

**18 DCNW2004/0750/F - PROPOSED DETACHED GARAGE  
ON LAND ADJOINING LITTLEBROOK COTTAGE,  
LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JP****For: Mr & Mrs S Williams per Mr A Last, Brookside  
Cottage, Knapton, Birley, Herefordshire, HR4 8ER****Date Received:  
1st March 2004****Ward:  
Pembridge & 33806, 55380  
Lyonshall with Titley****Grid Ref:****Expiry Date:  
26th April 2004**

Local Member: Councillor R Phillips

**1. Site Description and Proposal**

- 1.1 The application site is located in between Littlebrook Cottage to the south and Tan House to the north, which is a Grade II listed property. The boundary with Tan House is defined by a mature hedgerow and there is a noticeable change in ground level between the driveway of Tan House and the application site such that it is elevated approximately 500 mm above the neighbouring property.
- 1.2 Planning permission is sought for the erection of a detached weatherboarded garage with a slate roof. The proposed garage would measure some 7 metres by 5.2 metres on the ground with a maximum ridge height of 3.6 metres.
- 1.3 Planning permission was recently granted for a dwelling on the site pursuant to Application Ref. NW2003/3420/RM. It is advised that the garage as proposed formed part of the dwelling proposal but was withdrawn following concerns raised by the neighbouring occupier and the Parish Council. The siting of the garage has been the subject of further discussion but as proposed it remains in the same position as previously considered.

**2. Policies****Leominster District Local Plan (Herefordshire)**

Policy A18 – Listed Buildings and their Settings  
Policy A24 – Scale and Character of Development  
Policy A54 – Protection of Residential Amenity

**Herefordshire Unitary Development Plan (Deposit Draft)**

S2 – Development Requirements  
DR1 - Design  
HBA4 – Setting of Listed Buildings

### 3. Planning History

NW2003/2420/RM - Site for one dwelling. Approved 13 February 2004.

NW2002/1533/O - Site for one dwelling. Approved 9 September 2002.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Welsh Water - comments awaited but no objection raised to the approved scheme.

#### Internal Council Advice

4.2 Head of Engineering and Transportation - no objection.

4.3 The Chief Conservation Officer raises no objection but suggests that the repositioning of the garage to the south side of the site would better preserve the setting of the listed property (Tan House).

### 5. Representations

5.1 In response to a request to consider relocating the garage to the south side of the plot the applicant has advised as follows:

- position as proposed is as agreed informally with officers and was supported by the recommendations made with respect to Application Ref. NW2003/3420/RM

- garage would be set into the existing soil bank and keep the gable height as low as possible

- width of garage gable is as narrow as possible to enable a car to be parked

- if the garage were relocated it would necessitate the excavation of the existing soil back to create a turning area with the result being that car headlights will shine directly at Tan House.

5.2 Two letters of representation have been received from:

R P Hussey & P Hussey both of Tan House, Lyonshall. The concerns raised can be summarised as follows:

- siting of garage would spoil main outlook from dining room and lounge

- the elevated position of the garage would block light into lounge, dining room and bedrooms

- garage would be better sited on the opposite side of the drive.

5.3 Lyonshall Parish Council object to this proposal:

- it is identical to the one already objected to and no changes have been made or considered
- the siting of the garage would overwhelm the adjoining property (Tan House), a listed building
- suggest the applicant places the garage on the opposite side of the garden.

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 This application should be considered against policies relating to the effect of development upon the residential amenities of neighbouring occupiers and the setting of listed buildings.
- 6.2 The main concern raised with regard to this proposal, which is the same as the previous application is the effect of the garage upon the amenity and daylight enjoyed by the occupiers of Tan House.
- 6.3 It is acknowledged that the proposed garage would be readily visible from the principle windows serving the lounge and dining room of Tan House but it is advised that the right to a view across private land is not a material planning consideration. Furthermore, whilst the repositioning of the garage to the southern boundary would relieve this situation it is not considered that the option preferred by the applicant would have a significant detrimental effect upon the daylight enjoyed by the occupiers of Tan House. Notwithstanding the elevated position of the garage its modest height (3.6 metres) coupled with the 10 metres distance achieved between the rear wall of the garage and the front elevation of Tan House is such that the potential loss of daylight and overshadowing would not be serious enough to warrant the refusal of planning permission in this case.
- 6.4 A condition requiring the formal agreement of the finished slab level would ensure that the garage is cut into the back as far as practically possible.
- 6.5 With regard to the setting of the listed Tan House it is again considered that a repositioning of the garage would better preserve this, but as proposed the harm is not so significant that the refusal of planning permission is justified.

**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 - 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.

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.