

**8A DCCW0009/1406/F - ERECTION OF FOUR DWELLINGS
AT 253 WHITECROSS ROAD, HEREFORD,
HEREFORDSHIRE, HR4 0LT**

**For: Mr. Sanderson per Mr. C. Goldsworthy, 85 St
Owens Street, Hereford, HR1 2JW**

**8B DCCW0009/1414/F – CONVERSION AND CHANGE OF
USE OF EXISTING GARAGE TO COMMUNAL BIN
STORE AT 255 WHITECROSS ROAD, HEREFORD,
HEREFORDSHIRE, HR4 0LT**

**For: Mr. Sanderson per Mr. C. Goldsworthy, 85 St
Owens Street, Hereford, HR1 2JW**

**Date Received: 9 June 2009
Expiry Date: 20 August 2009**

Ward: St Nicholas

Grid Ref: 349377, 240562

**Date Received: 29 June 2009
Expiry Date: 24 August 2009**

Ward: St Nicholas

Grid Ref: 49379, 40586

Local Members: Councillors DJ Benjamin and JD Woodward

Introduction

These applications were deferred at the Central Area Planning Sub-Committee on the 16 September 2009 for a site visit which took place on 29 September 2009. The two previous reports have been amalgamated into one.

1. Site Description and Proposal

1.1 These applications are mutually dependent. It is important, therefore, that both proposals are considered in conjunction with each other.

1.2 No. 253 Whitecross Road is a large, double bay fronted, Victorian detached house facing the south west side of the road at its western end towards the Whitecross roundabout. Adjoining to the west is No. 255 Whitecross Road, a semi-detached house set further back from the road frontage and also owned by the applicant to the south east is No. 251 Whitecross Road, a large two storey house partially attached to an attractive run of other Victorian houses of diverse architectural styles. The long rear garden of No. 251 extends the full length of the rear garden of No. 253. Immediately to the rear are tennis courts forming part of the Whitecross Tennis Club facilities. Adjoining the rear section of the north west boundary of the garden and the rear boundary of No. 255 is the corner of a single storey housing development fronting Marlowe Drive to the north. The two pairs of bungalows in this corner face away from the application site.

- 1.3 The application site itself has an area of 0.10 hectares, the bulk of it being formed from the rearward section of the long garden which extends from the rear of the existing dwelling to the boundary with Whitecross Tennis Club. It would have a length of some 37.00 metres leaving a residual length of some 13.00 metres as rear gardens for the existing dwelling. The overall width would be some 24.00 metres at its widest and some 19.00 metres at its narrowest.
- 1.4 The existing garden is an attractive landscaped area which includes dense and mature shrub planting around most of the perimeter.
- 1.5 The site includes a contiguous margin of land within the present boundaries of No. 255 Whitecross Road. This would enable the widening of the existing driveway which currently serves a double garage to the rear of No. 254.
- 1.6 The site and its immediate surroundings apart from the tennis club may be described as a mature and established residential area displaying an attractive Victorian aura.
- 1.7 The proposal is for a two storey block of four terraced houses sub-divided into pairs based on a staggered arrangement. The orientation of the houses is roughly parallel to the rear boundary so that the front elevation faces the rear of the existing dwelling at a distance of some 29.00 metres and the rear elevation faces the tennis club boundary at a distance of some 9.00 metres. The side gable walls would be 1.20 metres from the garden boundary with No. 251 Whitecross Road and between 1.00 metres and 1.60 metres from the boundaries with the Marlowe Drive dwellings. Four individual gardens are provided between the rear elevation and the tennis club boundary.
- 1.8 The applicant's Design and Access Statement states the proposed elevations are traditional in appearance which was deemed to be an appropriate design solution within an area with a mixture of building styles. The large areas of glazing facing the rear gardens are shielded by the porches to prevent solar gain. The porch on the front elevation protects the front door from the weather. The angled kitchen window provides a clear view of the porch recess for security reasons.
- 1.9 Facing materials would be red brick walls and reconstituted slate tiled roofs. The porches would be clad in lead roll.
- 1.10 A new vehicular access would be formed by using a strip of adjacent land currently within the curtilage of No. 255 Whitecross Road, to expand the width of the existing driveway space. The new 4.50 metres wide driveway would lead to a car parking and turning courtyard between the front of the proposed houses and the new rear boundary for the existing dwelling.
- 1.11 The parking layout indicates 10 spaces based on a provision of six spaces for the new houses, two for the existing dwelling and two displaced spaces for No. 255 Whitecross Road. The two displaced spaces would compensate for the loss of parking space due to the proposed conversion and use of the existing garage, at No.255, to a communal bin store for this development. The edge of the parking and turning courtyard would be 5.00 metres away from the boundary with No. 251 Whitecross Road. In the Design and Access Statement it is stated that it would be surrounded with a mixture of existing mature trees and shrubs and proposed planting bed and lawn.

2. Policies

2.1 National:

- PPS1 - Delivering Sustainable Development
- PPS3 - 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 Area
- H2 - Hereford and the Market Towns: Housing and Land Allocation
- H13 - Sustainable Residential Design
- H14 - Re-using Previously Developed Land and Buildings
- H15 - Density
- H16 - Car Parking
- H18 - Alterations and Extensions
- T8 - Road Hierarchy
- T11 - Parking Provision
- LA5 - Protection of Trees, Woodlands and Hedgerows

2.3 Supplementary Planning Document - Planning Obligations

3. Planning History

In respect of DCCW0009/1406/F:

- 3.1 DCCW2009/0125/F Erection of four dwellings. Withdrawn 15 April 2009.

In respect of DCCW0009/1414/F:

- 3.2 OA/16518 Garage at front of house and formation of vehicle access. Approved 26 October 1972.
- 3.3 BP/17064/D Erection of garage. Approved 18 May 1973.
- 3.4 SC980798PF Erection of conservatory to rear. Approved 5 November 1998.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water: No objection subject to conditions on foul and surface water drainage.

Internal Council Advice

- 4.2 Traffic Manager: Recommends conditions and comments that in view of the good transport links in the area, the provision of six spaces for the four new dwellings, two for No. 255 and two for No. 253, is acceptable.

5. Representations

- 5.1 Hereford City Council: No objection. Please ensure entrance splay is wide enough for two vehicles.
- 5.2 Letter from E.R. White, Vice-Chairman, Hereford Whitecross Club: No objection in principle to this application, but ask that, if you are minded to approve it, a condition is made to erect a two metre high fence along the boundary of the site which adjoins the club's tennis courts area. This would improve security and privacy of the new houses and reduce the likelihood of rubbish and other items coming onto club land.
- 5.3 Letters of objection have been received from Mrs. D.M. Davies, 257 Whitecross Road, Hereford, Mr. P.C. and Mrs. J.E. Hardiman, Whitecross Lodge, 251 Whitecross Road, Hereford and Mr. Lance Marshall and Mrs. Janet Marshall, Bank House, 249 Whitecross Road, Hereford.

The main points raised are as follows:-

1. Four existing parking spaces will be eliminated by the proposed access road.
2. Telegraph pole serving seven lines will have to be moved.
3. One of the fence lines is not in the applicant's ownership.
4. The four new houses, not affordable houses, are likely to generate two cars each using a side road close to a pedestrian crossing and roundabout will exacerbate traffic congestion in Whitecross Road.
5. Excessive density is unjustifiable and inappropriate to the area.
6. Proposed houses are below Parker Morris standards.
7. Rubbish collection will cause problems.
8. Noise and light pollution to existing house.
9. 'Nature corridor' alongside Whitecross Tennis Club will be obstructed. Tree survey required.
10. The Design and Access Statement declares that the existing houses do not overlook the application site. This is not true as the houses and car parking area will clearly be overlooked from the rear aspect of No. 251 Whitecross Road.
11. No consultation, by the applicant, with neighbours or community organisation.
12. The applicant has no authority to change the composition or line of the party boundary with No. 251 Whitecross Road.
13. Applicant states that the site cannot be seen from other public land. Whereas the site is visible from the public footpath to the eastern side of No. 253.

14. Reference to a legal dispute concerning the alleged use of a footpath outside the rear gardens of properties in Whitecross Road.
15. Front windows of the proposed houses will result in intrusive overlooking of No. 251 Whitecross Road.
16. Use of the proposed car park is likely to result in a high level of intrusive noise, disturbance and pollution.
17. Impact on the residents of the elderly people's bungalows in Marlowe Drive.
18. The proposal could set a precedent for further development from 253 Whitecross Road resulting in loss of amenity and be detrimental to the Victorian features of the area.
19. Application fails to address objections to the previous withdrawn application.
20. Contrary to development plan in that the proposal is not using previously developed land.
21. Contrary to development plan - small dwellings not required 3 and 4 bedroom properties are needed.
22. Proposal will not integrate harmoniously with the surrounding built environment. No other houses behind houses in Whitecross Road where there is not access from another road. Any building will spoil the garden of any property.
23. Design out of character with the local pattern of streets, spaces, building traditions and materials - as such contrary to development plan.
24. Housing in addition to planned sites in Whitecross Road will lead to an unacceptable increase in traffic deterring people from using Hereford resulting in economic impact on the city and making trade harder for the businesses positioned in Whitecross.
25. Question the infrastructure capacity for coping with more people.
26. Question the car parking provision and refers to development plan policy requirements.
27. Question the capacity of the driveway access for emergency services.
28. Use of access will be a risk to pedestrian safety and the free flow of traffic using Whitecross Road.
29. Overlooking of garden area at the rear of No. 257 Whitecross Road.
30. Use of garage as a bin store will prejudice the saleability of No. 255 Whitecross Road as a separate unit.
31. Conversion of garage to bin store contrary to original permission granted in mid 1970's.
32. Contrary to development plan policies for provision of plan space public open space and amenity area.

33. Negative consequences of vacant properties.
34. Undesirable precedent for development of other large gardens in Whitecross Road.
35. Garage was built in the early to mid 1970's for the sole purpose of parking a car. Proposal would be contrary to permitted use and associated conditions would be ignored.
36. Proposal will result in the non-saleability of No. 255 as a separate unit.
37. Precedent for the use of borrowed land for other properties in Hereford.
38. The nature of No. 255 will be changed from a separate dwelling to one servicing the needs of a neighbouring property.
39. Telegraph poles would need to be removed, this would cause unacceptable disruption to the neighbours.
40. Cannot see how cars wishing to access 255's driveway will continue to do so. If parking is restricted it will result in further cars being parked on Whitecross Road and further increasing traffic problems.
41. Ill thought out solution to a poorly thought out development.
42. Rubbish collection will cause problems.

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 site is located in an established residential area within the settlement boundary for Hereford City. It is also within the curtilage of existing dwellings as it can be classified as previously developed land (often referred to as brownfield land). The Unitary Development Plan policies and the Government guidance within Planning Policy Statement 3 support the principle of residential development within identified settlements particularly on brownfield land. Accordingly, subject to compatibility with housing design, site planning and other policies in the Unitary Development Plan, the principle of new residential development on this site is acceptable.
- 6.2 As for the type of housing accommodation proposed, this is a reasonable provision and is likely to make a contribution to the broad mix of house types in the area. Bearing in mind the small scale of this windfall site proposal, it is considered inappropriate to test it against the strategic planning needs assessment.
- 6.3 The representations include comments relating to the Parker Morris Report. The Parker Morris report on housing space standards was produced nearly 60 years ago and whilst it was influential in the design of public housing it is no longer mandatory. The spatial layout of this proposal is judged to be satisfactory for 3/4 person dwellings.
- 6.4 From an urban design perspective, restricted glimpsed views of the development may be possible from a couple of locations in Whitecross Road. However the proposed

- building would not have a discernible presence in the attractive Victorian streetscape. The immediate townscape context of the site is found in the mature rear gardens of the Victorian houses, their rear elevations, the open space of the tennis courts and, to a limited extent, the single storey housing in Marlow Drive.
- 6.5 In terms of its scale, mass and siting it is considered that the proposed building will not appear out of place or overdominant. The detailed design including the elevational treatment may be described as fairly traditional with some Victorian influence. It incorporates some modern elements such as the full width of glazing to the rear facing the proposed rear gardens and the integral front entrance porches. A welcome feature is the inclusion of chimney stacks which have a surprisingly positive visual effect in this sort of mature urban context. Overall it is considered that this is a sustainable design approach which respects the character of the surrounding area.
- 6.6 The proposed car parking and turning courtyard to the front of the building would take up a significant proportion of the site area. The overall length of the neighbouring rear garden boundary with No. 251 Whitecross Road is in the order of 45.00 metres. The south east edge of the parking area will be some 5.00 metres away from the length boundary which encloses the half of the garden closest to the rear of the house. Within the site alongside this length of boundary there is a strip of mature planting including a prominent Yew tree. It is proposed to augment the existing planting including new beds and lawn areas surrounding the car parking area. Subject to a well designed and sensitive landscaping scheme that provides for the retention of existing planting including the Yew tree, it is considered that the parking area will be absorbed into the surrounding area without undue visual impact.
- 6.7 With regard to residential amenity the disposition of neighbouring properties in relation to this backland site has been given due consideration. The building to building distances from the proposed dwellings to existing dwellings and their relative orientation are considered to be of a reasonable standard and should not result in an unacceptable loss of privacy. As with most housing estate layouts there would be a degree of potential overlooking of existing gardens and amenity areas, however taking into account their lengths and relative positions it is not considered that it would be unreasonable in this instance.
- 6.8 The parking area will generate a degree of additional activity into the area at the rear of neighbouring properties in Whitecross Road. However in the urban context of the site and taking account of the proposed amenity/landscaped strip between the edge of the car park and the boundaries with Nos. 251 and 255 Whitecross Road and the Marlow Drive dwelling, and the number of passing spaces, it is not considered that the level of disturbance will be unacceptable. A condition regulating external lighting is recommended.
- 6.9 In view of the good public transport links in the area the car parking and turning provision is considered acceptable.
- 6.10 The proposed vehicular access has an acceptable width and will accommodate emergency vehicles and passing cars. Visibility at the junction with Whitecross Road is satisfactory so there are no objections from the Traffic Manager concerning highway safety.
- 6.11 Bearing in mind that additional traffic movements will only be generated by four houses, it is considered that the level of vehicle activity will have no significant impact on the free flow of traffic into and out of Hereford.

- 6.12 The representations also include concerns relating to housing density and precedent issues.
- 6.13 The application site has an area of 0.10 hectares. This would indicate a proposed density of 40 dwellings per hectare. There are no specific guidelines in the Unitary Development Plan for sites of under one hectare. However Policy H15 requires new housing developments should make the most effective and efficient use of the site area available, consistent with housing provision policies and the characteristics of the area. Having regard to the previous appraisal, comments on site planning, it is considered that the proposed density is not excessive and does not conflict with Policy H15.
- 6.14 With regard to precedent, each application is to be considered on its merits having regard to the development plan and other material considerations.
- 6.15 The application has been submitted without a Section 106 Agreement but on condition that any permission will be subject to a condition requiring commencement of the development within one year of the grant of the permission.
- 6.16 The proposal for the conversion and use of the existing garage in front of No. 255 Whitecross Road as a communal bin store would provide an acceptable solution for the convenient storage and collection of refuse generated by the proposed development. The existing garage would be adjacent to the new access road and the only physical alterations would involve blocking up an existing window, sealing the existing front entrance and the provision of a side entrance adjacent to the proposed driveway. The implementation of this provision would need to be secured by an appropriate planning condition.
- 6.17 It is considered that the garage alterations are low key and would have little impact on the character of the surrounding area.
- 6.18 It is also considered that the degree of activity associated with the use would be unlikely to harm the residential amenity of occupiers of neighbouring residential properties.
- 6.19 From a highway safety point it is unlikely that there would be any negative consequences. Furthermore, it could be argued that the removal of the existing access and the inclusion of two dedicated parking spaces on the access, parking and turning arrangements for the adjacent development would be marginally beneficial. The Traffic Manager raises no objection. In order to ensure that satisfactory access and parking is available for No. 255 it will be necessary to include a condition to ensure implementation only in conjunction with the development subject of application ref. no. DCCW0009/1406/F.
- 6.20 With regard to the representations received, the original planning permission for the garage contained no conditions restricting its use. It is not considered that other comments, including those relating to amenity issues, character of the surroundings, parking, precedent and telegraph pole, represent overriding factors in the determination of this application.
- 6.21 On balance, having due regard to the provisions of the Herefordshire Unitary Development Plan, material considerations and representations received, it is considered that the proposals are acceptable subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

In respect of DCCW0009/1406/F:

1. **A01 Time limit for commencement (full permission).**
2. **C01 Samples of external materials.**
3. **F15 No windows in side elevations of the building.**
4. **F14 Removal of permitted development rights.**
5. **G02 Retention of trees and hedgerows.**
6. **G09 Details of boundary treatments.**
7. **I51 Details of slab levels.**
8. **I32 Details of floodlighting/external lighting.**
9. **G10 Landscaping scheme.**
10. **G11 Landscaping scheme – implementation.**
11. **G15 Landscape maintenance arrangements.**
12. **H06 Vehicular access construction.**
13. **H09 Driveway gradient.**
14. **H13 Access, turning area and parking.**
15. **H29 Secure covered cycle parking provision.**
16. **H27 Parking for site operatives.**
17. **L01 Foul/surface water drainage.**
18. **L02 No surface water to connect to public system.**
19. **L03 No drainage run-off to public system.**
20. **I16 Restriction of hours during construction.**
21. **Prior to the occupation of any of the dwellings hereby permitted the communal bin store shall be implemented in accordance with the details submitted and permitted under planning application ref. no. DCCW0009/1414/F the bin store shall thereafter be permanently retained and available in perpetuity to serve the refuse storage and collection needs of the occupants of the development hereby permitted.**

Reason: In order to ensure satisfactory provision for the storage and collection of refuse, in the interests of amenity and to comply with Policy DR4

of Herefordshire Unitary Development Plan.

Informatives:

1. N03A Adjoining property rights.
2. N03C Adjoining property rights.
3. N14 Party Wall Act 1996.
4. N19 Avoidance of doubt - Approved Plans.
5. N15 Reason(s) for the Grant of PP/LBC/CAC.

In respect of DCCW0009/1414/F:

1. A01 Time limit for commencement (full permission).
2. This permission shall only be implemented in conjunction with the development permitted under application ref. no. DCCW0009/1406/F.

Reason: The development hereby permitted is an integral part of the development permitted under planning application ref. no. DCCW0009/1406/F and in order to ensure that a satisfactory standard of parking provision is available for No. 255 Whitecross Road, having regard to the requirements of Policy T11 of the Herefordshire Unitary Development Plan.

3. B02 Development in accordance with approved plans and materials.
4. On the completion of the development hereby permitted and the completion of the parking and turning area for the development hereby permitted under planning application ref. no. DCCW0009/1406/F the existing vehicular access shall be sealed up. Details of the works and materials for the sealing up of the access shall be submitted to and approved in writing prior to the commencement of the development.

Reason: In the interests of highway safety, the streetscape character of the surrounding area and the requirements of Policies DR1 and DR2 of the Herefordshire Unitary Development Plan.

Informatives:

1. N03 Adjoining property rights.
2. N03C Adjoining property rights.
3. N04 Rights of way.
4. N19 Avoidance of doubt - Approved Plans.
5. N15 Reason(s) for the Grant of PP/LBC/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

