

**7A DCCE2008/2898/F - DEMOLITION OF EXISTING TWO STOREY DWELLING AND ANCILLARY BUILDINGS AND REPLACEMENT WITH NEW TWO STOREY OAK FRAMED DWELLING AT CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY**

**For: Mr. S. Rhodes per Mr. J. Williams, Abbots Lodge, Wigmore, Leominster, Herefordshire, HR6 9UD**

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**Date Received: 27 November 2008 Ward: Backbury**

**Grid Ref: 55912, 38051**

**Expiry Date: 22 January 2009**

Local Member: Councillor JE Pemberton

### **Introduction**

These applications were deferred at the last meeting in order for a site meeting to be held. The meeting took place on 17 February, 2009.

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

- 1.1 The application site is located on the eastern side of Church Lane and falls within the designated Hampton Bishop Conservation Area at the centre of the village. The entire site and access is also located within the identified flood plain. Adjacent to the south and east are two listed buildings, St. Andrews Church (Grade I) and Hampton House (Grade II). Residential properties are found to the north and west of the site.
- 1.2 The existing dwelling is not a listed building but appears to date from the 18th century and it is possible that the core of the building is earlier. It has a stone gable, brick facade to the front and timber framing to the rear. There is also a single storey lean-to to the west elevation and two derelict outbuildings to the northwest of the site.

- 1.3 It is proposed to demolish the existing dwelling in its entirety and erect a replacement two storey oak frame dwelling, which would be partially sited on the footprint of the existing dwelling and would have its principal elevation facing the road. The existing outbuildings are also proposed to be removed from the site.

## **2. Policies**

### **2.1 National Planning Policy:**

PPG 15	-	Planning and the Historic Environment
PPS 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 DR7	-	Flood Risk
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H13	-	Sustainable Residential Design
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
Policy HBA8	-	Locally Important Buildings

## **3. Planning History**

- 3.1 None identified.

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 Environment Agency: Comments that the entire access is located within Flood Zone 3, which is the high risk zone and has a 1% or greater chance of flooding any any given year. The Environment Agency have no objection to the replacement dwelling in this location provided that the local planning authority is satisfied on the Sequential Test. They also suggest that conditions should be attached requiring the floor levels of the new dwelling should be set no lower than 47.2m AOD and the provision of an Evacuation Management Plan.

### Internal Council Advice

- 4.2 Traffic Manager: Only a grass access exists at present with no defined parking or turning area. A formal access, parking and turning area should be provided.
- 4.3 Conservation Manager: Building Conservation - We would strongly object and recommend refusal. The proposal would be most detrimental to the character of the Conservation Area and would detract from the area. Church Villa is a pleasant 18th century building of local interest. Although the building has been modified in the 19th and 20th centuries, it still makes a positive contribution and adds to the character of both the site and wider Conservation Area. Conservation Area legislation is designed

to protect buildings such as Church Villa. The proposed design is also not acceptable. It is a pastiche and being a banal mishmash of various elements would fail to provide a cohesive architectural vision and detract from the character of the area.

- 4.4 Conservation Manager: Archaeology - No comment received.

## **5. Representations**

- 5.1 Hampton Bishop Parish Council: Application supported.
- 5.2 The proposal was accompanied by six letters of support from local residents. Two further letters have been received.
- 5.3 Mr. Duncan James of Combe House, Presteigne, Powys raises objection to the demolition of the existing dwelling on the basis that the building is an interesting structure and may make a valuable contribution to the setting.
- 5.4 K.R. Tinsley of The Willows, Hampton Bishop raised no objection to the proposal but suggests that the septic tank should be sited at the southern part of the garden furthest away from the new house and neighbouring properties.

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 main issues in the determination of these applications are:
1. An assessment of the merit of the existing dwelling and the contribution it makes to the character and appearance of the Conservation Area;
  2. The appropriateness of the proposed replacement dwelling having regard to the character and appearance of the Conservation Area, and
  3. The impact that the proposed dwelling would have upon the residential amenity of the adjoining properties.
- 6.2 The proposal involves the demolition of an unlisted building and replacement with a large detached dwelling within a Conservation Area. Paragraph 4.27 of Planning Policy Guidance 15: Planning and the Historic Environment states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. Further, it has been held that the decision maker is entitled to consider the merits of any proposed redevelopment in determining whether consent should be given for the demolition of an unlisted building in a Conservation Area. Such approach is reflected in the Policy HBA7 of the Herefordshire Unitary Development Plan. In addition, Policy HBA8 refers to those buildings which are not of such importance to be included in the Statutory List of Buildings of Special Architectural or Historical Interest but would make a valuable contribution to the character and appearance of the area. In this instance, having regard to the advice of the Conservation Manager, it is considered that the existing building does make a positive and valuable contribution to the character and appearance of the Conservation Area and should, consequently, be retained.

- 6.3 The agent states that the existing dwelling is in poor state of repair but no evidence has been submitted to support this claim. It may appear that the existing dwelling is not in a good condition and may require works to restore it to a standard living condition. However, there is no evidence that the building is unstable or unsafe that would require its demolition. It is considered that this part of the area is important to the village because it is located within the centre of the Conservation Area and also comprises a number of listed buildings, which give the sense of place. Given the close proximity of the site to the adjacent church, it is considered that the loss of such an important building in this sensitive location would have a significant effect on the character and appearance of the Conservation area. Although there are some modern dwellings on Greenfield sites to the north and west of the site, they were new built development which is wholly different from the dwelling to be replaced in this case.
- 6.4 Hampton Bishop is not a defined settlement in the Unitary Development Plan. The proposal therefore constitutes housing development in the countryside. Policy H7 establishes a number of circumstances where new housing can be supported. It allows for the provision or replacement dwellings, provided that the replacement dwelling is comparable in size and scale with the existing dwelling. The existing dwelling has a volume of approximately 353 cubic metres and the replacement dwelling is around 540 cubic metres, which amounts to in excess of 50% enlargement in volume of the original dwelling. Such enlargement is not considered comparable in size as required by Policy H7.
- 6.5 With regard to the design approach for the replacement dwelling, it is considered that the new dwelling shows insufficient regard to the local architectural characteristics in the immediate vicinity. The design is considered to be a pastiche that does not relate meaningfully with the adjacent historic buildings and the neighbouring properties in the area. The external appearance of the building also appears to be a mishmash of different features with a number of extensions, which fail to provide a cohesive architectural vision itself. Given the sensitive location of the site and its close relationship with the adjacent important historic buildings, it is considered that the design of the replacement dwelling would fail to enhance the character and appearance of the site and would have a negative effect on the wider Conservation Area.
- 6.6 With regard to residential amenity, the orientation and siting of the new dwelling may result in a level of overlooking to the neighbouring property to the northwest, The Willow. However, having regard to the distance between the two properties, it is not considered that the impact would be unacceptable in this instance.
- 6.7 With regard to flooding issues, the comment from the Environment Agency is noted. Having regard to the proposal being for the replacement of the existing dwelling, it is considered that the requirements of the sequential test would be met. Further, it is considered that subject to the conditions as suggested by the Environment Agency, the proposal will not increase the risk of flooding of the site or the surrounding area.
- 6.8 In summary, this existing dwelling is considered to be of local importance. In view of the attractiveness of the existing dwelling and its historical and architectural interest within the village, it is considered that its demolition would result in a significant negative impact on the character and appearance of the Conservation Area and its valuable historical interest would be lost, which is contrary to Policies HBA6 and HBA7. In addition, in terms of the scale and design, the new dwelling would not be comparable with the existing dwelling on site and the design of the dwelling would be

out of keeping with the character of the Conservation Area, which would be contrary to Policies H7 and DR1.

## RECOMMENDATION

In respect of DCCE2008/2898/F

That planning permission be refused for the following reasons:

1. The proposal would involve the demolition of a building which is considered to be of local importance. The local planning authority is not satisfied that the building is in such a condition that would require demolition. Having regard to the sensitivity of the location, the loss of such an important building would have a negative impact on the character and appearance of the Conservation Area. The proposal therefore conflicts with Policies HBA6, HBA7 and HBA8 of the Herefordshire Unitary Development Plan 2007 and advice contained within Planning Policy Guidance 15: Planning and the Historic Environment.
2. The replacement dwelling is not comparable in size and scale with the existing building 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.
3. The replacement dwelling by virtue of its design, scale and mass would be out of keeping with the character and appearance of both the site and the Conservation Area. The proposal is therefore contrary to Policies DR1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

In respect of DCCE2008/2902/C

That Conservation Area Consent be refused for the following reason:

1. The proposal would involve the demolition of a building which is considered to be of local importance. The local planning authority is not satisfied that the building is in such a condition that would require demolition. Having regard to the sensitivity of the location, the loss of such an important building would have a negative impact on the character and appearance of the Conservation Area. The proposal therefore conflicts with Policies HBA6, HBA7 and HBA8 of the Herefordshire Unitary Development Plan 2007 and advice contained within Planning Policy Guidance: Planning and the Historic Environment.

Decision: .....

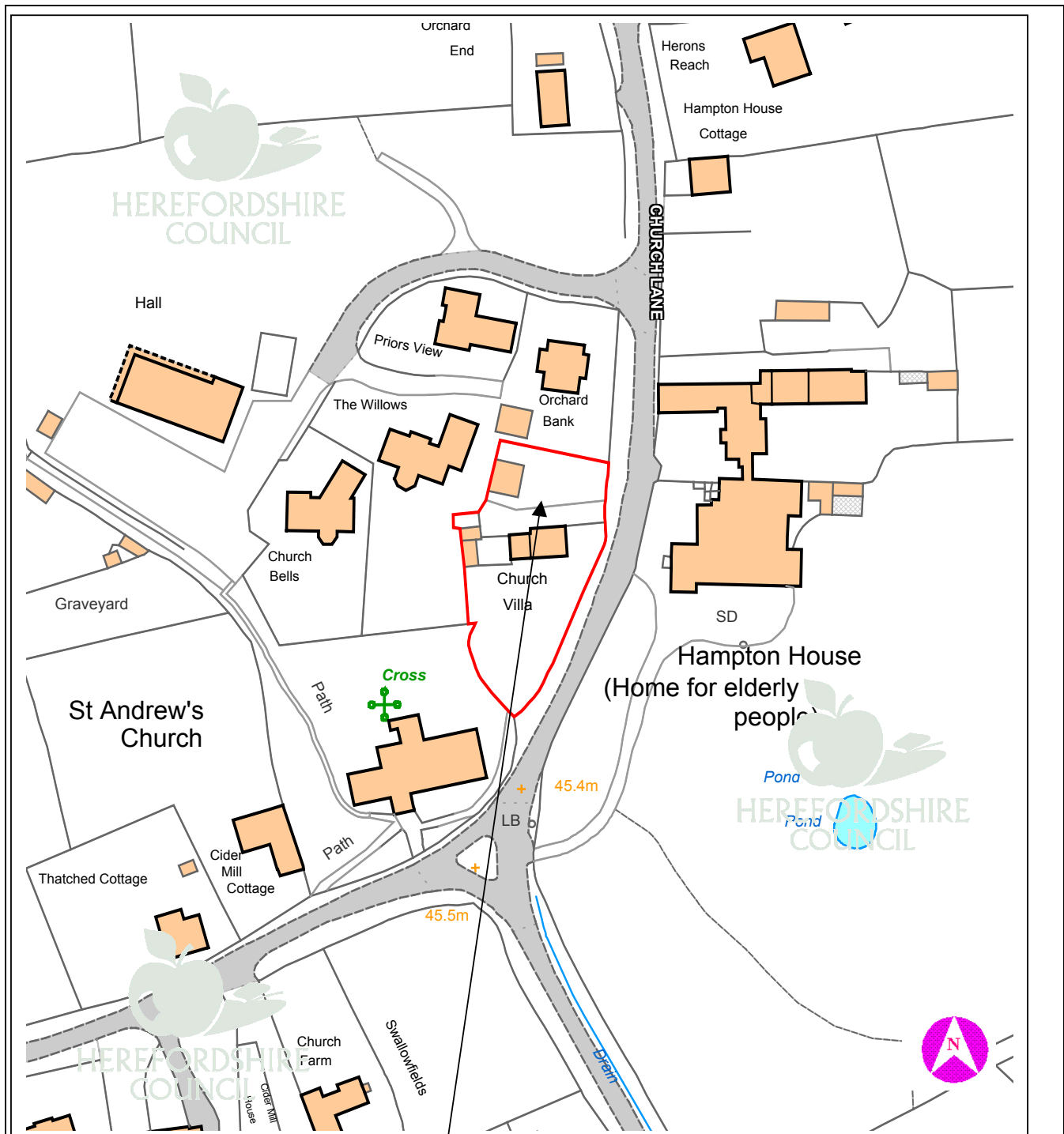
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## Background Papers

Internal departmental consultation replies.





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**APPLICATION NOS:** DCCE2008/2898/F & DCCE2008/2902/C

**SCALE :** 1 : 1250

**SITE ADDRESS :** Church Villa, Church Lane, Hampton Bishop, Hereford, Herefordshire, HR1 4JY

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