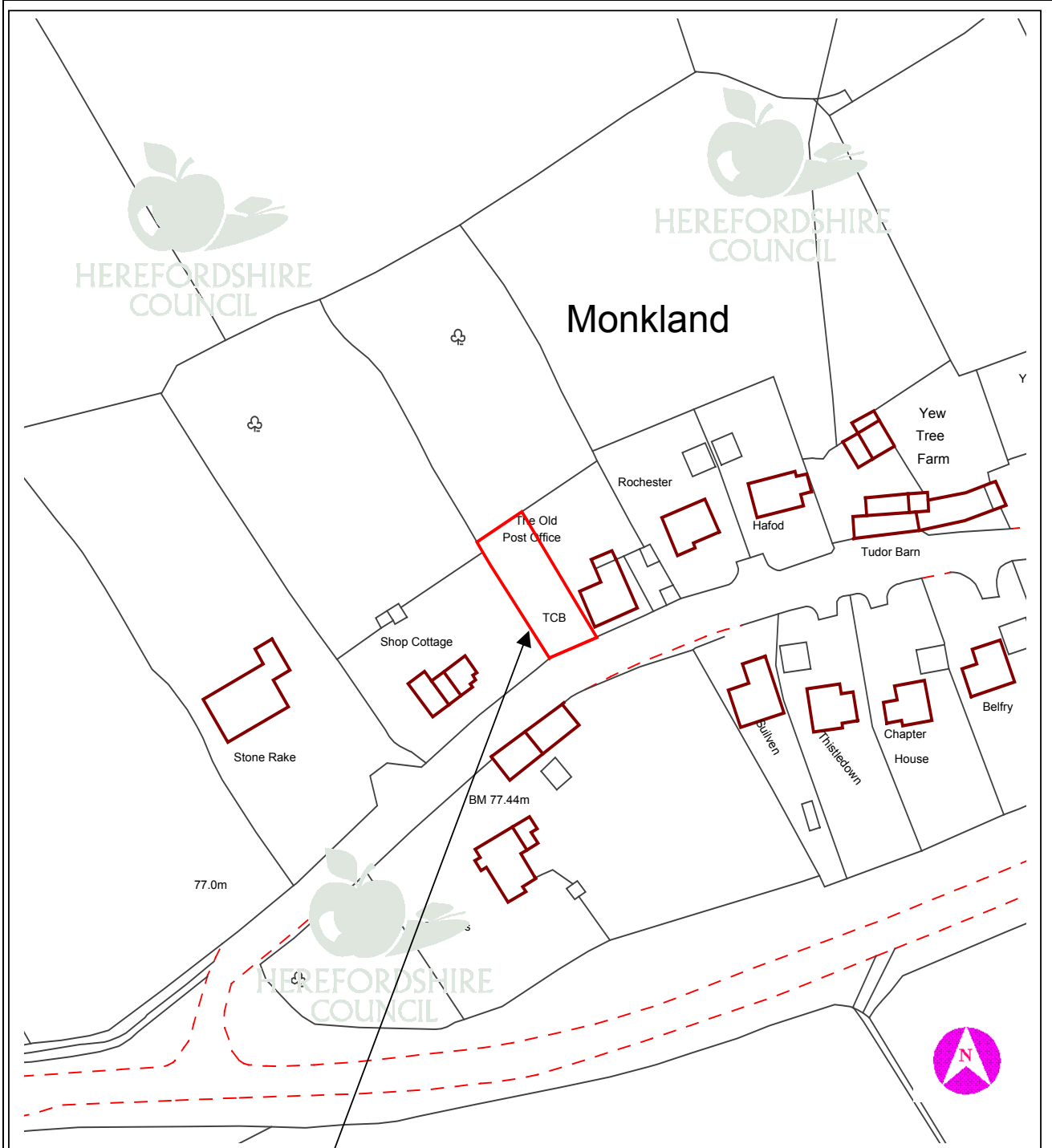
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/1971/F

SCALE : 1 : 1250

SITE ADDRESS : The Old Post Office, Monkland, Leominster, Herefordshire, HR6 9DB

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