

**5 DCSE0009/1021/F - PROVISION OF NEW TWO STOREY 3 BEDROOM DWELLING IN REAR OF GARDEN, REAR GARDEN PLOT TO TUDORVILLE EXPRESS, WALFORD ROAD, TUDORVILLE, ROSS ON WYE, HEREFORDSHIRE, HR9 5PY.**

**For: Mr J Thomas per Derrick Whittaker Architects, 1 Farjeon Close, New Mills, Ledbury, Herefordshire, HR8 2FU.**

**Date Received: 14 May 2009**

**Ward: Ross-on-Wye East**

**Grid Ref: 59688, 22913**

**Expiry Date: 9 July 2009**

Local Members: Councillors PGH Cutter and AE Gray

### **Introduction**

This application was considered at the Southern Area Planning Sub-Committee on 8 July 2009 when Members deferred making a decision in order to carry out a site visit.

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

- 1.1 The application seeks planning permission for the erection of a two-storey dwelling on land to the rear of the Tudorville Express Store, Walford Road, Ross-on-Wye. The application follows a refusal of planning permission for the erection of a dwelling on the same site under reference DCSE2007/2747/F. The former application was refused on the basis of poor design, scale and impact upon the amenity of the neighbours. Concern was also raised at the potential noise disturbance arising from vehicular movements adjacent to San Remo, the neighbouring dwelling to the south. Tudorville is a predominantly mid C20th residential area to the south of the town centre. Accordingly there is a mix of private and former Council housing stock in the vicinity. The gardens to the properties in Tudor Rise back onto the site. The garden to San Remo runs adjacent the south-western boundary, whilst Erdington Court, a development of a terrace of four properties lies to the rear of Merrie Orchard.
- 1.2 The design of the refused application was fundamentally poor and the scale vastly out of keeping with the character of the area. The height to the ridge was 10.6 metres and the floor area 150 square metres. The internal layout was vastly inefficient to the extent that the floor plans only committed to 3 bedrooms, although it is clear that scope existed for double this, including rooms within the roof space. The provision of a 2-storey height external spiral staircase certainly alluded to more than casual use of the 'loft rooms'.
- 1.3 The current application proposes a far smaller, genuine two-storey dwelling, albeit located in a similar position. Orientation is such that the front of the dwelling would face the rear of the shop. A contemporary design approach is taken with the use of asymmetrical mono-pitched roofs, under zinc standing seam cover. The dwelling is described as 3-bedroom, although provision is made for a first floor study, which could become a fourth bedroom as required. The plan is essentially rectangular, with a rear wing housing kitchen and bedroom 1 at first floor. This is the 'tower' element. The gross ground floor area is 103 square metres - two-thirds the size of the refused scheme. The overall height of the building is also substantially reduced. The mono-pitch roof form has been adopted to maintain a low profile. The highest part of the dwelling is now 7.2 metres as opposed to the previously proposed 10.6 metres. The height to eaves of the current proposal is, owing to the shallow mono-pitch, 6 metres at its maximum.

- 1.4 The application is accompanied by a Design and Access Statement. This justifies the proposal in the context that the existing garden area with Tudorville Express is underutilised and that the use of previously developed land within the Ross settlement boundary is the approach advocated by national and local planning policy. The design approach has been adopted to "ensure that the building offers different and exciting views from all angles" and the design of the roofs also ensures that "the building maintains a low profile below that of the adjacent buildings."

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy LA1	-	Areas of Outstanding Natural Beauty

## 3. Planning History

3.1	DCSE2003/2467/F	Proposed shed/summer house	-	Approved 08.10.03
	DCSE2006/3655/F	Proposed formation of car parking area adjacent to shop	-	Approved 15.01.07
	DCSE2007/2747/F	Proposed new dwelling and swimming pool in garden at rear of Tudorville Express	-	Refused 24.10.07

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: Recommend standard conditions relating to the discharge of foul and surface water discharges.

### Internal Council Advice

- 4.2 Conservation Manager: No objections subject to conditions for glazing, joinery and roofing materials.

"The previous application, which was of three storeys, foundered in large part because it was grossly out of scale with its context, and the current scheme has made considerable efforts to address this concern. The opposed monopitch roof form has been adopted to maintain a low profile, and whilst the widely differing pitches appear somewhat unresolved in the elevational drawings, the effect will be less apparent in three dimensions. By contrast to its scale, the building's contemporary language is a deliberate riposte to the prevailing context, which has little distinctive identity."

- 4.3 Traffic Manager: No objection, although amendments are required to the design and layout of the parking and access route. The Traffic Manager recommends the imposition of conditions.

## 5. Representations

- 5.1 Ross-on-Wye Town Council: No objections.
- 5.2 At the time of writing seven letters of objection have been received from Mrs E Jenkins, 1 Erdington Court, Walford Road, a joint letter from Mr S. Cropper and Mr & Mrs A James from numbers 3 and 4 Erdington Court respectively, Mr & Mrs T Russell, 15 Tudor Rise, Mr M R Higgins, 17 Tudor Rise, Mrs K Ward, 19 Tudor Rise, Mr D Barlow, 21 Tudor Rise and Mr & Mrs French, San Remo, Walford Road. The content of the letters can be summarised as follows:
- The development could result in loss of privacy, particularly if the boundary hedge is removed;
  - The use of the private access drive serving Erdington Court would not be permitted;
  - Additional traffic on this part of Walford Road would not be advisable;
  - Any planning permission should be conditional upon the retention of the existing trees forming the boundary between the site and Erdington Court. Removal of this planting would detract from the visual amenity of the area;
  - The design of the building is radically out of keeping with the surrounding houses. The design would detract from the harmonious look of the neighbourhood.
  - The narrowness of the access is not appropriate for construction traffic.
  - The additional vehicular movements would cause conflict with store customers.
  - The store car park may be used increasingly as a domestic car park.
  - The development will depreciate the value of surrounding properties.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The application proposes the erection of a two-storey dwelling on land currently forming part of the curtilage to the Tudorville Express general stores, Walford Road, Ross-on-Wye. The site is within an established residential area, within the Ross settlement boundary. As a principle, the erection of a dwelling upon the site is acceptable.
- 6.2 A previous application for the erection of a dwelling on this site was refused owing to its design, scale and the impact of the vehicular access upon the residential amenity of the dwelling immediately to the south-west, San Remo. As described above, the dwelling now proposed is significantly smaller both in plan form and height than the previously proposed dwelling. It does, however, promote a modern style of architecture that is largely unheralded in the neighbourhood, which is described by one of the objectors as "admittedly unflashy yet reassuringly harmonious."
- 6.3 Accordingly the key issues in the determination of this application are considered as follows:
- The appropriateness of the design to the immediate context;
  - The impact of the proposal upon the living conditions of adjoining residents, including an assessment of the impact of the means of access upon the adjoining dwelling, San Remo.
- 6.4 This site is considered a 'backland' location. In this instance a similar form of development can be seen immediately adjacent in the form of Erdington Court, which appears to derive from the development of land formerly associated with Merrie Orchard. Given recent local appeal decisions on the issue of developing 'backland' sites, the case officer considers that although the proposal rests upon a means of access that passes in relatively close proximity to the neighbour, the development of this land is acceptable. The Traffic Manager, whilst recognising the constraints placed upon the access onto Walford Road, does not object to the application provided that amendments are made to the design of the parking and turning area. This can be governed via the imposition of conditions.

- 6.5 The design of the dwelling is a departure from the existing predominantly twentieth century housing stock. However, the site is not readily visible from public vantage points and with the intended retention of existing landscaping, would not be unduly prominent. Moreover, the scale of the dwelling, which is vastly reduced from that originally proposed, will further reduce the visual impact when viewed from neighbouring properties. As the building will not be seen in a typical street-scene, the case officer considers that a contemporary design is feasible and appropriate. The mixed character of the locality with no overriding architectural style also lends itself to the introduction of a new design approach.
- 6.6 The case officer agrees that existing boundary planting should be retained in the interests of preserving visual and residential amenity and conditions are recommended to this effect. As access is proposed via the existing drive, there would be no threat to the trees on the boundary to Erdington Court. In terms of overlooking, the vast majority of the openings at both first and second floor are in the west facing elevation, which looks onto the rear of Tudorville Express. Windows in the first floor flank elevations serve bathrooms or dressing rooms. Windows in the rear facing elevation (facing Tudor Rise) are limited to those serving the stairs and a ground floor kitchen window. Window-to-window distances in this direction exceed 21 metres. The scheme does incorporate a balcony to the south-elevation. A condition is recommended to require the provision of a privacy screen to the side that faces Erdington Court.
- 6.7 The debate around the appropriateness of the design is clearly a subjective issue. However, there is no defining architectural context and the discrete nature of the site lends itself to a more ambitious design. The application is recommended for approval subject to conditions.

## 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 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 D04 (Details of window sections, eaves, verges and barge boards )**

**Reason: To ensure that the work is carried out in accordance with details that are appropriate to the architectural characteristics of the building and to comply with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.**

**4 Prior to the commencement of development, a scheme to indicate the incorporation of a privacy screen to the balcony hereby approved shall be submitted to and approved in writing by the local planning authority. Development shall accord with the approved details and the privacy screen must be retained in perpetuity unless otherwise agreed in writing by the local planning authority.**

**Reason: In order to preserve existing levels of residential amenity in the locality so as to comply with Policies DR1 and H13 of the Herefordshire Unitary Development Plan.**

**5 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**

**6 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**

**7 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**

**8 H29 (Secure covered cycle parking provision )**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**9 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**

**10 L01 (Foul/surface water drainage )**

**Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.**

**11 L02 (No surface water to connect to public system )**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.**

**12 L03 (No drainage run-off to public system )**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.**

**13 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.**

**14 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.**

**15 I56 (Sustainable Homes Condition )**

**Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'**

**16 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 N19 - Avoidance of doubt - Approved Plans**
- 2 N15 - Reason(s) for the Grant of Planning Permission**

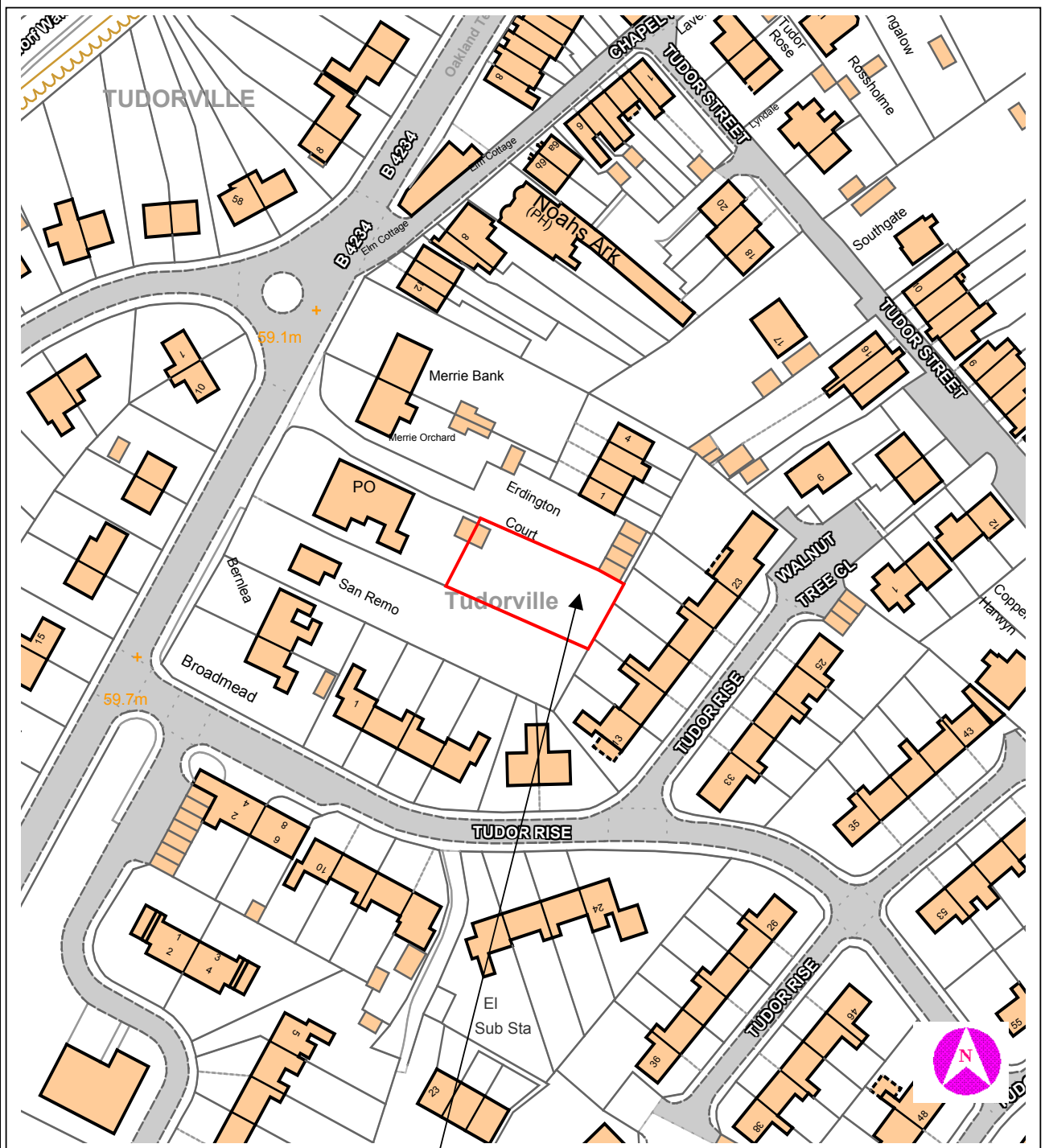
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE0009/1021/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Rear Garden Plot to Tudorville Express, Walford Road, Tudorville, Ross on Wye, Herefordshire, HR9 5PY

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