

**3 DCNE2003/2232/F - CHANGE OF USE OF EXISTING BUILDING TO SINGLE DWELLING INCLUDING ALTERATIONS AND DEMOLITIONS, CONSTRUCTION OF NEW ACCESS AND NEW GARAGES AT EVENDINE COURT, EVENDINE LANE, COLWALL GREEN, MALVERN, HEREFORDSHIRE, WR13 6DY**

**For: Mr J Williams per Stainburn Taylor Architects  
Bideford House Church Lane Ledbury HR8 1DW**

**Date Received:**  
11th August 2003

**Ward:**  
Hope End

**Grid Ref:**  
76185, 41040

**Expiry Date:**  
6th October 2003

Local Members: Councillors R Stockton and R Mills

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

- 1.1 Evendine Court is a Grade II Listed Building located on the north side of the Evendine Lane, approximately half a mile west of its junction with the B4213 Jubilee Drive Road, Colwall.
- 1.2 This application proposes the conversion of Evendine Court to a single dwelling together with the creation of a new vehicular access and garage block. The proposal includes an element of demolition which has been previously granted Listed Building Consent under earlier applications. There is a proposed change to the internal arrangement at first floor level which has not been previously granted Listed Building Consent.
- 1.3 The proposed detached triple garage is to be erected at the front of the building in part, across the the footprint of that part of the building to be demolished. This building measures approximately 10m x 7m with a hiped roof, 6m in height.
- 1.4 The proposed new access is to be situated in the eastern boundary hedge, with a new drive across the grounds and running along the edge of an existing embankment, up to the house and new garage block.

### **2. Policies**

- 2.1 PPG 7: The Countryside – Environmental Quality and Economic and Social Development

#### **2.2 Hereford and Worcester County Structure Plan**

CTC1 – Areas of Outstanding Natural Beauty  
CTC6 – Landscape Features  
CTC7 – Landscape Features  
CTC9 – Development Requirements  
CTC11 – Trees and Woodlands  
CTC13 – Conversion of Buildings  
H20 – Housing in Rural Areas outside the Green Belt

### 2.3 Malvern Hills District Local Plan

Housing policy 4 – Development in the Countryside  
Conservation Policy 6 – Protection of Listed Buildings  
Conservation Policy 9 – Alterations and Extensions to Listed Buildings  
Conservation Policy 10 – Alternative Uses for Listed Buildings  
Conservation Policy 11 – The Setting of Listed Buildings  
Landscape Policy 2 – Areas of Outstanding Natural Beauty  
Colwall Village Design Statement

### 2.4 Herefordshire Unitary Development Plan (Deposit Draft)

H7 – Housing in the countryside outside settlements  
LA1 – Areas of Outstanding Natural Beauty  
LA4 – Protection of historic parks and gardens  
LA5 – Protection of trees, woodlands and hedgerows  
HBA1 – Alterations and Extensions of Listed Buildings  
HBA3 – Change of use of Listed Buildings  
HBA2 – Demolition of Listed Buildings  
HBA4 – The setting of Listed Buildings

### 3. Planning History

MH1168/84 - Square Courts home management room and classroom - Approved 5 July 1984

MH85/1287 - Extension of existing accommodation for principal - Approved 16 September 1985

MH94/1542 - Change of use of Squash Courts to 4 flats - Approved 24 April 1995

MH94/1543 - Change of cookery block to 2 dwellings - Approved 24 April 1995

MH95/0573 - Roof alterations to 2 upper floor flats - Refused 11 July 1995

MH95/0574 - Vehicular access - Refused 11 July 1995

MH95/1074 - Extension to main building - Approved 14 November 1995

MH97/1660 - Extension, alterations and change of use of main building by conversion to 7 dwellings - Approved 10 March 1998

98/846/L - Extension and alterations to convert to seven dwellings - Refusal of Listed building consent 13 August 1999

98/0378/N - Construction of a country house to replace extant planning permission MH97/1660 authorising conversion to several dwellings - Undetermined

1999/1440/O - Outline application to construct a single dwelling - Undetermined

1999/1318/L - Conversion of main building, external alterations and reinstatement of partitions and doorways removed prior to listing - Listed building consent 24 August 1999

NE99/1317/L - Conversion of main building to 5 dwellings - Withdrawn

NE99/1320 - Erection of a terrace of 5 dwellings (enabling development) - Withdrawn

NE02/0479/L - Conversion of property to single dwelling including alterations and demolition - Listed Building Consent granted 15 May 2002

NE02/0480/F - Change of use of building to a single dwelling, including alterations and demolitions and construction of new dwelling, construction of new access and closure of existing access. Construction of garages and car park - Refused 15 May 2002

NE02/0818/F - Change of use of building to a single dwelling, including alterations and demolitions and construction of new dwelling, construction of new access and closure of existing access. Construction of garages and car park - Refused 15 May 2002

NE02/0820/L - Conversion of property to single dwelling including alterations and demolition - Listed Building Consent granted 15 May 2002

NE2002/2228/F – (i) Change of use to single dwelling including alterations and demolitions, (ii) construction of new dwelling, (iii) construction of new access including closure of existing access, (iv) construction of new garages and carport. Refused 24 June 2003.

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 Malvern Hills AONB Officer: No concerns regarding change of use of building or erection of garage. Concerns about construction of new access, involving creating a gap in an existing old hedge, of landscape, wildlife and historic value with mature oak standards as well as holly and hazel. Access should be limited to the existing vehicular access of preference or constructing a new access utilising an existing gate further up the lane.

##### Internal Council Advice

- 4.2 Head of Engineering and Transportation: No objection subject to conditions.
- 4.3 Chief Conservation Officer: Object to new drive and access due to detrimental effect on trees and damage to parkland. No objection to demolition element but note that internal changes are proposed to previously granted Listed Building Consent schemes which will of themselves require further Listed Building Consents.

#### **5. Representations**

- 5.1 In support of the application the applicant advises that in order to make this building work as one house a number of objectives need to be met:

- 1) Create a new driveway approach.
- 2) Rearrange the gallery opening.
- 3) Paint the exterior of the building as Perrycroft and Brand Lodge.

- 5.2 Colwall Parish Council state: 'There is no case or need identified for new and/or additional access, particularly considering the environmental and safety aspects. The existing access seems adequately suitable, thereby removing the need for further access points, particularly within the AONB. The plans appear to be inadequate, as at the site visit no one could explain the purpose of the rectangle symbol situated between Evendine Court and the proposed garages. The recommended site of the triple garage should be moved closer to the main house thereby mitigating the effect on the sight lines of the neighbouring property within the AONB, as referenced within the Village Design Statement. Any further construction outside of the current plans should be the subject of additional planning applications. Concerns were raised regarding the need for clarification as to whether a Listed Building Consent should have accompanied this application.

The Parish Council applauds the intent to reinstate the house to its previous condition.'

## 6. Officers Appraisal

- 6.1 With the exception of the new dwelling, the current proposal is otherwise the same as that submitted under code NE2002/2228/F. That particular application was refused for the following reason:

*'The proposal involves the construction of a new dwelling, contrary to policy, in countryside defined in the Development Plan as an Area of Outstanding Natural Beauty. The justification for exception to planning policy restricting new dwellings in the countryside rests on the applicant's case for enabling development required to redress an identified conservation deficit in funding arising from the proposed conversion and renovation of Evendine Court to a single dwelling.'*

- 6.2 It should be noted that there was no objection to the change of use of Evendine Court to a single dwelling, the construction of the triple garage block, nor to the creation of a new access and drive.
- 6.3 Listed Building Consent has also previously been granted, with the exception of the change to the gallery area, and the painting of the exterior.
- 6.4 The issues raised concerning the proposed new access and drive have previously been raised and considered by this Sub-Committee on 15 May last year. Again, at that time, although planning permission was refused, it was refused due to the element of enabling development and the new dwelling. It is considered that it would be unreasonable to object to the access and driveway at this stage having previously not been considered to be sufficient cause for a reason for refusal in its own right.
- 6.5 The access visibility splay requirements, as advised by the Head of Engineering and Transportation, require visibility splays of 2m x 33m in each direction to be provided. This will require the whole of the hedge on the south-west side of the access and the oak tree, shown to be retained, to be removed. An alternative has been suggested, moving the access point further northwards between the next two trees where the better visibility would be achieved and only one tree would have to be felled. This would, however, involve crossing 'Conservators' land which is not acceptable to them.

**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 - A06 (Development in accordance with approved plans )**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

- 3 - B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

- 4 - H01 (Single access - not footway ) (5 metres)**

**Reason: In the interests of highway safety.**

- 5 - H05 (Access gates ) (5 metres)**

**Reason: In the interests of highway safety.**

- 6 - H08 (Access closure )**

**Reason: To ensure the safe and free flow of traffic using the adjoining County highway.**

- 7 - H03 (Visibility splays ) (2 x 33m)**

**Reason: In the interests of highway safety.**

- 8 - H06 (Vehicular access construction )**

**Reason: In the interests of highway safety.**

- 9 - G04 (Landscaping scheme (general) )**

**Reason: In order to protect the visual amenities of the area.**

- 10 - G05 (Implementation of landscaping scheme (general) )**

**Reason: In order to protect the visual amenities of the area.**

**Notes to applicant:**

**1 - HN05 - Works within the highway**

**2 - This permission does not imply listed building consent for the gallery landing area shown on the first floor plan nor for the painting of the exterior. Separate listed building consent will be required.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.