

1 DCCE2003/2814/F - DEMOLITON OF EXISTING HOUSE & OUTBUILDINGS AND ERECTION OF 11 NO. FLATS WITH ASSOCIATED CAR PARKING AT SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL

2 DCCE2003/2815/C – FULL DEMOLITON OF EXISTING BUILDINGS AND ASSOCIATED SINGLE STOREY OUTBUILDINGS AT SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL

For: H. Morgan per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

Date Received: 3rd October 2003

Ward: Aylestone

Grid Ref: 52084, 40440

Expiry Date: 28th November 2003

Local Members: Councillors D.B. Wilcox and A.L. Williams

These applications were deferred by Members at the Central Area Planning Sub-Committee meeting on 1st December 2003 in view of concerns that the building would be 'overbearing'. As a consequence further discussions have taken place with the agent but no amendments made.

For the reasons set out in the report below it is considered that the proposal would not be overbearing having regard to the retained spaces to the front, rear and sides of the building, and the relative impact of the existing 'house' on the site. The basic shape of the proposed building is very similar to that dismissed previously at appeal (with the exception of a slight increase in height to accommodate the low pitched roofs which is not considered material).

In reaching his decision to dismiss the appeal the Inspector did not raise overbearing impact as an issue (indeed, the Inspector raised no privacy related objection at all). Likewise, in refusing planning permission for the earlier proposal, the Sub-Committee did not raise overbearing impact as an issue, the reason for refusal relating only to design and impact on the Conservation Area. The introduction of this new reason for objecting to the development would, it is considered, not only to be unsustainable in planning terms, but also unreasonable in the light of the recent planning history.

1. Site Description and Proposal

1.1 The 0.15 ha 'backland' site is located on the north side of Southbank Road, accessed by a private service road which also serves three other residential properties. It is surrounded by established residential development - to the north-east, 18 Belgravia Gardens; to the south-east, the access drive, and beyond this, 35 and 37 Southbank Road; to the south-west, 31a Southbank Road; and to the north-west, 14 Aylestone Drive and 23 Southbank Road.

- 1.2 The site supports a large 3/4 storey period house divided into four flats but presently vacant. To its rear (and on the boundary with 14 Aylestone Drive and 23 Southbank Road) are a row of linked single storey and two storey outbuildings. The majority of the open parts of the site are hard-surfaced for car parking. Ground levels generally fall across the site from north to south - the boundary with 18 Belgravia Gardens being defined by a 2-2.5m high retaining wall topped with a panel fence, and the boundary with 31a Southbank Road by a 0.5-1.5m high retaining wall topped by a low fence to the side of the house and gappy hedge to the rear.
- 1.3 The site has two existing vehicular accesses from the private access drive, and the front 'boundary' supports several mature trees.
- 1.4 The proposal is to demolish the existing buildings and erect eleven two bedroom flats together with parking courts for 17 vehicles. The flats would be contained in a single building ranging between 3 and 4/5 storeys. It would be orientated with principal elevations facing the access drive to the front and 14 Aylestone Drive and 23 Southbank Road to the rear.
- 1.5 The design/form of the proposed building is three simple blocks linked by service towers. The blocks would be staggered, that nearest to 18 Belgravia Gardens being farthest forward. The central block would be 4/5 storeys (including basement visible only from the rear (and set into the sloping ground)), the north block 3 storeys, and the south block also 3 storeys but with a lower overall height due to the change in levels. The blocks would be finished with shallow pitched roofs giving an overall height of approximately 13m (approximately 1m higher than the original building), whilst the service towers would have flat roofs. The fenestration would have vertical emphasis with sash windows and bays to the rear and sliding doors/railings to the front.
- 1.6 The car park courts would be laid out to the front (3 spaces) and rear (14 spaces) providing 1.5 spaces per flat. The rear court would run the full length of the rear boundary of the site with the existing boundary wall retained and/or improved with a close boarded fence. The drive to the rear court would run alongside the proposed building and common side boundary with 31a Southbank Road, with a 2m wide margin retained for screen planting. The existing accesses from the private drive would be increased in width, this requiring removal of one of the mature trees. The open parts of the site would be landscaped.

2. Policies

2.1 Planning Policy Guidance:

PPG3	-	Housing
PPG15	-	Planning and the Historic Environment

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy H3	-	Design of new Residential Development
Policy H6	-	Amenity Open Space in Smaller Schemes
Policy H7	-	Communal Open Space
Policy H12	-	Established Residential Areas
Policy H13	-	Established Residential Areas
Policy H14	-	Established Residential Areas
Policy CON12	-	Conservation Areas

Policy CON13	-	Conservation Areas
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON16	-	Conservation Area Consent
Policy CON17	-	Conservation Area Consent
Policy CON19	-	Townscape

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings in Conservation Areas

3. Planning History

- 3.1 CE2002/2197/F - Demolition of existing house and outbuildings. Erection of 12 flats with associated car parking - withdrawn 20th September, 2002.
- 3.2 CE2002/2193/C - Full demolition of existing building and associated single storey outbuildings - withdrawn 20th September, 2002.
- 3.3 CE2003/3088/F - Demolition of existing house and outbuildings. Erection of 11 flats with associated car parking - refused 15th January, 2003; appeal dismissed 18th July, 2003.
- 3.4 CE2002/3089/C - Full demolition of existing building and associated single storey outbuildings - refused 15th January, 2003; appeal dismissed 18th July, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.2 Head of Engineering and Transportation: No objection subject to conditions.
- 4.3 Chief Conservation Officer: No objection on landscape, archaeology and impact on existing trees. The demolition of Southbank House in principle is supported, provided that the replacement is of a quality which will at least preserve, but preferably enhance, the character of the Conservation Area. The present proposal is a partial re-working of the original scheme which was originally refused and dismissed on appeal. Despite that background, reiterate support for the principle of the approach and the design of that original scheme.

4.4 Head of Strategic Housing Services: Supports application as it supports the housing ambitions of the Herefordshire Plan and meets the current strategic objectives of the Empty Property Strategy by bringing empty properties back into residential use.

5. Representations

5.1 Hereford City Council: Objection; considered to be an over intensive use of the site. The proposed access to the rear of the site appears to be via a sub-standard track which in turn presents problems of safe access on to Southbank Road.

5.2 CAAC: The proposed flats fit in well with the site and the proposal flows down the contour. The elevations with bay windows and balconies and pitched roofs harmonise with the surrounding properties. It is noted that the scheme will have little impact on the Conservation Area and adjoining houses due to its location. The materials shown are welcomed.

5.3 Twelve objection letters have been received from 23 (x 5), 31, 31a, 35 and 54 Southbank Road; 1 and 3 Bodenham Road; and 3 Belgravia Gardens summarised as follows:

- previous application refused and dismissed; current proposal substantially the same; token effort only to meet Inspector's objection;
- no adequate case for demolishing existing building which could be restored and preserve character of Conservation Area;
- in considering impact on Conservation Area, entire Conservation Area should be taken into account comprising large Victorian houses (red brick and slate) with substantial gardens and trees; proposed building would stand out as totally different to its neighbours and detract from the character of the Conservation Area;
- detrimental to sustainability of Conservation Area and set precedent for similar development in Conservation Area; Conservation Area boundary specifically includes site;
- no way of enforcing traffic control on access road which must remain private;
- proposal would contribute to traffic congestion in area and endanger users of highway;
- metal is not a traditional local material for pitched roofs; pitched roofs would raise height to detriment of views; materials (including rendering) are inappropriate;
- light pollution from windows (specifically stairwells);
- insufficient amenities/gardens for occupiers and out of keeping with area;
- removal of rear buildings would make boundary wall dangerous which is important feature of Conservation Area;
- not in-keeping or in-scale with surrounding 'domestic scale' development; materials not in-keeping with Conservation Area and costly to maintain;
- noise disturbance to the detriment of amenity;
- does not reverse the trend for hardsurfacing of gardens in area;
- insufficient sewer capacity;
- overlooking and unneighbourly relationship with adjoining houses;
- high density development inappropriate in area;
- water run off problems;
- adequacy of foul water drainage system not demonstrated.

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

6. Officers Appraisal

- 6.1 The main issues in this case are the impact of the proposal on the character of the area and the Conservation Area, the adequacy of the site to accommodate development at the scale and density envisaged, residential amenity, highway safety and drainage. Additionally, and specifically with regard to the application for Conservation Area Consent, a further issue is the acceptability of demolition of the existing buildings on the site.
- 6.2 An important material consideration is the recent dismissed appeal decision for the erection of a similarly positioned and proportioned block of 11 flats and associated parking on the site. In his decision letter states the following:

“Despite my decision I would emphasise that the proposal has much to commend it. Firstly, because most professional opinion clearly supported the appellant’s claim that the proposed building is, in architectural terms, “a high quality scheme” Secondly, because, in spite of claims to the contrary, nothing I saw on site suggested that the proposal would lead to an unacceptable loss of privacy, for all areas in question were to some not insignificant extent, already overlooked – nor did I find that the proposal would lead to unacceptable levels of danger or inconvenience to other road users. Thirdly, because it was shown that it would not make economic sense to repair the existing building which is something of an eyesore. Fourthly, because the proposed development would not involve the loss of any landscape features of importance and, finally, because in its overall size and location it would not appear to be unacceptably out-of-place with its neighbours.

However, despite the foregoing, and despite finding that the conservation area consisted mainly of large, late Victorian villas interspersed with areas of relatively modern housing, I have determined to dismiss the appeal for the following reason.

Basically Government advice, in PPG15 paragraph 4.17, states that while new buildings in conservation areas should not directly imitate earlier styles, they should, nevertheless, be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own. Consequently, while development in the area can reasonably be held to consist of a veritable gallimaufry of building forms inspection showed that these variants do, nevertheless, have a common denominator in that they all retain a domestic scale and have a traditional vernacular appearance. As a result no building, regardless of its size, stands out as being visually intrusive. However, such would not be the case with the proposed building which would, largely on account of its non-traditional flat roofs and large areas of glass walling, stand out as being totally different to its neighbours.

As a result, while the proposed building may well be a fine piece of architecture, it cannot reasonably be said to respect the character of the area or be in visual harmony with its neighbours. Because of this I have concluded that it would neither preserve, nor, on balance, enhance the character and appearance of the Bodenham Road Conservation Area. I have therefore determined that the proposal is in unacceptable conflict with the guidance given in PPG15 and unacceptably in conflict with policies ENV14, H12, H14 and CON13 of the 1996 Hereford Local Plan.”

- 6.3 It is evident from this appeal decision that, as far as the Inspector was concerned, the impact of the previous proposal on residential amenity, highway safety and landscape features was satisfactory. The circumstances of the current application in terms of the general layout of the site (including access and parking), the number of units, and landscape features is broadly identical to the previous scheme. Likewise, there have been no changes in wider policy and guidance since the appeal decision was made some five months ago. Consequently, it is considered that an objection now for these reasons could not be sustained. The slight increase in the height of the proposed building through pitched roofs is not considered sufficiently significant to introduce a privacy objection at this time.
- 6.4 The determining issue is, therefore, the acceptability or otherwise of the impact of the amended design now proposed on the character and appearance of the area having regard to the designation as an Established Residential Area and Conservation Area. With this defined, particularly relevant policies are H12, H14, CON12, CON13, CON16 and ENV14 of the Local Plan.
- 6.5 Policy H12 of the Local Plan requires the environmental character and amenity of the Established Residential Areas to be protected and where appropriate enhanced. Policies H13 and H14 set out detailed criteria for new residential development requiring, in particular, appropriate relationships with adjoining properties, adequate access and car parking provision, adequate amenity space, appropriate layout and design including the physical scale of new buildings, appropriate density, and landscaping.
- 6.6 Policy CON12 requires particular attention to be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area, and Policy CON13 resists proposals which would not achieve this aim. Specifically Policy CON13 requires development to be of a high standard of design, in scale and in keeping with adjacent buildings and the area as a whole, constructed in materials and finishes appropriate to the character of the area and for uses compatible with the area. Policy ENV14 requires new development to respect its wider setting.
- 6.7 In relation to demolition, Policy CON 16 states that proposals will be considered with regard to the intrinsic merit of the existing building, the contribution the building makes to the special architectural or historic interest of the area, and any aesthetic and other advantages accruing from demolition. Where demolition is proposed to be followed by redevelopment, consent will only be granted where there are acceptable and detailed plans for the redevelopment of the site.
- 6.8 The proposed building differs from the dismissed scheme in that shallow pitched roofs with decorative fascias and Terne coated stainless steel external finish have been introduced on the three blocks (replacing the previously proposed flat roofs), and changes made to the fenestration to reduce the areas of glass. The fenestration details include bay projections on the rear elevation and more traditional sash windows, and small balconies with mild steel painted balustrading to the front elevation. Raised plinths have been introduced at each floor level to be coloured white, the remainder of the walls to be buff-coloured render except on the ground floor where facing bricks would be used.
- 6.9 As a consequence of these changes the external appearance of the building has completely changed being now more traditional at least in the detailing, and with greater vertical emphasis than before. The basic size and shape of the building

remains unchanged with the exception of the additional height created by the pitched roofs.

- 6.10 Having regard to the Inspector's decision letter, it is considered that through these detailed changes the proposal is now acceptable in terms of its impact on the Established Residential Area and Conservation Area (although subject to further review of materials – see paragraph 6.11). Specifically, it is considered that by introducing pitched roofs, bay and sash windows, and railings to balconies the architect has changed the emphasis in the design from ultra-modern to modern-traditional, this paying greater regard to local vernacular. The building would continue to be 'modern' and consequently distinct from its neighbours, although to an acceptably lesser extreme than previously proposed and to an extent which respects the existing visible evolution of building design in the area. With specific regard to the Inspector's comments, it is considered that the proposal now has a 'traditional vernacular appearance' through reduced areas of glass and flat roofs, and consequently would no longer be 'visually intrusive'.
- 6.11 Regarding the size of the proposed building, it is inevitably larger than that existing. However, through its staggered 'three box' design and contrasting vertical emphasis to the 'boxes', it is considered to now have a domestic scale, reading as three town houses rather than a single block as before. For this reason, the size is considered acceptable and appropriate within its context. Careful and clever use of materials would enable the distinction between the blocks to be further exaggerated, and materials should, therefore, be reserved, notwithstanding those specified in the application particulars.
- 6.12 The Conservation Officer considers the proposal to be an unacceptable compromise in design terms between modern and pastiche, and a step backwards from the original scheme. The original scheme has, however, been refused and dismissed at appeal and, as such, is not an available option. The proposal now under consideration is without question a compromise, but for the reasons given is considered to address the previous objections.
- 6.13 PPG15 provides important guidance on the design of new development in Conservation Areas. The guidance states that many Conservation Areas include buildings that make no positive contribution to the character or appearance of the area, and that their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. More specifically the PPG states that what is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.
- 6.14 For the reasons set out above it is considered that the proposed building does now respect its context and, as such would not appear intrusive or alien. The existing site, although once a grand property in its own right, makes no positive contribution to the Conservation Area (indeed, the Inspector described it as an 'eyesore' which 'it was shown would not make economic sense to repair'). Having regard to policy and guidance it is, therefore, concluded that the proposal would now enhance the character and appearance of the Conservation Area and Established Residential Area.
- 6.15 Regarding foul water drainage, it is proposed to link the development to the mains sewer in Southbank Road to which Welsh Water raises no capacity objection. A private link between the application site and the mains sewer would be required comprising either any existing link or, if this is not suitable, a new link. If a new link

would cross any third party land then this is a private matter between the applicant and the parties concerned. In view of local concern a condition is recommended requiring details of the foul water drainage arrangements to be submitted for approval.

RECOMMENDATION

In respect of DCCE2003/2814/F:

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. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 3772.P20, .P21, .P24, .P25, .P26, .P27, and .P28) except where otherwise stipulated by conditions attached to this permission.**

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. **During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of local residents.

5. **E18 (No new windows in specified elevation) (south-weest and north-east facing)**
Reason: In order to protect the residential amenity of adjacent properties.

6. **The south-west and north-east facing side elevation windows shall be glazed with obscured glass and fixed shut.**

Reason: In order to protect the residential amenity of adjacent properties.

7. **Notwithstanding the details shown on the approved drawings, full details of the intended treatments of the rear (south-west) boundary of the site shall be submitted for approval in writing by the local planning authority prior to the commencement of any other works, and the intended treatment shall be carried out as approved prior to occupation of the units.**

Reason: The application contains insufficient information for the satisfactory approval of this detail at this stage.

8. **F20 (Scheme of surface water drainage).**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

9. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

10. F48 (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.

11. G02 (Landscaping scheme (housing development)).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

12. G05 (Implementation of landscaping scheme (general)).

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

13. G18 (Protection of trees).

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

14. H14 (Turning and parking: change of use - domestic).

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

15. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

16. H29 (Secure 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.

17. F18 (Scheme of foul drainage disposal).

Reason: In order to ensure that satisfactory drainage arrangements are provided.

Notes to Applicant:

1. HN19 - Disabled needs.

2. The applicant is advised to ensure that there are no bats or other protected species in the existing buildings prior to their demolition. It is an offence to kill or injure protected species and their habitats. If protected species are found then English Nature should be contacted and their requirements met.

3. N01 - Access for all.

- 4. N03 - Adjoining property rights.
- 5. N13 - Control of demolition - Building Act 1984.
- 6. N14 - Party Wall Act 1996.

In respect of DCCE2003/2815/C:

That Conservation Area Consent be granted subject to the following conditions:

- 1. C01 (Time limit for commencement (Listed Building Consent)).

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2. C14 (Signing of contract before demolition).

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.