

9 DCCW2009/0382/F - PROPOSED HOUSE AT LAND TO THE REAR OF 103 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0RQ

For: Mr. D. Caton per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 24 February 2009 Ward: St. Nicholas Grid Ref: 48630, 40945

Expiry Date: 21 April 2009

Local Members: Councillors DJ Benjamin and JD Woodward

1. Site Description and Proposal

- 1.1 The application site is comprised of the southern half of the domestic curtilage, which serves a detached dwelling known as 103 Kings Acre Road, located within an established residential area of the City of Hereford.
- 1.2 Although the application site is addressed as Kings Acre Road, access to it is afforded from Huntsmans Drive, which forms the eastern boundary of the application site.
- 1.3 The application seeks permission to erect a detached 2-bedroom dwelling within the sub-divided curtilage, which is orientated to front onto Huntsmans Drive. The proposed dwelling has an asymmetric roof providing a two storey main façade, and two roof lights (serving the stairwell and bathroom) on the rear elevation. The dwelling will be constructed from brick beneath a slate roof.

2. Policies

- 2.1 Planning Policy Statement 3 - Housing
- 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H13	-	Sustainable residential design
H15	-	Density
T11	-	Parking provision
CF2	-	Foul drainage

3. Planning History

- 3.1 CW2004/0810/O - Erection of a dwelling. Refused 26 June 2004.
- 3.2 CW2004/4033/O - Erection of a dwelling. Refused 21 December 2004. Appeal dismissed 7 June 2005.

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager: No objection subject to the use of standard highway conditions.

5. Representations

- 5.1 Hereford City Council: Comments awaited.
- 5.2 Four letters of objection have been received from Mr. Pugh, 1 Huntsmans Drive; Mr. Lewis, 18 Huntsmans Drive; Mr. Griffiths, 107 Kings Acre Road and Mr. Elis, 105 Kings Acre Road which are summarised as follows:
- Building will look like a ski-slope, and is out of character with the area
 - Too close to the boundary
 - Loss of privacy/overlooking
 - Loss of light
 - Property values will be harmed
 - Increased traffic movements would be a danger to highway safety
 - No vehicles should be allowed to park on Huntsmans Drive.
- 5.3 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

Principle of Development

- 6.1 The application lies within the settlement boundary for the City of Hereford and the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development within this area providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the proposal to erect a single dwelling is acceptable in principle, subject to other material considerations being satisfactorily resolved.

The Previously Dismissed Appeal

- 6.2 Members will note that planning permission was refused and an appeal dismissed in June 2005 for a single dwelling on the site. In dismissing the appeal the Inspector stated that whilst the principle of development was acceptable in so far as a new dwelling would not harm the character and appearance of the wider locality, the impact arising from overlooking on the amenity of the adjoining properties was held to be sufficiently detrimental to substantiate the appeal being dismissed.

- 6.3 In making the present application the applicant's agent has addressed the issue of overlooking by opting for a design that omits first floor windows on the rear elevation, save for two roof lights serving the stairwell and bathroom.

Visual and Residential Amenity

- 6.4 Having regard for the pattern and density of residential development in the wider locality, the design, scale and massing is considered to be appropriate, and the siting and orientation has taken appropriate account of the position and orientation of the adjoining properties.
- 6.5 Although it is noted that one letter of objection comments that the proposed development is out of keeping with the character of the wider locality, there is no strong defining architectural form, the wider locality being comprised of older interwar properties fronting Kings Acre Road, with a more modern housing estate access via Huntsmans Drive. Therefore the design of the proposed development will not be read as a discordant against the background of such a diverse townscape.
- 6.6 Although the concerns about overlooking and loss of light are noted, having regard to the design of the dwelling as well as the separation distances involved it is not considered that the proposed development will materially alter the level of residential amenity presently enjoyed, to a degree, which would give rise to any sustainable ground for refusal.
- 6.7 More specifically the design of the proposed dwelling has taken onboard the grounds of concern identified by the Planning Inspector, the flanks being planned without windows, whilst the rear roof slope only contains two small roof lights which don't serve habitable rooms therefore there should not be any significant potential for overlooking. However to ensure that a satisfactory relationship is maintained between the existing properties and the proposed development, conditions are recommended removing permitted development rights to extend or alter the property, and/or insert any new windows including dormers at first floor level.
- 6.8 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the construction phase.

Access and Highways

- 6.9 In the absence of any objection from the Traffic Manager, it is not considered that the concerns raised in the letters of objection can be substantiated as grounds for refusal on highway safety grounds.

Planning Obligation

- 6.10 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions.
- 6.11 However in accordance with the decision of the Cabinet Member for Environment and Strategic Housing to suspend the requirement for residential schemes for 5 dwellings or less which came into effect on the 1 April 2009, the proposed development is exempt subject to its commencement being limited to within 12 months of planning permission being granted.

Conclusion

6.12 Overall the proposal complies with the relevant development policies, and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)) (12 months).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **B02 (Development in accordance with approved plans and materials).**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 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. **F16 (No new windows in specified elevation).**

Reason: In order to protect the residential amenity of adjacent properties 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. **H10 (Parking - single house).**

Reason: In the interests of highway safety and 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.

7. **I16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

Informatives:

1. **N01 - Access for all.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

3. N19 - Avoidance of doubt - Approved Plans.

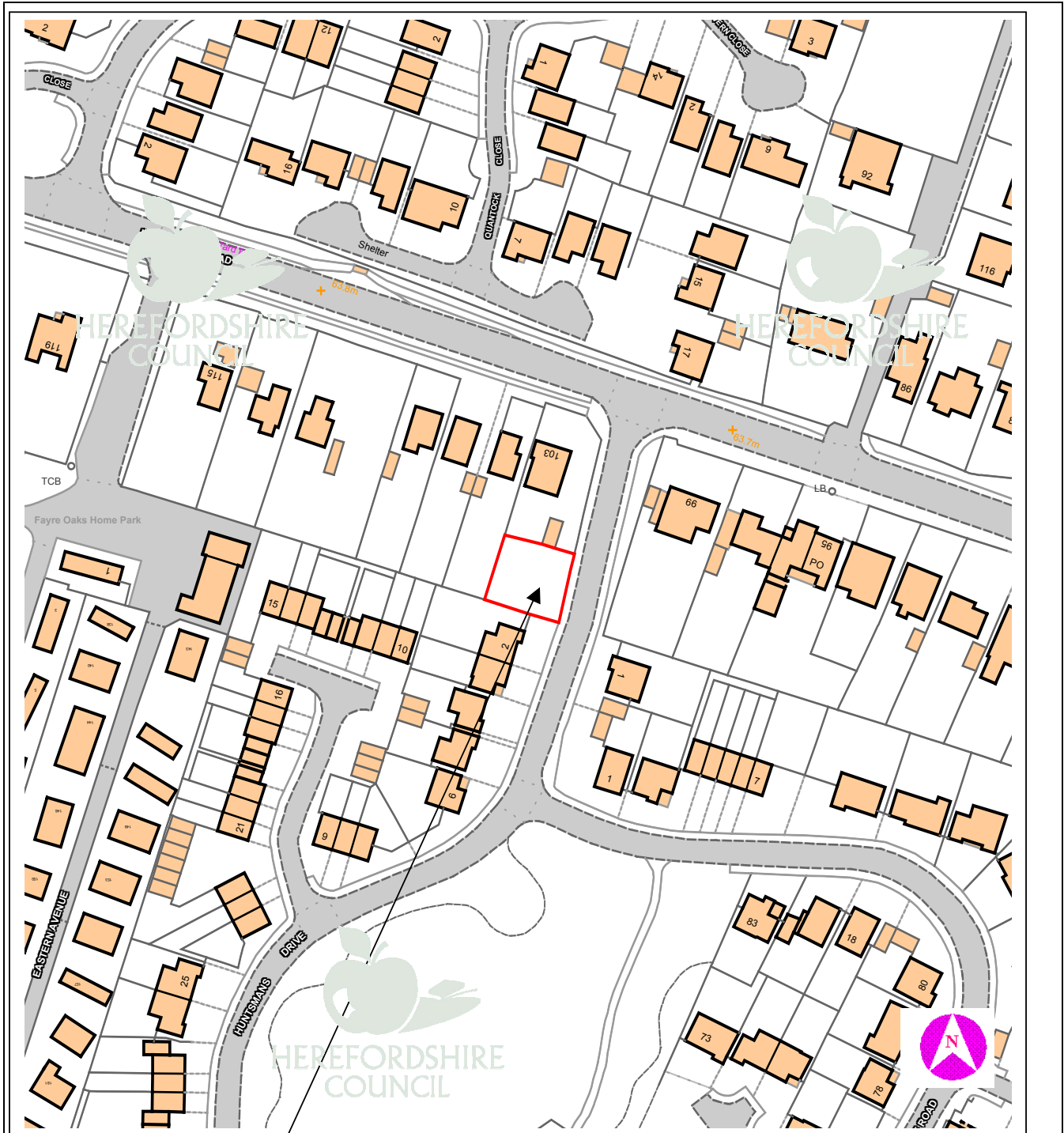
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0382/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of 103 Kings Acre Road, Hereford, Herefordshire, HR4 0RQ

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