

14 DCNW2004/0123/F - ERECTION OF A DETACHED DWELLING ON LAND TO THE REAR OF NO. 7 HIGH STREET, KINGTON**For: Mr M Roper per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire HR5 3DB****Date Received:**
13th January 2004**Ward:**
Kington Town**Grid Ref:**
29714, 56705**Expiry Date:**
9th March 2004

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The application site comprises a roughly rectangular 0.1 hectare plot forming the large garden plot at the rear of 7 High Street, Kington. It incorporates an existing garage building positioned at a lower level to the elevated site itself, which rises in a northerly direction towards the stone wall boundary with Prospect Lane.
- 1.2 Access is derived via a narrow roadway off Duke Street shared with a number of dwellings and commercial premises including the communal parking area associated with Lower Cross. The site also benefits from a pedestrian access from Prospect Lane.
- 1.3 There are a number of disused ancillary buildings within the site which would be demolished together with the removal of several ornamental trees.
- 1.4 The site lies within the Kington Conservation Area and is also designated as an Important Open Area. The nearest affected property (Lower Cross House) is located immediately to the east of the application site and comprises a modern two storey detached property.
- 1.5 Planning permission is sought for the erection of a 2/3 bedroom two storey dwelling incorporating 2 bedrooms and a wc within the roof structure. The ground floor incorporates a 3rd bedroom that could also be utilised as a study. The proposed dwelling has a ground floor area of 85 metres² and a maximum width of 6.6 metres. The eaves height would be limited to 2.4 metres above ground level whilst the ridge height would be 6.4 metres.
- 1.6 The proposed dwelling would be constructed utilising render with a natural slate roof.

2. Policies**Hereford & Worcester County Structure Plan**

Policy CTC 9 Development Requirements

Policy CTC 15 Conservation Areas

Policy CTC 18 Development in Urban Areas

Leominster District Local Plan (Herefordshire)

- A1 Managing The District's Assets And Resources
- A2(B) Settlement Hierarchy
- A21 Development Within Conservation Areas
- A22 Ancient Monuments And Archaeological Sites
- A24 Scale And Character Of Development
- A25 Protection Of Open Areas Or Green Spaces
- A54 Protection Of Residential Amenity
- A70 Accommodating Traffic From Development

Herefordshire Unitary Development Plan (Deposit Draft)

- S1 Sustainable Development
- S2 Development Requirements
- S3 Housing
- S8 Natural and Historic Heritage
- DR1 Design
- DR2 Land Use & Activity
- H1 Hereford & the Market Towns: Settlement Boundaries and Established Residential Areas
- H13 Sustainable Residential Design
- H16 Car Parking
- T11 Parking Provision
- HBA 6 New Development Within Conservation Areas
- HBA 9 Protection of Open Areas
- ARCH1 Archaeological Assessments and Field Evaluations

3. Planning History

- 3.1 NW2003/1729/F - Erection of detached dwelling - Withdrawn 5 August 2003.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water raise no objection subject to conditions regarding the discharge of foul and surface water.

Internal Council Advice

- 4.2 Head of Engineering and Transportation - no objection.
- 4.3 Chief Conservation Officer raises no objection in terms of the impact of the proposal upon the Kington Conservation Area but requests natural slate, joinery details and brickwork stack. A standard archaeological evaluation condition is requested since the site is within the medieval core of Kington.
- 4.4 The Public Rights of Way Manager raises no objection.

5. Representations

- 5.1 Kington Town Council raise no objection.
- 5.2 Two letters of objection have been received from the following persons:

- Mr A Tanner, Lower Cross House, High Street, Kington
- Caldicotts Solicitors (on behalf of Mr Stanley, owner of 6 High Street, Kington)

5.3 The concerns raised can be summarised as follows :

- view from upstairs window completely obscured
- lack of parking for visitors/tradesmen will have a detrimental effect on people living in Lower Cross
- all parking in the locality is private and not available for members of the public
- will result in nuisance parking in the locality
- access onto High Street unacceptable
- no right of way exists for additional property

5.4 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 key issues for consideration in the determination of this application are as follows :

- a) the impact of the proposed dwelling on the character and appearance of the Kington Conservation Area;
- b) the impact of the proposed dwelling on the residential amenity of neighbouring occupiers, and;
- c) the implications for parking at the site.

6.2 The character of this part of the Kington Conservation Area is primarily defined by its openness which accounts for its designation as an Important Open Area and of fundamental concern therefore are the implications for the proposed infill upon the openness of the area.

6.3 The site occupies a very inconspicuous position within the Conservation Area and is not readily visible from any public vantage points. In views from Lower Cross to the east, the site whilst elevated above road level would be completely obscured by the presence of the modern detached property (Lower Cross House). The northern boundary is defined by a high stone wall which does not allow views over, although from this vantage point there is a perception of the open space beyond.

6.4 The proposed dwelling would be located some 15 metres away from the boundary wall, in a position somewhat lower than Prospect Lane, which when combined with its modest 6.4 metre height is such that it would limit the effect on the open character of the site. It is unlikely that any part of the roof would be visible from Prospect Lane and as such the degree of harm associated with this proposal is such that the terms of Policy A25 of the Local Plan would not be unduly compromised.

6.5 The siting of the dwelling is well related to the modern dwelling to the east and the converted barn to the west and it would not appear out of context in this respect. The use of render and slate is consistent with and complimentary to the mixed palette of materials in the locality and accordingly it is considered that the proposal would satisfy Policy A21 of the Local Plan.

Residential Amenity

- 6.6 The main consideration in this case is the effect of proposed dwelling upon the amenities of Lower Cross House. The orientation and layout of the proposed dwelling has been designed so as to reduce its effect upon the neighbouring property. It is not considered that privacy will be unduly affected since the only first floor window would be a rooflight serving the WC. The potential impact is therefore limited to the overbearing/overshadowing effect of the proposed dwelling. In this case the ridge height of the proposed dwelling would be at a point some 6 metres from the flank wall of Lower Cross House with the modest eaves height being some 3 metres away (excluding the porch). This would not result in any harmful overbearing effect upon the first floor window and the relative orientation and modest height of this proposal is such that overshadowing would not result.
- 6.7 The loss of the view from the first floor window of Lower Cross House mentioned in the objection to the proposal is not a material planning consideration.
- 6.8 In view of the above it is considered that Policy A54 of the Local Plan is satisfied.

Access and Parking

- 6.9 This represents the other main strand of the concerns raised in respect of this proposal, and the implications warrant some explanation by way of background information. The current arrangement is such that the private right of way to the garage is associated with the retail premises (7 High Street). There is a flat above the shop which does not have the benefit of private parking at the rear. The applicant advises that the garage is not used in connection with the shop but is used for the parking of his own vintage car.
- 6.10 The intention in this case would be to maintain the right of way but for use in connection with the proposed dwelling. This would facilitate the provision of one parking space within the existing garage building. The implications for this are that the current usage would be displaced. Within the town centre where public parking and accessibility to public transportation is available this is not considered to be a fundamental problem or one that would warrant the refusal of planning permission.
- 6.11 The recommendation is therefore to condition the provision of the space in connection with the proposed dwelling. The legalities of this would need to be resolved between the applicant and the adjacent landowner but this is not an issue that should delay the consideration of the planning merits of the proposal.
- 6.12 The site is sufficiently distant from the public highway to enable any vehicles using the site to manoeuvre and enter High Street/Duke Street in a forward gear and as such no objection is raised by the Head of Engineering and Transportation.

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) (site plan, block plan, proposed floor plan and proposed elevations received 26 January 2004)

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 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 5 - D01 (Site investigation - archaeology)

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

- 6 - E16 (Removal of permitted development rights)

Reason: To preserve the openness of the remainder of the garden curtilage in the interests of protecting the character of the site and amenities of neighbouring occupiers.

- 7 - E18 (No new windows in specified elevation)(dormer windows)(east)

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

- 8 - F18 (Scheme of foul drainage disposal)

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

- 9 - 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.

- 10 - H13 (parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 11 - H27 (Parking for site operatives)

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

Informatives:

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.