

2. DCNE2003/3344/F - NEW BUNGALOW AND DETACHED GARAGE AT THE PRIORY GATEHOUSE, WORCESTER ROAD, LEDBURY, HEREFORDSHIRE**For: Mr & Mrs D Studman per Mr B Mills, Henry Mein Partnership, 12 Clarenmon Street, Nottingham, NG1 5HG****Date Received:
6th November 2003****Ward:
Ledbury****Grid Ref:
71244, 37631****Expiry Date:
1st January 2004**

Local Members: Councillor P Harling
Councillor B Ashton
Councillor D Rule MBE

This application was deferred at the Northern Area Planning Sub-Committee meeting on 29th January 2004 to enable a site visit to be undertaken. This report has been updated.

1. Site Description and Proposal

- 1.1 The site is located to the northern side of the A449 known as Worcester Road within Ledbury. The application site is an elongated strip of land running in a north-south direction which currently forms part of the applicant's garden. Access is gained via an existing access off Worcester Road which also serves a number of other properties including The Priory which is converted to a number of flats and Eastnor House development which permission was approved last year for conversion to a number of residential units. Immediately east of the site is The Rectory which is a relatively modern dwelling, to the west is The Priory, south is the applicant's existing property and to the north is St. Michael and All Angels Church which is Grade I listed and Abbots Lodge which is also a listed building. Both within and surrounding the site are a number of mature and semi-mature trees and shrubs. Ground levels fall gently from east to west.
- 1.2 The site lies within the Settlement Boundary for Ledbury and also falls within Ledbury Conservation Area as identified in the Malvern Hills District Local Plan. Land immediately north and east of the site is designated as an Area of Great Landscape Value and the vehicular access to the site is also designated as a public right of way.
- 1.3 The applicant's propose the construction of a two-bedroomed detached bungalow along with a detached single car garage on the application site. The existing access serving the applicant's property is to be utilised with a new driveway being created to serve the proposed bungalow.

1.4 The plans have been amended from that which was originally submitted as follows:

- Reduction in the length of the bungalow by 4 metres
- Repositioning of the bungalow a further 5 metres southwards within the site
- Reduction in the amount of glazing on the eastern elevation
- Removal of the car port
- Amendments to the design

2. Policies

PPG15 – Planning and the Historic Environment

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

H18 – Housing in Rural Areas Outside the Greenbelt

CTC7 – Landscape Features

CTC9 – Development Requirements

CTC15 – Conservation Areas

CTC18 – Development in Urban Areas

Malvern Hills District Local Plan

Housing Policy 2 – Development in Main Towns

Housing Policy 3 – Settlement Boundaries

Housing 18 – Tandem and Backland Development

Conservation Policy 2 – New Development in Conservation Areas

Conservation Policy 11 – Setting of Listed Buildings

Conservation Policy 17 – Development within Archaeologically Sensitive Areas

Landscape Policy 8 - Landscape Standards

Herefordshire Unitary Development Plan (Deposit Draft)

S3 – Housing

H1 – Hereford and the Market Towns Settlement Boundaries and Established Residential Areas

H13 – Sustainable Residential Design

H16 – Car parking

S6 – Transport

T6 – Walking

T11 – Parking Provision

LA5 – Protection of Trees, Woodlands and Hedgerows

HBA4 – Setting of Listed Building

HBA6 – New Development within Conservation Area

HBA9 – Protection of Open Spaces and Green Spaces

3. Planning History

NE1999/1781/F - Erect a garden shed and summer house with veranda - Approved 2 August 1999

MH1423/80 - Conversion of existing garage block to form dwelling - Approved 4 August 1980

4. Consultation Summary

Statutory Consultations

- 4.1 Forestry Commission - The application is within 500 metres of ancient semi-natural woodland. However, the scale of the proposal is such that there will be no effect on the woodland and consequently we have no comment to make on this occasion.
- 4.2 Welsh Water – no objection.

Internal Consultation Advice

- 4.3 Head of Engineering and Transportation recommends a condition relating to the surfacing of the vehicular access drive and parking area and comments as follows:

“The site proposes to use the existing access to The Priory development which provides an adequate junction with the Worcester Road. The use of the access and its proximity to the traffic lights was considered by a Transportation Manager on the onset of The Priory development and deemed satisfactory”.

- 4.4 Public Rights of Way Manager states: The proposed development would not appear to affect the public footpath ZB21.
- 4.5 County Archaeologist state: The site is within the Recorded Medieval Settlement of Ledbury close to the former Bishops Palace site and is archaeologically sensitive. I recommend a standard condition requiring an archaeological survey to be undertaken prior to work commencing.
- 4.6 Chief Conservation Officer – There are no objections in principle to the erection of a bungalow on this site but the siting and scale of any development will be fundamental to the acceptability of the proposals. The development will have greatest impact when viewed from the churchyard to the north. The area currently has a relatively open aspect with views across mature gardens and dwellings beyond creating a high quality environment. There are concerns that the bungalow impinges upon these views .

5. Representations

- 5.1 Ledbury Town Council – recommend refusal for the following reasons:

1. Overdevelopment of the site.
2. Inappropriate development in a Conservation Area/Historical Site.
3. Dangerous access and egress.

- 5.2 12 letters of objection have been received from:

Ledbury and District Trust Limited
David Tombs, Abbots Lodge, Church Lane, Ledbury.
Mrs Helen Davies, 29 Viking Way, Ledbury.
Mrs Jessie Kennedy, Flat 1, The Priory, Ledbury
Miriam Maldwyn Evans, The Priory, Ledbury
Mr and Mrs Stone, Chairman of Ledbury and District Group of CPRE
Mr Philip Burford of Hook Mason Architects on behalf of the Diocese of Hereford
Mrs A Molloy, Derry Cottage, Dogmersfield, Hook

Gails Simmons, Apartment 3, The Priory, Ledbury
Mr P and Mrs S Brazil, Eastnor House, Ledbury
Mr J and Mrs S Shackleton, 2 The Priory, Ledbury
WH Masefield, The Knapp, Ledbury

The main points raised are:

1. The site lies within the Conservation Area, is adjacent to the parish church and is surrounded by listed buildings. Whilst we are aware that infil sites provide the only permitted form of development in the town at present, this policy should not be used as an excuse for unsympathetic and intrusive buildings leading to the loss of green open spaces as provided by the current gardens.
 2. The dwelling is to be 'shoe-horned' into the site with little amenity space or room to move around outside and will be entirely out of character with the surroundings and lead to a very cramped development.
 3. The development may lead to damage or loss of attractive trees along the boundaries of the site or pressure for their removal in the future.
 4. My living room windows will be directly overlooked and my privacy invaded.
 5. Approval of this development could lead to further applications for housing in this very beautiful and historical heart of the town.
 6. The plan is inaccurate as it identifies three outbuildings within The Priory where as only one exists.
 7. When the Eastnor House development is completed, there will be over thirty cars using this difficult and dangerous access which is not wide enough for two vehicles to pass one another, a further bungalow will exacerbate the existing problems.
 8. The position of the traffic lights puts all vehicles arriving or departing the site at considerable risk and pedestrians using the adjoining footpath at danger.
 9. The development will be detrimental to the designation of the area as a Conservation Area.
 10. The applicants do not own the driveway serving the application site.
 11. The access is so dangerous that I am seriously considering whether I will ever exit the site in a vehicle again.
 12. The development will affect views from and devalue nearby properties
 13. If permission is approved, high quality materials should be used to ensure the end result blends in with its surroundings and the applicants should utilise some of their land to widen the existing access.
- 5.3 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 The applicant's propose the construction of a two-bedroom detached bungalow with ground floor accommodation only on the strip of garden associated with their existing property known as The Priory Gatehouse. As detailed in part 1 of the report, the plans have been amended to address concerns by officers and objectors. However, the objections lodged remain relevant to the revised proposal. The principle of constructing residential development on the land in question is acceptable, as it constitutes backland development within an urban area. The relevant considerations in assessing the acceptability of the proposal can be surmised as follows:

6.2 Impact on the Conservation Area and nearby listed buildings.

The Chief Conservation Officer is satisfied with the principle of constructing a bungalow on the site in question. The impact within the Conservation Area is minimised through the proposal being single storey and relatively low in height to the ridge (5.5 metres). Furthermore, the bungalow is to be excavated into the rising ground to further reduce its visual impact within the site. High quality materials are proposed, namely clay tile roof with brick walls, which will be in keeping with nearby properties such as The Priory. The bungalow has an elongated form due to the physical dimensions of the site but the design also mimics the applicant's existing property in terms of its form and appearance. The two gable protrusions assist in breaking up the mass of the bungalow whilst adding interest to the design and appearance.

Due to its narrow width it is inevitable that any development on site will have to be built reasonably close to the boundary but the scale is not considered to be excessively large and is generally commensurate with the size of the plot. This is particularly the case now that the bungalow has been reduced in length by 4 metres. No trees are to be removed to construct the bungalow and trees will be protected from removal in the future by Conservation Area legislation.

The Conservation Officer is concerned that the proposal will interrupt the views from St Michaels Churchyard and remove the open aspect, which currently exists. Your officers are satisfied that the bungalow will generally not detract from the setting of Abbots Lodge or St Michaels Church to an unacceptable degree. Furthermore, existing mature trees in the north-eastern corner of the site will assist in screening the development from the church itself and the churchyard. Nevertheless, the applicants have agreed to move the bungalow southwards so as it is a further 5 metres away from the northern boundary with the churchyard in order to address the Conservation Officers concerns and retain open and uninterrupted aspect across the site and adjoining land from the churchyard.

6.3 Vehicular Access

The Transportation Manager is satisfied that the access is of a sufficient standard to accommodate the additional traffic associated with the proposed bungalow. The access drive and parking areas within the site are also to the satisfaction of The Transportation Manager in terms of the parking provision and vehicle manoeuvring/turning area.

6.4 **Impact upon the amenity and surrounding neighbours**

The bungalow has been designed so as to minimise the impact on surrounding properties and particularly the occupants of The Rectory and The Priory immediately east and west of the site. The siting of the development does not intrude into the outlook from The Rectory, which is orientated in a south-westerly direction. Furthermore, The Rectory is at a higher level than the proposed bungalow and therefore any outlook will largely be above the roof of the bungalow. All windows on the eastern elevation are also to be obscure glazed to secure privacy for the occupants of the bungalow. Windows are proposed serving the kitchen on the western elevation with outlook towards The Priory. However, the nearest part of the bungalow will be around 27 metres from The Priory itself, which is considered sufficient distances to retain privacy for both properties. The positions of the windows on the western elevation are such that the outlook is obscured by existing shrubs and vegetation further minimising any direct overlooking of The Priory or its garden. The applicant's existing property will also retain sufficient land to provide adequate garden, parking and vehicle manoeuvring area. There is also sufficient distance between the proposed access drive and the existing property so as not to adversely affect the amenity through additional vehicle movements particularly as their existing property is immediately adjacent to Worcester Road.

- 6.5 Whilst the development will lead to the loss of an area, which is currently open garden the development will satisfactorily preserve the character and appearance of the Conservation Area. The development is therefore considered acceptable in accordance with relevant Development Plan Policies and Government Guidance contained within Planning Policy Guidance Note 15 in particular.

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 - B01 (Samples of external materials)**

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

- 3 - E16 (Removal of permitted development rights)**

Reason: In order to bring any future development under the control of the local planning authority in the interests of safeguarding the character and appearance of the area.

- 4 - D01 (Site investigation - archaeology)**

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

5 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

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.

7 - E18 (No new windows in specified elevation)

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

8 - E19 (Obscure glazing to windows)

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

9 - F18 (Scheme of foul drainage disposal)

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

Informative:

1 - N15 (Reason for grant of PP/LBC/CAC)

Hereford and Worcester County Structure Plan

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Decision:

Notes:

Background Papers

Internal departmental consultation replies.