

MEETING:	PLANNING COMMITTEE
DATE:	23 FEBRUARY 2011
TITLE OF REPORT:	<p>DMS/103031/O - OUTLINE PERMISSION FOR THE ERECTION OF A DETACHED RESIDENTIAL DWELLING AT YEW TREE COTTAGE, BARTESTREE, HEREFORDSHIRE, HR1 4BX.</p> <p>For: Mr Blackman per Mr Nicholas Groom, N G Property, 7 Duchess Close, Monmouth, Monmouthshire, NP25 3JL.</p>

Date Received: 19 November 2010

Ward: Hagley

Grid Ref: 356166,241263

Expiry Date: 4 March 2011

Local Members: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters reserved is sought for the erection of a 4-bed dwelling on land forming part of the garden to Yew Tree Cottage, Bartestree. The existing dwelling is a detached older style property fronting the A438 Hereford to Ledbury road some 30 metres to the east of the junction with Wilcroft Park. The garden extends to the rear to meet the boundary with No.10 Barber Close, a modern 2-storey dwelling, part of a residential cul-de-sac. To the west are dwellings in Wilcroft Park, with No. 9 Barber Close on the eastern boundary.
- 1.2 It is proposed to erect a detached dwelling with parking area. Access would be via the existing means of access to Yew Tree Cottage, which is taken directly from the A438. The submitted Design and Access Statement describes the intention to build a dwelling similar in appearance and scale to those in Barber Close. Materials would comprise brick under tile.
- 1.3 The applicant holds a politically restricted post within the Council.

2. Policies

2.1 Government Guidance:

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 3 - Housing

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H4	-	Main Villages: Settlement Boundaries
H13	-	Sustainable Residential Design

3. Planning History

3.1 None.

4. Consultation Summary

4.1 Welsh Water: Recommend standard conditions regarding the treatment of foul and surface water drainage.

Internal Consultees

4.2 Traffic Manager: Objection. The proposed dwelling will result in the intensification of use of an access with substandard visibility onto the A438. The access is in close proximity to the junction with Wilcroft Park, which is a busy junction to a residential estate comprising around 200 houses and a primary school. It is considered, therefore, that the proposal is likely to be detrimental to highway safety in the area.

5. Representations

5.1 Lugwardine Parish Council: Concerns are expressed in relation to the density of the properties locally and the access onto the main road. The application is not supported.

5.2 Objections have been received from Nos. 8, 9, 10 and 11 Barber Close. The content of the objections is summarised as follows:

- The proposal would constitute a cramped form of development that would alter the character and appearance of Barber Close to its detriment;
- The proposed point of access is very close to the junction with Wilcroft Park. It is not suited to any intensification of use;
- The erection of a two-storey dwelling in this location would result in adjoining gardens being overlooked and overshadowed resulting in a reduction in levels of privacy;
- Noise from traffic associated with the dwelling would adversely affect the enjoyment of existing rear gardens.

5.3 The agent has submitted a letter in response to the issues raised by objectors. The content is summarised as follows:

- Many properties in Bartestree are served by accesses coming direct from the main road. The situation is not unique to the application site.
- The proposal would not produce significant levels of traffic relative to the existing junction at Wilcroft Park, which serves approximately 200 dwellings. Shared driveways have been accepted historically and there is insufficient justification on sound highway safety reasons to object to shared use in this instance.
- Development of the site is not considered to represent 'garden grabbing.' The plot to Yew Tree Cottage is very large relative to the scale of the dwelling and four times the size of plots in Barber Close, which have subsequently been developed with large four-bed dwellings.

- The proposed dwelling will not appear cramped, but spacing will be commensurate with existing properties in Barber Close. Overlooking is mitigated by the fact that first floor windows in Nos. 9 and 10 Barber Close are obscure glazed and rearward facing bedroom windows in Wilcroft Park are 20 metres distant.

5.4 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

6.1 The key issues in this case are the impact of the development upon the character of the area and the living conditions of existing and prospective occupants, and the impact of the development upon highway safety. The Unitary Development Plan identifies that the principle of development at this location is acceptable. The site falls within the settlement boundary for Bartestree, a main village as defined by policy H4, which states that residential development will be permitted where proposals are "in accordance with the housing design and other policies of the plan." Policy DR1 sets out the requirement that where relevant, all development will be required to promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure and further criteria.

6.2 In this instance weight should also be attached to the ministerial announcement on the de-classification of gardens as previously developed land. Planning Policy Statement 3 (Housing) has subsequently been amended to remove garden land from the definition of Previously Developed Land. This has the effect of reinforcing the ability of local planning authorities to consider whether development of gardens is appropriate in all contexts. The Chief Planning Officer's letter refers to powers for local authorities to stop 'garden grabbing' in the context that local planning authorities had perhaps misapplied national policy guidance by attaching too much weight to the inclusion of gardens within the definition of previously developed land.

6.3 In this case the overriding characteristic of the village is the presence of older properties on the main road frontage with more recent estate-style development extending to the north in a series of cul-de-sacs. One of these is Barber Close, which extends to form the northern and eastern boundaries of the application site. Nos. 9 and 10 Barber Close have two-storey flank elevations within 1 – 1.5m of the site boundary. Whilst the properties in Wilcroft Park stand further from the site boundary, there is a clear line of sight from first floor bedroom windows into the application site. Turning to the south, the application site is also overlooked by rearward facing first-floor windows in Yew Tree Cottage itself. In combination the effect is that the site is overlooked from two aspects and set hard against two existing properties on the remaining two sides. Whilst existing dwellings overlook the application site, it is inevitable that first-floor windows in the proposed dwelling would, in return, result in overlooking of existing gardens with an associated loss of privacy. Given that this is an outline application with all matters reserved it is difficult to identify in which direction overlooking from the proposed dwelling would occur. However, given that a four-bed dwelling is applied for it is reasonable to anticipate a minimum of at least four clear-glazed openings at first floor, and that these openings would be located within at least two elevations. Thus I consider the likelihood of direct overlooking of adjoining private garden spaces to be high.

6.4 I am also concerned that the introduction of a new dwelling at this location would have unacceptable implications for the residential amenity of the neighbours arising from noise, specifically the passage and turning of vehicles. At present rear gardens to the surrounding properties share mutual boundaries with no means of vehicular access past the rear of the properties. Whilst residents will be accustomed to and accepting of road noise, this occurs at the front of properties. The introduction of noise from vehicles to the rear of properties, bordering onto private garden spaces would, to my mind, represent an unacceptable and hitherto unknown level of intrusion and loss of residential amenity, contrary to policy H13.

- 6.5 Having identified harm to residential amenity arising through overlooking and noise, it is necessary also to consider the impact upon the character and appearance of the area. The Design and Access Statement refers to a dwelling designed so as to be “of similar style and proportion” to those in Barber Close. Whilst it is acknowledged that the site is largely hidden from public view, it is my opinion that a dwelling of the style and massing proposed would be inappropriate to the site and incongruous in the wider surrounds. Due to the nature of the relationship with properties in Barber Close it is unlikely that the property would be readily identifiable as forming an integral part of Barber Close – rather it would appear as an unplanned addition, failing to promote or reinforce the distinctive character and appearance of the area in a manner contrary to policy DR1. This is further highlighted by the fact that vehicular and pedestrian access relies upon the use of the existing access from the A438 past Yew Tree Cottage and not via Barber Close. Thus whilst the dwelling is stated as being designed to mimic properties in Barber Close, it would not form part of the Close in any physical or functional sense and is unlikely to be designed so that the front elevation addresses Barber Close. For these reasons I consider the proposal contrary to policies DR1 and H13 of the Unitary Development Plan.

Highway Safety

- 6.6 It is intended that the existing means of vehicular access serve the additional property. The Traffic Manager has identified a severe deficiency as regards visibility splays and is also concerned at the proximity of the junction to the busy Wilcroft Park junction, which serves approximately 200 hundred houses and a school. His recommendation is that planning permission be refused on the basis that intensified use of the access would be prejudicial to highway safety on the busy main road.
- 6.7 The eastward visibility at a 1.8m setback (2.4m would usually be sought) was 48m to the nearside edge of the road and 70m to the centreline. This has been reduced, however, by the recent erection of a lighting column 5 metres to the east of the access in connection with the recently installed pedestrian crossing. The presence of this column reduces the achievable ‘X’ distance with the effect that vehicles will have to project further into the carriageway in order to obtain a clear line of sight. This is clearly undesirable on a route subject to high volumes of traffic.
- 6.8 The required visibility standard is 90 metres to the nearside of the carriageway assuming adherence to the 30mph speed limit. Given that 85th percentile speeds are recorded at 41mph westbound, a reduction below 90 metres would not be accepted. The situation is compounded by the fact that improvements to visibility to the east would require the acquisition of third-party land. Visibility to the west is also impeded by a combination of a telegraph pole, the neighbour’s hedge and the nearby presence of the Wilcroft Park junction.
- 6.9 The agent has commented that the owners of Yew Tree Cottage could intensify their own use of the access without recourse to the highway authority. This is true. I do not consider, however, that this would equate to a level of use equivalent to what could reasonably be expected to arise from the addition of a further 4-bed property. In short I consider that the intensified use of the access resulting from an additional dwelling would be greater than that which might be attributable to Yew Tree Cottage on its own and consider the proposal to be prejudicial to highway safety as a consequence.
- 6.10 It is my view, therefore, that the site is inappropriate for residential development on the basis that development would adversely affect the residential amenity of existing residents and would fail to provide satisfactory levels of residential amenity to prospective occupants. The proposal would also pose a threat to the safe use and movement of traffic on the adjoining A438 and furthermore would represent a form of development that is out of keeping with the locality.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The visibility offered by the proposed point of vehicular access is significantly substandard and cannot be improved without incorporating land in third party ownership. The intensified use of the access is considered to represent a threat to highway safety on this busy main road and the application is thus considered contrary to Policy DR3 of the Herefordshire Unitary Development Plan 2007.

2. The erection of a dwelling in this location would result in an increase in vehicular and pedestrian movements and activity in close proximity to the rear private gardens of existing dwellings. The development would also result in the loss of privacy to existing private gardens, whereas the application site is subject to overlooking from existing dwellings. As a consequence the development would generate activity and disturbance in excess of what could reasonably be associated with a typical residential curtilage, result in an unacceptable loss of privacy and fail to provide acceptable levels of amenity for future occupants. The development would thus harm the amenity of adjoining residents in a manner contrary to Policies DR2 and H13 of the Herefordshire Unitary Development Plan 2007.

3. The erection of a 2-storey detached dwelling in this location would constitute a cramped and incongruous form of development that would fail to promote or reinforce the distinctive character and appearance of the locality, particularly in relation to its layout. The proposal is thus contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan and guidance set out in Planning Policy Statement 3: Housing.

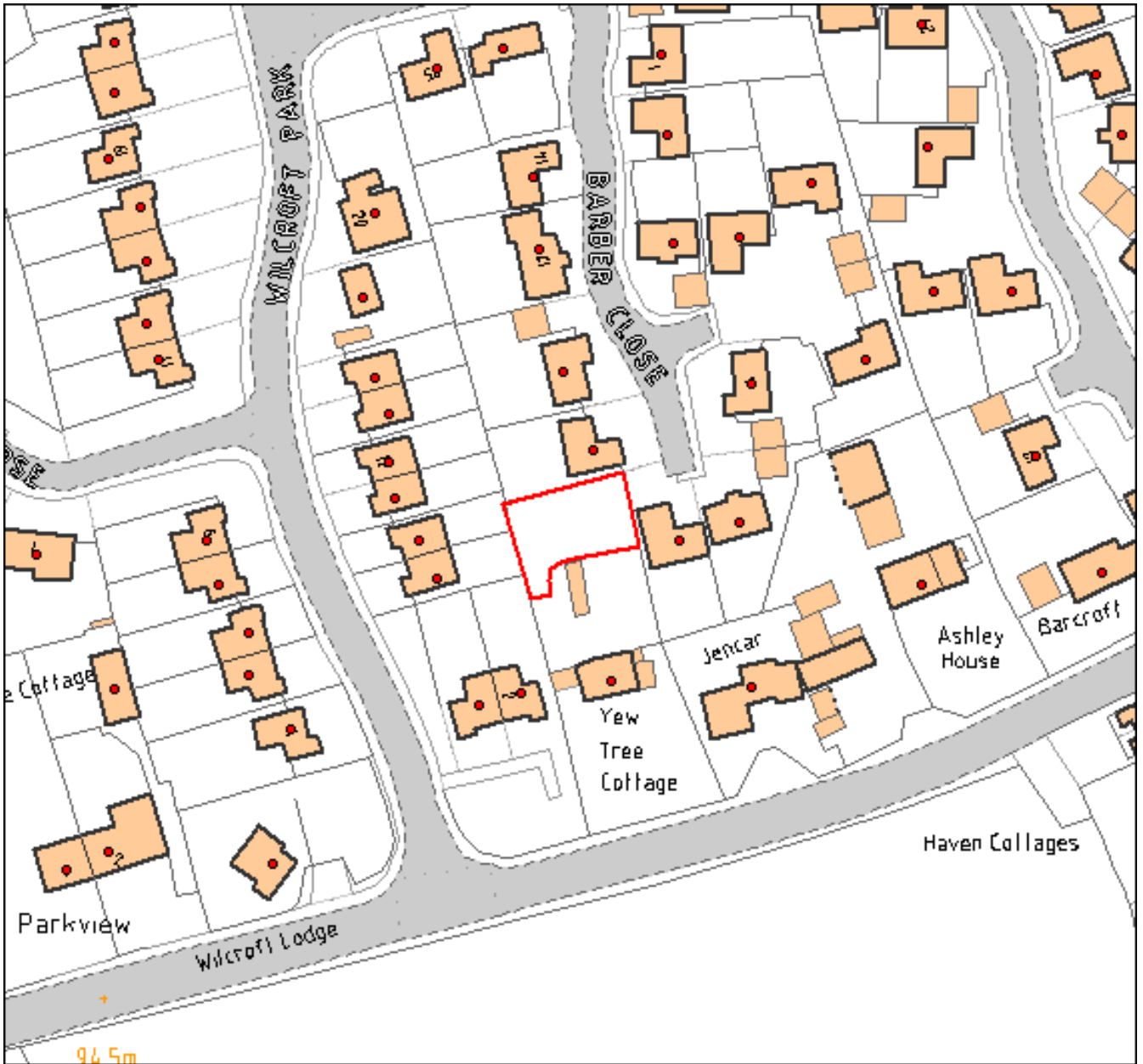
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/103031/O

SITE ADDRESS : YEW TREE COTTAGE, BARTESTREE, HEREFORDSHIRE, HR1 4BX

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479