

19 DCNW2003/2583/F - PROPOSED ERECTION OF FOUR DWELLINGS AT LAND TO THE REAR OF STONELEIGH, KINGSLAND, HEREFORDSHIRE.**For: Mr A M & Mrs J Pugh per Mr P Titley, New Cottage, Upper Common, Eyton, Leominster, Herefordshire, HR6 OAQ****Date Received:
22nd August 2003****Ward:
Bircher****Grid Ref:
44786, 61448****Expiry Date:
17th October 2003**

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 This application for 4 detached dwellings lies on a site to the rear of property known as Stoneleigh on the north side of the B4360 road in Kingsland. The main body of the site measures approximately 88m x 32m, is a former orchard and lying within both the Kingsland Conservation Area and the Settlement Boundary as identified on the inset map in the Leominster District Local Plan.
- 1.2 Access to the site is via a modified existing access on the east side of Stoneleigh. To the east and west boundaries of the site lie relatively modern residential cul-de-sac. The development is proposed in a linear form with plots 1 – 3 inclusive facing east whilst plot 4 faces south, namely the end elevation of plot 3. Beyond the northern boundary of the site lie open fields.
- 1.3 Plots 1 – 3 are for 3 bedroomed dwellings measuring approximately 10m x 6.8m excluding the single attached garage the ridge height is approximately 7.7m. Plot 4 is for a 4 bedroomed 'L' shaped property with attached double garage with a similar ridge height. All 4 properties have a gable element on the front elevation to add interest to the design. It is proposed to finish the dwellings with a slate roof and render finish.

2. Policies**Leominster District Local Plan**

Policy A2(c) - Small Scale Development within Defined Settlement Boundaries
Policy A18 – Listed Buildings and their Settings
Policy A21 – Development within Conservation Areas
Policy A24 – Scale and Character of Development
Policy A54 – Protection of Visual Amenity

Herefordshire Unitary Development Plan (deposit draft)

Policy H4 – Main Villages
Policy H13 – Sustainable Residential Design

Policy H15 – Density
Policy HBA4 – Setting of Listed Buildings
Policy HBA6 – New Development within Conservation Areas
Policy HBA7 – Demolition of Unlisted Buildings with Conservation Areas

3. Planning History

No planning history on this site.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water – no response.

Internal Council Advice

4.2 Chief Forward Plans Officer advises that the proposal does not meet the density requirements of Planning Policy Guidance Note 3 of 30 dwellings per hectare. The adjoining sites are approximately 17 dwellings per hectare the proposal site is only 13 dwellings per hectare.

4.3 The Chief Conservation Officer advises that there is room for improvement in terms of the design particularly of the rear elevations, however main concern relates to the loss of hedging and stone walling giving a sense of enclosure a significant feature in the Conservation Area character assessment. However, subject to appropriate conditions it is not considered that the proposal warrants refusal on conservation grounds.

4.4 Head of Engineering and Transportation recommends conditions.

5. Representations

5.1 In response to other representation the applicant's agent advises that all of the application site lies within his client's ownership and has submitted Land Registry details to this end. Furthermore, the amended plan as submitted showing retention of the stone pier on the west side of the access.

5.2 Parish Council state 'not approved inappropriate access'.

5.3 Objections have been received from:

G E Randall, 4 St Michael's Avenue, Kingsland
P Harry, 5 St Michael's Avenue, Kingsland
P Evans, 3 St Michael's Avenue, Kingsland
E Pugh, 6 St Michael's Avenue, Kingsland
J Bruce, Stoneleigh, Kingsland
Mr & Mrs Maddocks, 8 Orchard Close, Kingsland
Lady Alethea Eliot, The Old House, Kingsland
C & J Davies, 9 Orchard Close, Kingsland
J Cooper, Garden House, Orchard Close, Kingsland

The objections can be summarised as follows:

- a) The plans are inaccurate.
- b) Nos. 4 & 5 St Michael's Avenue are over a metre closer to plots 2 & 3 than shown.
- c) The footway is 1.55m wide not 1.8m.
- d) Trees to be felled are not shown.
- e) The proposal would lead to loss of light from no. 4 St Michael's Avenue.
- f) Lead to overshadowing of no. 3 St Michael's Avenue.
- g) Overlooking of adjacent properties even at 21m distance with a resultant loss of privacy and amenity.
- h) Over-development of the site.
- i) Access onto the B4360 would be dangerous to both the large number of pedestrians and vehicles.
- j) It is close to an area where cars park on the road visiting the Angel Inn.
- k) Loss of orchard and wildlife habitat.
- l) Change of character of the centre of the village.
- m) Part of the application site is in the ownership of Stoneleigh.
- n) The application is invalid, as no Certificate B has been served.
- o) Loss of mature hedge and stone wall.
- p) The dwellings are not in keeping with the surroundings which are brick and tile construction.
- q) Lack of turning room on site for large vehicles.

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

6. Officers Appraisal

- 6.1 As the application site lies within the residential infill boundary for Kingsland there is no objection to the principle of residential development of the site. Whilst the density of development is slightly less than that of the surrounding area and considerably less than that required by Planning Policy Guidance 3 access restrictions are such that any more than 4 on the site would be unacceptable.
- 6.2 As regards access the owner of Stoneleigh on the road frontage has raised concern about ownership including part of the stone pier on the west side of the access. The application has consequently been amended to retain the stone pier in doing so slightly realigning the proposed driveway to the east. (Planning permission does not convey rights over third party land).
- 6.3 Concern has been expressed that the proximity of the dwellings to the rear boundary i.e. the west boundary would give rise to problems to loss of amenity and privacy to properties in St. Michael's Avenue. Usually back to back distances of 21m are sought. However, whilst plots 1 – 3 show the dwellings situated at approximately 11m from the boundary, properties in St. Michael's Avenue are closer than this. It is not considered that at a distance of approximately 11m to the boundary, there is unreasonable overlooking from plots 1, 2 and 3 nor that permission could be reasonably withheld because properties in St. Michael's Avenue are closer than 10m to their own boundaries. It is not considered that unreasonable loss of privacy or amenity will result to other residential properties adjoining the site.

- 6.4 In terms of the impact on the Conservation Area, the proposed dwellings cannot be unfavourably compared to other modern developments to the east and west. With the imposition of appropriate conditions the design of the dwellings is considered to be acceptable. Furthermore, with the requirement to rebuild a stone wall at the access point it is not considered that the loss of existing stone wall or hedge is so detrimental to the character of the Conservation Area that permission could reasonably be withheld on that ground. Similarly there is no objection to the demolition of the storage building adjacent to the eastern boundary. There are areas identified within the settlement boundary which are to be protected as open areas. This however is not one of those areas and there is no particular policy requiring retention of an old orchard.
- 6.5 Access arrangements for the site are considered to be acceptable.
- 6.6 On balance therefore it is considered that the proposal, subject to the following conditions, is acceptable.

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 - A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 - C04 (Details of window sections, eaves, verges and barge boards)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

6 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

7 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

8 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

9 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

10 - H03 (Visibility splays)(insert 2m x 30m)

Reason: In the interests of highway safety.

11 - H05 (Access gates)(insert 5m)

Reason: In the interests of highway safety.

12 - The first section of the new roadway to the rear of Stonleigh shall be not less than 4.5m wide.

Reason: In the interest of highway safety.

13 - Before the development hereby permitted is commence details of the replacement stone wall and piers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these plans prior to occupation of any of the dwellings.

Reason: In order to protect the character of the Conservation Area.

Notes to the Applicant:

- 1 - ND03 - Contact Address**
- 2 - HN01 - Mud on highway**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.