

10 DCCE2009/0786/F - PROPOSED NEW DWELLING AT LAND TO THE REAR OF 78 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ

For: Mr. & Mrs. J. Griffith per FDH Ltd, First Floor, 43 High Street, Lydney, Gloucestershire, GL15 5DD

Date Received: 14 April 2009

Ward: Tupsley

Grid Ref: 53062, 39130

Expiry Date: 9 June 2009

Local Members: Councillors MD Lloyd-Hayes, AP Taylor and WJ Walling

1. Site Description and Proposal

- 1.1 No. 78 lies on the southern side of Hampton Park Road (B4224) directly opposite the junction with Old Eign Hill which runs to the north. The existing dwelling is a detached two storey brick and pitched tiled roof property with access directly off Hampton Park Road leading to a parking area to the front and spacious mature garden to the rear. The frontage of the curtilage is enclosed by a low stone wall and the eastern and western boundaries to the rear garden enclosed by a mixture of mature hedging and mature trees. Levels fall away southwards from Hampton Park Road both within and surrounding the site. Beyond the application site to the south is a steep drop in levels which leads down to the River Wye. Further detached properties lie immediately east and west of the existing dwelling and west of the application site is a detached bungalow and east is a modest dwelling, both constructed as backland development over the last fifteen years or so.
- 1.2 The site lies within Hampton Park Conservation Area and lies adjacent to the River Wye which is designated as a Site of Special Scientific Interest, a Special Area of Conservation, a Site of Importance for Nature Conservation and a Flood Plain Flood Zones 2 and 3.
- 1.3 Planning permission is sought for the construction of a detached three bedroom two storey dwelling with attached three bay garage and further bedroom/play room above within the rear garden of 78 Hampton Park Road. A new vehicular access and driveway will be created along the eastern boundary of the curtilage to serve the dwelling .

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable developments
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations

DR7	-	Flood risk
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
NC1	-	Biodiversity and development
NC2	-	Sites of international importance
NC3	-	Sites of national importance
NC4	-	Sites of local importance
HBA6	-	New development within conservation areas
CF2	-	Foul drainage

3. Planning History

- 3.1 DCCE2006/3301/F - Proposed new detached dwelling with garage and access. Withdrawn 30 November 2006.
- 3.2 DCCE2005/3324/F - New 4 bedroom detached house, detached garage and access. Withdrawn 6 December 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water:
Welsh Water have no comment to make on the drainage as private drainage facilities are proposed. The proposed development site is however crossed by a rising main and therefore no development shall be permitted within the safety zone either side of the rising main.

Internal Council Advice

- 4.2 Traffic Manager:
No objection subject to the completion of a Section 106 Agreement to maintain control over neighbouring land including the garden wall required to achieve visibility for the new access. Without the legal agreement the development will be recommended for refusal on the grounds of inadequate visibility.
- 4.3 Conservation Manager:
The proposed building has resolved all the conservation issues with regards to the design and is now in keeping with the context of the conservation area and the surrounding new buildings. Substantial infill developments have taken place in the surrounding part of this area and the setting of Litley Court has been lost and we therefore believe the proposal would be acceptable. It is recommended that clay rather than concrete tiles are used for the roof.
- 4.4 Children and Young People Services Manager:
The educational facilities provided for the development are North Hereford City Early Years, Hampton Dene Primary School, St Paul's CE Primary School, Bishop of Hereford Bluecoat School and Hereford City Youth. As deficiencies in capacity and provision exists within pre-

school, primary, secondary, post 16, youth and special education sectors an educational contribution is required if the development is not commenced within 12 months of any planning approval.

4.5 Building Control Manager:

The applicant should be advised that a Welsh Water foul sewer rising main runs through the site.

4.6 Conservation Manager - Ecology: No comments received.

5. Representations

5.1 Hereford City Council: No objection.

5.2 Two letters of objection have been received from Mr J.P. Wright, The Orangery, 9 Litley Court and Mark Broad of 88 Hampton Park Road. The main points raised are:

1. The plans indicate the dwelling would be constructed within 2 to 3 metres of the mutual boundary and will overlook our property.
2. There is a significant change in levels between the site and the neighbouring property which will substantially increase the impact and degree of overlooking.
3. The plans are misleading as there are no mature trees between the respective boundaries in this part of the site.
4. The proposed dwelling will overwhelm 9 Litley Court.
5. Other recent developments were required to be of a Victorian design and not front the River Wye and it seems incongruous to permit a design as proposed facing the River Wye.
6. The proposed private sewage treatment system will generate noise and smells being located on the boundary between the proposed site and our property.
7. Relocating the proposed dwelling from the narrowest part of the site away from Litley Court would reduce the impact on our property and achieve a less intrusive option.
8. The development will increase pressure of further infill plots along Hampton Park Road.
9. The development will increase hardstanding causing additional surface water flooding.
10. Gardens should be preserved and not built on in this way.

5.3 The applicants have provided in support of the application a Design and Access Statement, draft legal agreement in relation to the access, an ecological survey from 2005 and a full topographical and arboricultural survey. These documents will be considered in the assessment of the application.

5.4 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 proposed site for the dwelling falls within the garden accompanying No. 78 Hampton Park Road. The existing garden is of generous size extending around 80 metres before a steep drop in levels down to the River Wye. The existing garden is therefore considered sufficiently large to accommodate a new detached dwelling with appropriate parking, manoeuvring space and amenity along with retaining a commensurate area of garden for the existing dwelling.

- 6.2 In terms of the character of the area, a number of backland and tandem style developments have taken place to the rear of properties along Hampton Park Road over the last 10 years or so including developments immediately east and west of the application site. It is therefore not considered that a further dwelling on this particular site will detract from the immediate character of the area, which is also a Conservation Area. This view is supported by the Conservation Manager who raises no objection to this proposal in principle.
- 6.3 The siting of the dwelling will ensure a satisfactory standard of amenity will be achieved for both the new dwelling and 78 Hampton Park Road. The siting in relation to the juxtaposition with neighbouring dwellings east and west will also ensure there will be no harmful impact on their amenity.
- 6.4 The scale and mass of the dwelling is undoubtedly large but this must be viewed in context. Whilst there are relatively small properties either side of the site, the general character of the wider area is large properties set within large gardens. The scale and mass of the dwelling is not considered disproportionately large nor appear cramped for the site and will satisfactorily assimilate into the site and surroundings, which contain a number of semi-mature and mature trees. The only open aspect will be from a southerly direction where the development will be viewed in the context of mature trees and rising ground levels beyond. The design has been enhanced to incorporate additional architectural detailing in keeping with the character and quality of the conservation area. The mass of the roof has been also reduced through the introduction of double hips. The design and materials are considered acceptable subject to the use of high quality natural materials as recommended by the Conservation Manager.
- 6.5 One of the immediate neighbours has objected raising concerns regarding the impact of the dwelling on their amenity. The application site is approximately 2 metres higher than the site levels of the adjoining property to the east, which will exacerbate the impact of the development when viewed from their property. However, the development is sufficiently far away so as not to be unacceptably overbearing and will have minimal impact on sunlight and daylight due to the presence of existing trees along the boundary. The only windows facing the objector's property are at ground floor window and the room above the garage. In respect of the former, the existing boundary treatment will prevent overlooking and any overlooking from the room above the garage will be at an oblique angle. As such, it is not considered the development will have any harmful impact on the amenity of the neighbouring properties.
- 6.6 A new access is proposed directly off Hampton Park Road running along the eastern boundary of the curtilage. The Traffic Manager raises no objection to this subject to a Section 106 Agreement requiring the visibility splay to be safeguarded which crosses third party land to the east. The new access is proposed between existing mature trees along the frontage which can all be safeguarded subject to sympathetic construction techniques being used. The Section 106 Agreement is in the process of being finalised and the neighbouring property is party to the completion of this agreement. Elsewhere, a safe access drive and adequate parking and manoeuvring space is proposed within the site. The creation of the new access will have some impact in terms of additional noise on the amenity of neighbouring dwellings but due to existing boundary screening and scale of the development, the impact will be minimal.
- 6.7 A private drainage system is proposed and percolation tests have been carried out to assess its acceptability. Whilst this is located close to the neighbouring boundary, modern sewage

treatment plants are designed to generate little or no noise or fumes. Nevertheless, there may be scope to connect to the rising main drain which policy CF2 identifies as being the most appropriate form of drainage and therefore a condition is recommended requiring that this option be fully explored before consideration and approval is given to a private drainage system.

- 6.8 With regard to Section 106 requirements, the applicant is currently considering the acceptance of a 12 month commencement requirement in accordance with the current Section 106 policy. A further update will be provided on this matter at Committee. The ecological report is now several years out of date but it did not reveal the presence of any protected species at the time. The report also recommends the creation and retention of an undisturbed area near the River Wye and its embankment. The requirement for further surveys and ecological mitigation/enhancement can be controlled by condition.
- 6.9 The proposed construction of a dwelling on the site in question is considered acceptable in principle in terms of the character of the area and relationship with neighbouring properties. The scale, design and materials will be compatible with the site and immediate surroundings and will preserve the character and appearance of the conservation area. Therefore, subject to the completion of a Section 106 Agreement relating to visibility splays for the access the proposal is considered acceptable.

RECOMMENDATION

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure the safeguarding of visibility splays at the access and any additional matters and terms as he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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. **C01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.
 3. **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.
 4. **F15 (No windows in side elevation of extension).**

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

5. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

6. G04 (Protection of trees/hedgerows that are to be retained).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

7. H03 (Visibility splays).

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. H09 (Driveway gradient).

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

10. H13 (Access, turning area and parking).

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

11. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

12. I51 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

13. F05 (Restriction on hours of use (industrial)).

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

14. I14 (Scheme of foul drainage disposal).

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

15. 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 H18 of Herefordshire Unitary Development Plan.

16. K4 (Nature conservation – implementation).

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

Informatives:

- 1. HN05 - Works within the highway.
- 2. HN10 - No drainage to discharge to highway.
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 4. N19 - Avoidance of doubt - Approved Plans.

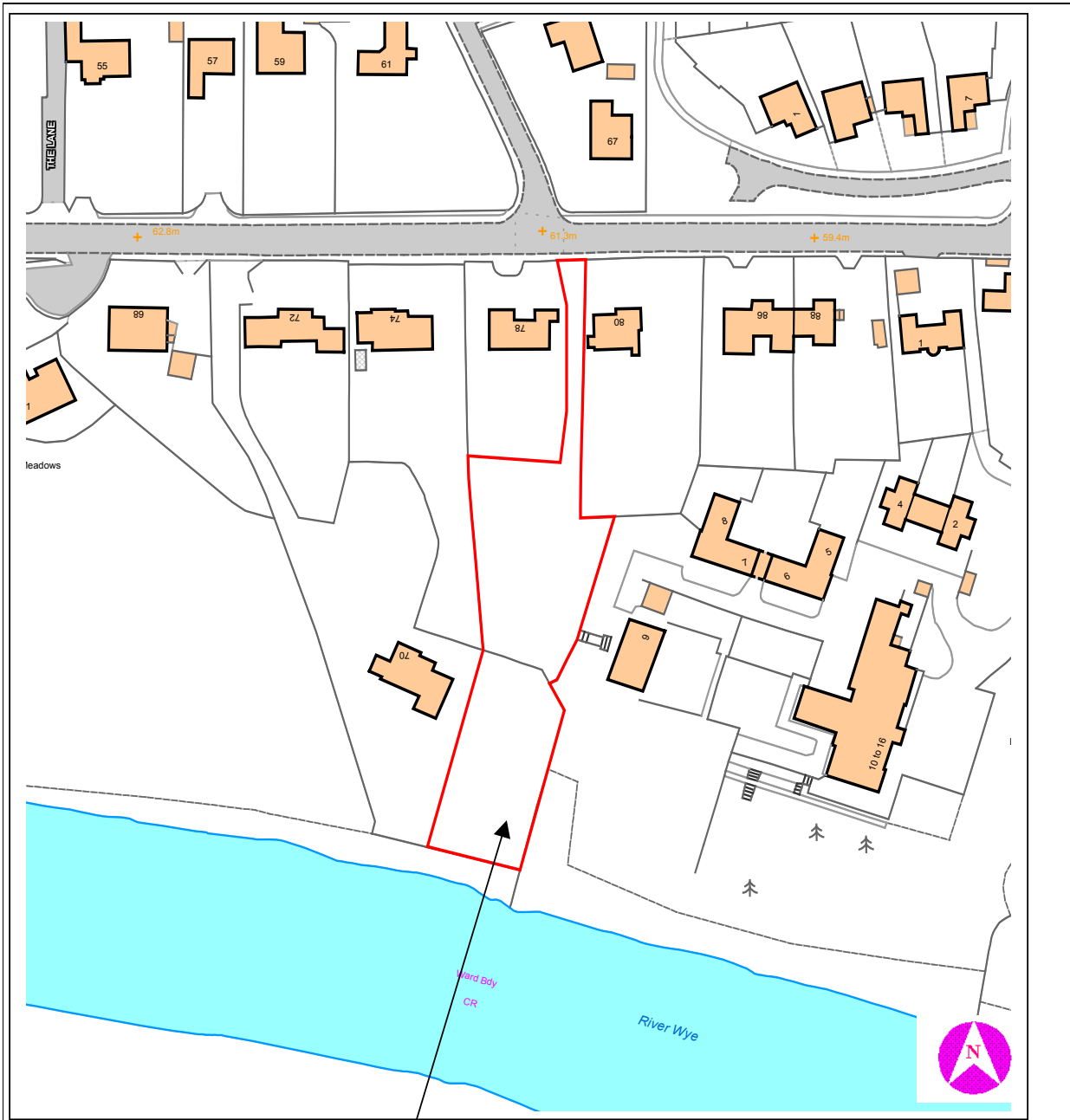
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2009/0786/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of 78 Hampton Park Road, Hereford, Herefordshire, HR1 1TJ

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