

## **8 DCSE2004/0349/O - SITE FOR ONE DWELLING PLOT 7232, LAND TO THE REAR OF THE WALLED GARDEN, ROSS COURT, ROSS-ON-WYE, HR9 7TN**

**For: Mr & Mrs K Pittaway per Jane Holland Architects,  
Brook House, Phocle Green, Ross on Wye,  
Herefordshire HR9 7TN**

**Date Received: 2nd February 2004    Ward: Ross-on-Wye East    Grid Ref: 60718, 25318  
Expiry Date: 29th March 2004**

Local Members: Councillor Mrs C J Davis and Councillor Mrs A E Gray

### **1. Site Description and Proposal**

- 1.1 This site within Ross on Wye is located off a narrow track which leads to the B4228 Ledbury Road. The site itself is a small area of unused land surrounded by dwellings on three sides. The land is unkept and has a number of small trees and bushes on it. The surrounding dwellings all back onto the site. There is an existing track which runs along the north western and south western boundaries of the site.
- 1.2 This proposal is an outline planning application for one house with all the 'reserved matter' details reserved for future consideration.

### **2. Policies**

#### **2.1 Planning Policy Guidance:**

PPG1	General Policy and Principles
PPG3	Housing

#### **2.2 Hereford and Worcester County Structure Plan**

Policy CTC9	-	Development Criteria
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#### **2.3 South Herefordshire District Local Plan**

Policy GD1	General Development Criteria
Policy SH5	Housing Land in Ross on Wye
Policy SH14	Siting and Design of Buildings
Policy SH15	Criteria for New Housing Schemes
Policy T3	Highway Safety Requirements
Policy Ross 2	New Housing Developments
Policy Ross 3	Infill Sites for Housing
Policy Ross 4	Primarily Residential Areas
Policy Ross 5	Housing in Built-up Areas

#### **2.4 Herefordshire UDP (Deposit Draft)**

Policy S2	Development Requirements
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Policy S3	Housing
Policy H1	Hereford and the Market Towns : Settlement Boundaries and Established Residential Areas
Policy H16	Car Parking

### 3. Planning History

- 3.1 SE2003/3296/O Site for 5 houses - Refusal of outline planning permission 22.01.04

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non statutory consultations received.

#### Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.

### 5. Representations

- 5.1 Ross Town Council observe:

There is insufficient detail to reach an informed decision. The access is not clearly defined and there is no indication of size.

- 5.2 One letter of representation has been received from S A Maxfield and N A Boycott, Heaven Sent, 4 The Walled Garden, Court Road, Ross on Wye, Herefordshire HR9 7GX. The main points being:

- No objection subject to certain provisions.
- The building be limited to two stories only and no first floor windows overlooking the wall into the walled garden.
- No indication of position of building within plot. Would not want any building too close to wall of Walled Garden which could damage wall or its foundations.

- 5.3 Five letters of objection have been received from:

Ms K Notley-Jones, 6 Overross Farm, Ross on Wye, Herefordshire HR9 7BN  
Mr S Parry and Ms R Griffiths, Rossendale, Ledbury Road, Ross on Wye, Herefordshire HR9 7BG  
J & S Gasston, Mansel, Ledbury Road, Ross on Wye, Herefordshire HR9 7BG  
Mrs R B Gabb, 8 Overross Farm, Ross on Wye, Herefordshire  
Mr and Mrs A Meek, Inglemark, Ledbury Road, Ross on Wye, Herefordshire HR9 7BG

The main points being:

- always been orchard, to build on land would be invasion of privacy and paid a lot of money for house and not be overlooked,
- if land is to be accessed from Ledbury Road then the existing lane which already serves 18 homes cannot take traffic for a further dwelling, inadequate for present traffic,
- more traffic would mean more noise and pollution,

- lot of wildlife on the site,
- increase in traffic would be a danger to children,
- court ruling that no planning permission would be granted on the plot,
- the present owner has not maintained the land,
- planning authority failed to oversee previous adjacent housing development,
- only section of land left undeveloped in the area and was formerly part of outer area of the walled garden of Ross Court,
- security problem to nearby houses would be increased if application was successful,
- land very narrow and regularly obstructed,
- where would access to site be placed,
- site unsuitable for development due to increased number of vehicles,
- existing problems in lane of thoughtless parking,
- previous refusal reason relating to vehicular movements should be upheld,
- proposal to use mains sewer but there is no mains sewer on this side of the walled garden
- irrelevant how many houses are built on the land as the access remains inadequate
- unclear who owns single track unmade road,
- reasons for denying the previous application should still be relevant for this planning application,
- many planning applications are originally for more houses than finally get approved as less houses are a better option and people settle for this. Hope Planning Officers do not settle for this application.

The full text of these letters 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 main issues with respect to this outline planning application relate to the suitability of the land for the siting of a dwelling, its effect on surrounding land uses and residential amenities of neighbouring dwellings, vehicular access to the site and suitability of track for more traffic and also the zoning of the land in the Local Plan. Ross on Wye Policies 3 and 4 and GD1 of the Local Plan are the most relevant in this case.
- 6.2 The site is within the town boundary and on land designated in the Local Plan as a 'primarily residential area'. Ross on Wye Policy 4 of the Local Plan require that new development in primary residential areas will need to be compatible with that primary land use. Therefore the principle of erecting a new dwelling on this site would be in accordance with this policy.
- 6.3 The plot is fairly substantial in size and is considered large enough for the siting of one dwelling. Also it is considered that a dwelling could be sited and designed so as not to adversely affect the residential amenities of the neighbouring dwellings. The dwellings to the north east and south west of the site could be potentially affected. However if the new house was sited and designed so that the windows faced north west and south east then it is considered that the residential amenities of the adjacent dwellings would not be adversely affected.

- 6.4 Although the access track to the site is narrow it is already used by a number of dwellings and it is considered that the additional traffic generated by one extra dwelling would not have any significant adverse impact on the use of the track. The Council's Head of Engineering and Transportation has no objection. The additional traffic generated by the new dwelling would not cause any significant additional disturbance to neighbouring dwellings.
- 6.5 The proposed erection of a dwelling on this site is therefore considered to be acceptable and in accordance with planning policies, in particular Policy GD1 (General Development Criteria), Ross policy 3 (Infill sites for housing) and Ross Policy 4 (Primarily residential areas) which collectively require applications for individual dwellings or small scale development on infill sites within the defined residential areas to be permitted provided they meet certain criteria e.g. good relationship with adjoining land uses, satisfactory car parking arrangements, having regard to setting of neighbouring buildings and their uses, safe vehicular access etc. The site is not considered to be visually attractive, is unkept and untidy and does not contribute or enhance the visual amenities of the area. The provision of a new dwelling on this site will be likely to improve the visual amenities of the site. The objectors refer to the lack of direct access to the mains sewerage system in the area. As such it is considered that any permission granted should include a condition requiring details of the proposed foul and surface water drainage arrangements to be submitted for approval.

## **RECOMMENDATION**

**That outline planning permission be granted subject to the following conditions:**

**1 A02 (Time limit for submission of reserved matters (outline permission) )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**2 A03 (Time limit for commencement (outline permission) )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**3 A04 (Approval of reserved matters )**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

**4 A05 (Plans and particulars of reserved matters )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**5 F18 (Scheme of foul drainage disposal )**

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

## **INFORMATIVES:**

**1 N14 - Party Wall Act 1996**

**2 The applicants/developers should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners nor any covenants on this or adjoining land nor rights of access along the adjacent track/roadway.**

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

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.