

8 DMCW/092179/F - CONSTRUCTION OF NEW DETACHED TWO STOREY HOUSE WITH ADDITIONAL SINGLE STOREY GROUND FLOOR ACCOMMODATION, PROVISION OF NEW PRIVATE VEHICLE ACCESS DRIVE AT LEVANTE, BELLE BANK AVENUE, HOLMER, HEREFORDSHIRE, HR4 9RL

For: Mrs S Smith per Mr A Morris, 20 Ferndale Road, Hereford, Herefordshire, HR4 0RW

Date Received: 11 September 2009 **Ward: Burghill, Holmer and Lyde** **Grid Ref: 350515.0,242207.0**

Expiry Date: 13 December 2009

Local Member: Councillor SJ Robertson

Introduction:

This application was considered by the Central Area Planning Sub-Committee at its meeting on 9 December 2009 when Members resolved to refuse planning permission contrary to the recommendation of the report. The decision was accordingly referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

The Members of the Central Area Planning Sub-Committee were concerned with the over development of the site, its impact on the character of the area and highway safety.

Members were advised that the plot forms a natural infill proposal and sufficient amenity land is retained for the existing dwelling, Levante, and the new dwelling. Furthermore the Traffic Manager raises no objections.

The Head of Planning and Transportation is concerned that there are not considered to be substantive highway or amenity reasons for refusal and that such a decision might not be defensible if challenged. Consequently, the application is referred to this meeting for further consideration.

1. Site Description and Proposal

1.1 The application site is comprised of the southern third of the domestic curtilage serving a two storey detached dwelling known as 4 Belle Bank Avenue, located within an established residential area. The application site is bounded to the north and south by neighbouring residential development, whilst to the west the rear of the application site is bounded by the properties located in Holmer Manor Close.

1.2 The application seeks permission to erect a detached two storey dwelling, served by off-street parking spaces at the front and private amenity space to the rear. The dwelling will comprise two bedrooms and family bathroom above a kitchen/utility and two reception rooms.

2. Policies

2.1 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 Areas
- H13 - Sustainable Residential Design
- H14 - Re-using Previously Developed Land and Buildings
- H15 - Density
- H16 - Car Parking

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection, but suggest the use of standard conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objection, but comments that the hedge may need to be cut back to afford pedestrian visibility and suggests the use of conditions to control the construction of the access.

5. Representations

- 5.1 Holmer Parish Council: Objection. Concerned about the access being so close to the adjoining junction. Over development of the area. Overlooking of Holmer Manor Close.

- 5.2 Two letters of objection have been received from Mr Pontin, 9 Belle Bank Avenue and Mr Gray, Manson, Belle Bank Avenue which are summarised as follows:

- Another dwelling here would bring traffic to a standstill and/or would lead to a serious accident.
- All other neighbouring properties would be devalued.
- This is an alien development out of keeping with the surrounding houses.

- 5.3 A further letter has been received from Mr Pointer, 13 Holmer Manor Close stating that he has no objection to the new dwelling in principle, providing that the existing mature hedgerow remains to maintain their privacy.

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

6. Officer's Appraisal

Further information on the subject of this report is available from Mr P Clasby on 01432 261947

6.1 The application lies within a designated settlement boundary and the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development within this area providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the primary issues in determining this application are considered to be:

- Design and Layout of the Development
- Residential Amenity
- Access and Highways Issues

Design and Layout of the Development

6.2 Having regard to the size and shape of the application site, the design, scale and massing of the proposed development are considered to be acceptable, whilst the siting takes appropriate account of the position and orientation of the adjoining properties. More specifically the proposed development takes the form of a modest two storey dwelling the design of which has been carefully considered to minimise any potential impact on the neighbouring properties.

6.3 Although it is acknowledged that its appearance will be different to that of its neighbours, there is no defining architectural style along Belle Bank Avenue (inc Dale Drive) which contains a diverse and sporadic mix of bungalows, dormer bungalows and two storey properties.

6.4 Consequently, the proposed development would not appear out of character with the urban grain of wider locality. However to ensure that the proposed dwelling continues to maintain an acceptable relationship with its neighbours, it is considered expedient to recommend a condition removing permitted development rights to erect any extensions. A condition securing prior approval of the external materials is also recommended.

6.5 The comments of both Holmer Parish Council and the third parties are noted but for the reasons set out above it is not considered that the proposal represents an unacceptable form development having proper regard for density and mixed architectural character of the established residential area.

Residential Amenity

6.6 Whilst it is acknowledged that the proposed development will inevitably alter the setting and outlook of the adjoining properties, having consideration for the pattern of development in the wider locality, it is not considered that the proposal will result in an unacceptable level of overlooking or overbearing impact.

6.7 Therefore it is not considered the proposed development will give rise to any material harm to the existing levels of residential amenity presently enjoyed, whereby it could give rise to sustainable grounds for refusal in this instance. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the demolition and construction phases.

6.8 The comments raised about the privacy offered by the existing mature landscaping are noted, and an appropriate condition is recommended to protect its removal without prior approval from the local planning authority.

Access and Highways Issues

- 6.9 In principle the Traffic Manager has no objection to the access and parking arrangements, save for a comment that the front boundary hedge needs to be pruned back to afford pedestrian visibility.
- 6.10 Therefore whilst the comments raised in the letters of representation about the perceived risk of the new access opposite the junction are noted, in the absence of any objection from the Traffic Manager, it is not considered that the concerns can be substantiated as a defensible reason for refusal on highway safety grounds.

Planning Obligation

- 6.11 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions. However, in accordance with the decision of the Cabinet Member for Environment and Strategic Housing to relax the requirement for residential schemes for five dwellings or less which came into effect on the 1 April 2009, the proposed development is exempt subject to the planning permission being limited to 12 months.

Conclusion

- 6.12 Overall the proposal complies with the Development Plan, and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission) (twelve months)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials**
- 4 F14 Removal of permitted development rights**
- 5 G02 Retention of trees and hedgerows**
- 6 G04 Protection of trees/hedgerows that are to be retained**
- 7 H02 Single access - footway**
- 8 H13 Access, turning area and parking**
- 9 I16 Restriction of hours during construction**
- 10 L01 Foul/surface water drainage**
- 11 L02 No surface water to connect to public system**

Informatives:

- 1 N01 Access for all**

- 2 **N14 Party Wall Act 1996**
- 3 **N19 Avoidance of doubt - Approved Plans**
- 4 **N15 Reason(s) for the Grant of Planning Permission**

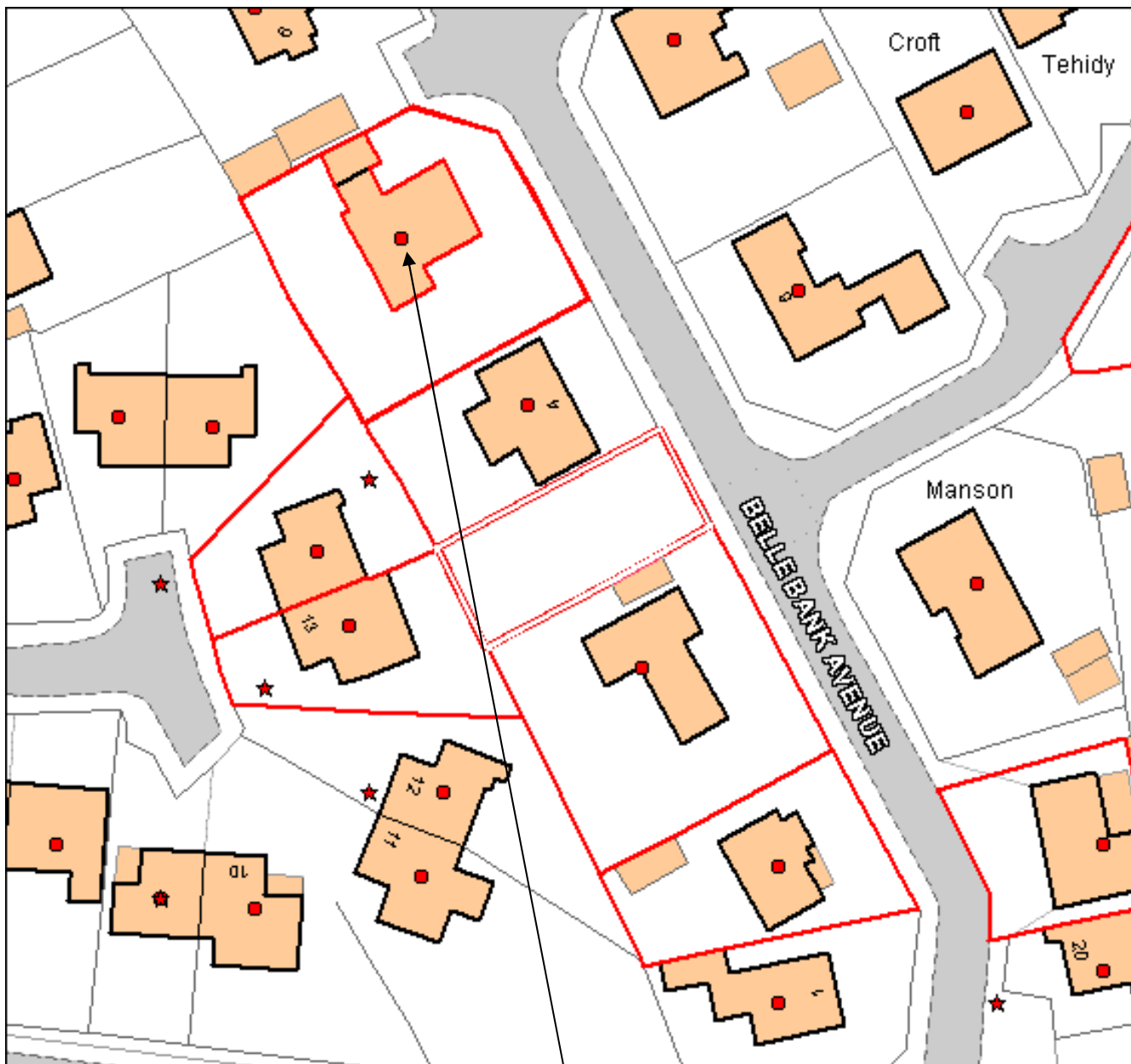
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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