

7 DCCE2008/2385/F - RETENTION OF REPLACEMENT DWELLING, LESS CONSERVATORY, FRONT CANOPY, SIDE PORCH AND REAR LEAN-TO UTILITY, CLOAKROOM AND REAR ENTRANCE AT HAUGHLEY COTTAGE, MORDIFORD, HEREFORD, HR1 4LT

**For: Mr. & Mrs. S. Maltby per Wall, James and Davies,
15-23 Hagley Road, Stourbridge, West Midlands, DY8
1QW**

Date Received: 17 September 2008 Ward: Backbury Grid Ref: 58702, 36483

Expiry Date: 12 November 2008

Local Member: Councillor JE Pemberton

Introduction

This application was deferred at the meeting on the 5 November 2008 to await the receipt of Fownhope Parish Council's comments. The report has been updated to include the Fownhope Parish Council comments.

1. Site Description and Proposal

1.1 This application seeks planning permission for the retention of an unauthorised replacement dwelling and detached garage at Mordiford. The application site is situated on the western edge of Haugh Woods to the east of Mordiford. The site extends to approximately 0.3 hectares in area and is accessed via a public footpath FWB3C south of the junction with the C1297. The curtilage is defined by mature vegetation along the northwest and southeast and the ground rises steeply towards the south to Haugh Woods. It falls within an Area of Outstanding Natural Beauty and a Site of Special Scientific Interest and is located in a prominent position overlooking Mordiford and the River Wye.

1.2 Planning permission was granted for the demolition of the original cottage and its replacement with a two storey dwelling and a detached single storey double garage on 25 May 2007. (Ref: DCCE2007/1033/F). 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 entirely unauthorised because the 2007 permission has effectively not been implemented. The main differences between the approved scheme and that which is now built are:

- i. The building is sited 10 metres further to the southeast towards to the woodland and the slab level is around 1.2 metres 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 a conservatory and canopy roof on the north elevation and a porch to the west elevation. The total volume of the building is about 880 cubic metres, which represents 59% larger than originally approved and 162% larger than the original cottage.

- iii. The fenestration to all elevations is different.
 - iv. The landscape scheme has been modified, including the construction of a 23 metre 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 drawings. The eaves height of the garage has been raised by 800mm to introduce an additional level of habitable area within the garage at first level.
- 1.3 This application represents the third submission for the proposal at this location. The previous application was considered by the Central Area Planning Sub-Committee at its meeting on 6 August 2008 when planning permission was then 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 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 resulting 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.
- 1.4 This application seeks the retention of the replacement dwelling and garage and the regularisation of all the unauthorised developments but with the conservatory and front canopy on the north elevation, the porch to the west elevation and a single storey addition to the rear to be removed. The total volume of these elements equate to 162 cubic metres and the resultant dwelling would have a volume of approximately 720 cubic metres, which represents 23% larger than originally approved and 102% larger than the original cottage.

2. Policies

2.1 Planning Policy Statement 7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy H7	-	Housing in the Countryside Outside Settlements

Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance

3. Planning History

- 3.1 DCCE2006/3953/F Demolition of existing cottage and erection of a replacement dwelling with detached double garage and study. Withdrawn 6 February 2007.
- 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 DCCE2008/1234/F Retrospective application for conservatory and porch extensions. Withdrawn 21 May 2008.
- 3.4 DCCE2008/1453/F Retrospective application for a replacement dwelling and detached garage as built (deviation from approved plans DCCE2007/1033/F). Refused 6 August 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Building Control Surveyor: No comments received.
- 4.4 Conservation Manager (Landscape): No comments received.
- 4.5 Conservation Manager (Ecologist): No comments received.
- 4.6 Public Rights of Way Manager: No objection.
- 4.7 Minerals & Waste Officer: No comments received.

5. Representations

- 5.1 Fownhope Parish Council: FPC consider that the this application to retain the dwelling les certain sections is not the most sensible way forward. FPC has been supportive of this new build from the outset and consider that demolishing parts that could be rebuilt within 5 to 6 years to be both futile and wasteful. A more sensible and acceptable solution would be to allow retention of the existing new build subject to a section 106 fiscal agreement. This agreement should be a punitive amount in recognition of the retrospective nature of the development. The section 106 levy should be directed towards future identified projects within the parish of Fownhope.

- 5.2 Mordiford Parish Council: The building would be considered appropriate as described. However, the Parish Council have concerns over the size and the current situation (internal arrangement of the garage and upper floor).
- 5.3 Herefordshire Nature Trust: No comment received.
- 5.4 Natural England: No comments received.
- 5.5 One anonymous letter has been received from a Mordiford resident concerning over the size and scale of the retaining dwelling and the detached garage and its impact upon the Area of Outstanding Natural Beauty.

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. The proposal therefore constitutes housing development in the countryside. Policy H7 of the Herefordshire Unitary Development Plan establishes a number of circumstances where new housing can be supported one of which is the provision of a replacement dwelling, provided that the replacement dwelling is comparable in size and scale with the existing dwelling.
- 6.2 The original cottage has a volume of 336 cubic metres and the building as built is around 880 cubic metres, which amount to in excess of 162% enlargement in volume of the original cottage. This application proposes removal of the conservatory, canopy roof, side porch and rear lean-to, equating to 162 cubic metres in volume. Notwithstanding the effort to reduce the size of the dwelling, the building would still be 23% larger than the original approved scheme and a 102% enlargement of the original cottage. This still represents a significant increase in the comparable size of the new dwelling assessed against the existing.
- 6.3 Although the proposal even in its revised form is still very large under the terms of Policy H7 of the Herefordshire Unitary Development Plan, the expediency of further action to achieve a development commensurate with the policy requirement and originally approved scheme must be considered. The building is 23% larger than the original approved scheme, however the proposal follows the design ethos of the original approved scheme with a simple style that reflects the character and appearance of the site and surrounding area and the wider landscape.
- 6.4 The main concerns of the proposal are the scale and the visual impact of the building having regard to the site location within the Area of Outstanding Natural Beauty. It is noted that planning permission has already been granted for a replacement dwelling and a detached double garage at this location, therefore the applicant would theoretically have a fallback position to demolish the dwelling and rebuild the development in accordance with the approved scheme.
- 6.5 With regard to the comments from the Fownhope Parish Council, a restrictive condition has been attached to remove the permitted development rights, therefore any future development would require planning permission. It would be unreasonable to make presumptions of any future developments as each application would have to be assessed against the adopted planning policies on its own merits. Turning to the

requirement of planning obligation, the purpose of these is to mitigate the direct impact of new development and not for the purposes of punishment. There is no such impact in this case.

- 6.6 In this context, it is considered that following the overall impact of the development in this revised form on the character of the area and the wider landscape when compared with the originally approved scheme is limited. It is not considered that the scale of the building alone could be substantiated as a reason for refusal of this application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. Within three months of the date of this permission, the external elements (the conservatory, front canopy, side porch and the rear lean-to) shall be removed permanently in accordance with the approved plan and a schedule of demolition and works of repair following demolition which should be submitted to and approved in writing by the local planning authority within one month of the date of this permission.**

Reason: To ensure adherence to the approved plans and ensure the new dwelling is comparable in scale with the existing in the interests of a satisfactory form of development and to comply with Policy H7 of the Herefordshire Unitary Development Plan.

- 2. F07 (Domestic use only of garage).**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 3. 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.

- 4. F28 (Occupation ancillary to existing dwelling only (granny annexes)).**

Reason: It would be contrary to Policy H18 of Herefordshire Unitary Development Plan to grant planning permission for a separate dwelling in this location.

Informatives:

- 1. N19 - Avoidance of doubt - Approved Plans.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

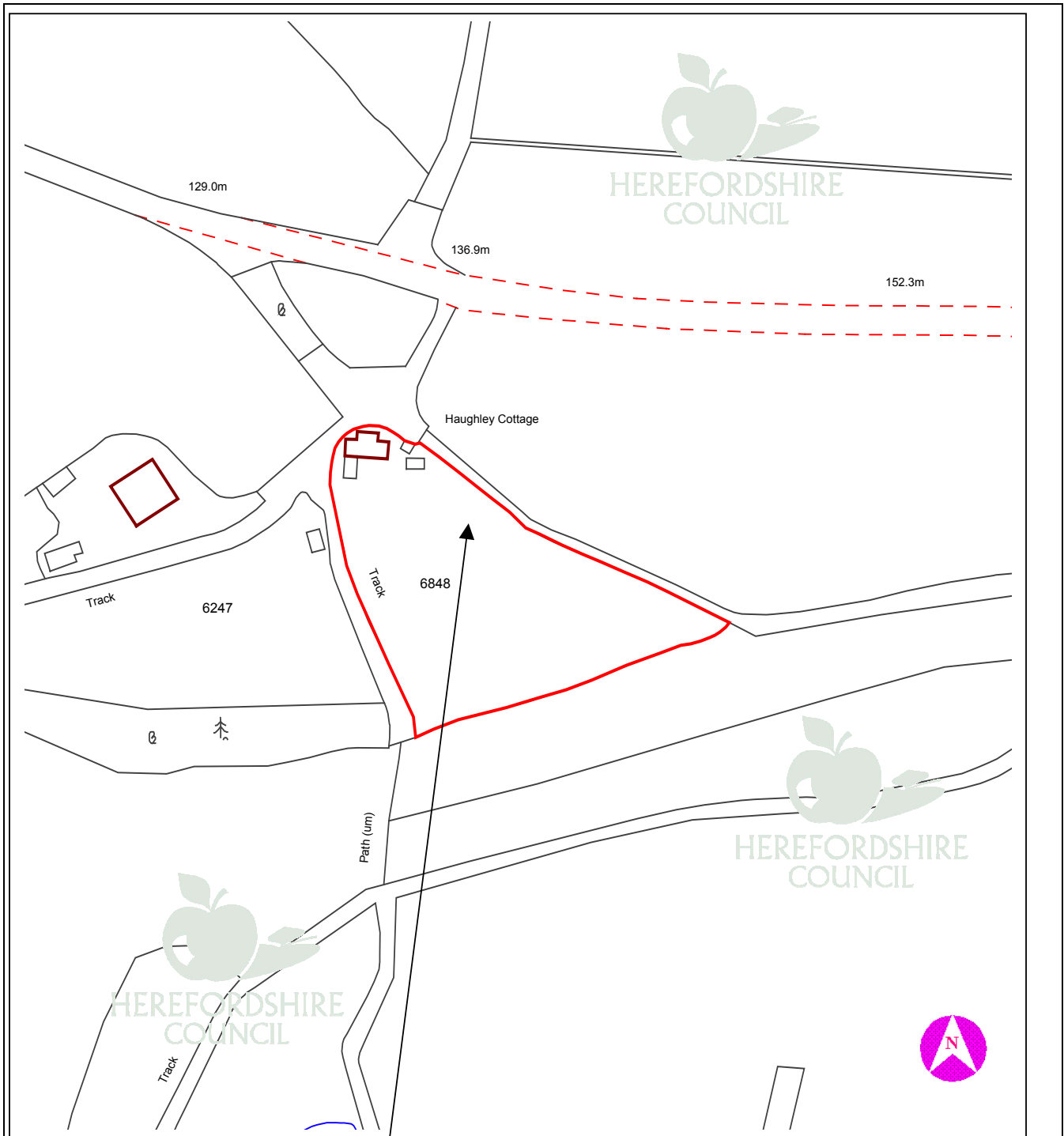
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/2385/F

SCALE : 1 : 1250

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

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