

**8 DCSW2004/0053/F - ERECTION OF DETACHED DOUBLE GARAGE AND A TWO STOREY EXTENSION, CREATION OF NEW DRIVEWAY, CHANGE OF USE AGRICULTURAL TO RESIDENTIAL. STONEY WAYS, HOARWITHY, HEREFORD, HR2 6QE**

**For: Mr & Mrs Croke per Warren Benbow Architects,  
21 Mill Street, Kington, Herefordshire, HR5 3AL**

**Date Received: 7th January 2004**

**Ward: Pontrilas**

**Grid Ref: 54783, 29967**

**Expiry Date: 3rd March 2004**

Local Member: Councillor G. W. Davis

**1. Site Description and Proposal**

- 1.1 The site is immediately to the east and downhill from Altthough Farm. Although is a dispersed settlement north of Hoarwithy. Stoney Ways is cut into this sloping site. Access is gained at present off an unclassified road (u/c 71002) 7 metres to the east of the predominantly natural stone faced dwelling.
- 1.2 It is proposed to extend the dwelling by extending eastward on the main elevation with a rubble stone faced gable fronted extension. This element is in line with the existing front wall of the wall property. An existing area of red brick will be faced in stone rubble walling. The building will also be extended southward with the enlargement of the southern wing, and by building a new extension to the rear, i.e. westward such that the building will now be in a 'T' shape with the new stone gable front in the centre of the east elevation. It is currently in an 'L' shape.
- 1.3 A new driveway is also proposed, it leads eastward from the existing access point and then curves back uphill and westward towards Stoney Ways. The entrance to the dwelling will be at a higher level than at present, being further uphill. The existing garage on what is the lower ground floor will become a study and the entrance hall/porch will become a guest bedroom. It is proposed to erect a detached garage to the south-west of the three-storey dwelling. It will be linked to the house by an open covered walkway 1.9 metres wide. The access drive includes land that was formerly outside the curtilage of the dwelling, therefore as part of the application a change of use is proposed for an area of land to the south of Stoney Ways to be incorporated into the residential curtilage.
- 1.4 Also as part of the application, new dormer windows will be introduced into the east elevation, together with new windows in oak that provide a regular consistent configuration and style throughout the enlarged building.
- 1.5 This proposal follows one refused planning permission in 2003, and then subsequently dismissed on Appeal to the Secretary of State in October last year. The proposal was for larger extensions, one element of which was higher than the existing dwelling. It was refused primarily for reasons of scale and massing, and its impact in the wider landscape. There was also an issue relating to the fact that the dwelling would not, with its enlargement, be likely to be within the price range of agricultural workers.

However, the appointed Inspector focused solely on the mass and scale of the proposed extensions in dismissing the appeal. It should be added that the driveway and extension of garden curtilage did not raise issues for the appointed Inspector nor were they reasons for refusal.

## 2. Policies

### 2.1 Hereford and Worcester County Structure Plan

Policy H.20	-	Residential Development in the Open Countryside
Policy CTC.1	-	Development in Areas of Outstanding Natural Beauty
Policy CTC.2	-	Development in Areas of Great Landscape Value
Policy CTC.9	-	Development Criteria

### 2.2 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.5	-	Development within Area of Outstanding Natural Beauty
Policy C.8	-	Development within Area of Great Landscape Value
Policy SH.23	-	Extensions to Dwellings

## 3. Planning History

3.1	SH78/0763	Restoration of and extension to semi derelict dwelling for occupation by an agricultural worker	-	Approved 29.11.78
	SH87/1598	Extension and alterations	-	Approved 21.01.88
	SH940909FZ	Occupation of agricultural dwelling in breach of condition	-	Refused 05.10.94
	SE2000/0287/U	Use of property as a dwelling by persons who are not or mainly or last employed in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act 1971	-	Granted 25.05.00
	SE2002/2216/F	Revision of existing gateway and construction of new access route to domestic property	-	Refused 06.09.02
	SE2002/3893/F	Two-storey extension, double garage and driveway and change of use of land	-	Refused 13.02.03. Dismissed on Appeal 23.10.03

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection to the grant of planning permission.

**5. Representations**

- 5.1 The Parish Council has no objection.
- 5.2 One letter of objection has been received from

Mrs. A. Cuthbert, Cleveland, Hoarwithy, HR2 6QE

The following main points were raised:

- Cleveland is directly below Stoney Ways, some 75 yards away
- significant extension, affect privacy and general amenity
- main outlook to east, nevertheless rely on afternoon and evening light as well as privacy
- new driveway brings traffic up to our boundary. Intrusive
- inappropriate and unsuitable in Area of Outstanding Natural Beauty - out of scale and proportion, with other dwellings at Altbough built in 18th and early 19th Century. Cleveland does not have proper foundations
- excavation works, could cause structural damage to soil of hillside, other parts of Hoarwithy hill have suffered with subsidence, luckily not Altbough so far
- issue of subsidence not addressed satisfactorily at appeal. Who is liable if damage results?
- lane not suitable for development traffic
- property could be used for commercial or business activity given scale of building, request prohibiting condition
- barn behind Stoney Ways already used to house lorries and other vehicles not directly involved in farming.

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

**6. Officers Appraisal**

- 6.1 The previously submitted scheme was refused primarily on three grounds, one related to the scale and massing, and the relationship to the existing dwelling. The original dwelling was dominated by the proposed extensions, therefore detracting from the character and appearance of the original dwelling. This would have had an impact on the wider landscape which is designated as being part of the Area of Great Landscape Value and Area of Outstanding Natural Beauty. The third issue related to the agricultural tie on Stoney Ways and that such an enlargement would take it out of the price range of agricultural workers. The appointed Inspector, in dismissing the appeal to that refusal, sustained the first two linked issues but considered that it would not result in the loss of a viable dwelling for an agricultural worker. The appointed Inspector considered that the Council would have great difficulty enforcing the agricultural tie condition imposed in 1978.
- 6.2 The current proposal has been greatly modified from that refused last year. The removal of the red brick extension up slope, i.e. west of the original stone dwelling and replacing it with a rubble stone faced block of building further away from the highway

than at present was an aspect of the previously refused scheme that was considered sympathetic. It meant that more of the original stone dwelling that was brought back into habitable use in 1978 would be visible.

- 6.3 The current issues relate to the form and massing of the scheme and its impact in the wider landscape. There are also issues of the impact on neighbours, the impact of the driveway on nearby residents, land subsidence, whether or not the lane is suitable for construction traffic and the possibility of commercial activity in the future. These are all issues identified by the objector previously in relation to the dismissed appeal.
- 6.4 In respect of the first issue, the new scheme has a greatly reduced footprint area. The southern end of the former dwelling will be squared off, but it will not be extended with a two-storey block as previously that had a ridge higher than the existing dwelling. The other change is the demolition of the unsympathetic red brick faced extension approved in 1978, and was proposed to be replaced by a stone rubble faced extension. This extension provides two floors of accommodation, the upper floor being within the roof space, this has necessitated the introduction of double dormer windows on both the north (i.e. facing the highway) and south elevations. It is considered that the block of new building and the introduction of the gable feature on the east elevation, together with the introduction of new oak windows, stone rubble walls, provides a cohesive and sympathetic approach. The original dwelling, as required by Policy SH.23 in the South Herefordshire District Local Plan, still remains the dominant structure.
- 6.5 The existing dwelling is at its nearest 42 metres from Cleveland, this distance will remain unaltered. There will not be a loss of privacy nor of daylight, given the distance involved, particularly given that Stoney Ways is north-west of Cleveland. This was not an issue that the appointed Inspector considered was a material ground of refusal or indeed concern. The appointed Inspector was also aware of the issue raised in objection concerning the proximity of the driveway to Cleveland, this driveway is still in the same configuration as for the previously refused scheme. This is not considered to be a ground for refusal given the existence of a hedge and that there is a lane between Cleveland and the boundary of the site.
- 6.6 An objection has been raised concerning the proximity of the driveway, which was not raised previously by the objector at the time of the previous appeal. The configuration of the driveway is identical to the scheme determined as part of the appeal process by the appointed Inspector. It is not considered that it will detract from the amenities of residents living in Cleveland, it is a matter that has already been the subject of a planning appeal, and was not a matter that provided a reason for refusing the previous scheme.
- 6.7 A further issue is one of possible subsidence resulting from work on the site, this was addressed by the appointed Inspector, as the issue of construction traffic utilising the narrow country lanes. Unless there is substantial evidence of subsidence planning approvals cannot be reasonably refused on the basis that there might be a problem. Also, the appointed Inspector had no reason to believe that the impact of construction traffic would "be undue". This remains the case.
- 6.8 The final issue is one that relates to the possibility of commercial activity at Stoney Ways. The appointed Inspector stated that "it was not a matter before me now" meaning that what was applied for was for extensions and alterations to a residential property. A use that requires planning permission would be treated on its merits and

with regard to policies contained in the Development Plan and other material considerations, at the appropriate time.

- 6.9 The proposal complies with policies relating to the extension and alteration of dwellings in the Area of Outstanding Natural Beauty and Area of Great Landscape Value, contained in the South Herefordshire District Local Plan and Hereford and Worcester County Structure Plan. The building will be enhanced, as will the wider landscape. It will not have a detrimental impact on the amenity of residents in the vicinity of the site. There will not be a detrimental loss of agricultural land and nor will the enlargement of the curtilage have a detrimental impact in the wider landscape.

## 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. **G04 (Landscaping scheme (general) )**

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

5. **G05 (Implementation of landscaping scheme (general) )**

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

6. **E16 (Removal of permitted development rights)**

**Reason:** In the interests of protecting the amenity of this elevated area of land that constitutes part of the Area of Outstanding Natural Beauty and Area of Great Landscape Value.

**Informative(s):**

1. **N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

.....

## Background Papers

Internal departmental consultation replies.