

10 DCSE2004/1156/RM - NEW DWELLING, LAND ADJACENT TO THE FORGE, KINGS CAPLE, HEREFORD, HR1 4TY

For: Mr A Marsden per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 30th March 2004

Ward: Old Gore

Grid Ref: 56219, 28883

Expiry Date: 25th May 2004

Local Member: Councillor J.W. Edwards

1. Site Description and Proposal

- 1.1 This site is located within the village settlement boundary of Kings Caple and forms part of the large garden area of the existing adjacent dwelling known as The Forge. There are existing mature fir trees/hedge along the boundaries of the site. The existing boundary with The Forge is currently open. There are existing dwellings on all four sides of the site.
- 1.2 This application for approval of Reserved Matters deals with the reserved matter details relating to external appearance, siting, design and landscaping. The details relating to means of access were approved at the outline stage. The proposal is for a three bedroomed house with brick and slate to be used externally on the walls and roof.

2. Policies

2.1 Planning Policy Guidance

PPG.1	-	General Policy and Principles
PPG.3	-	Housing
PPG.7	-	The Countryside: Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan

Policy H.16A	-	Development Criteria
Policy H.18	-	Residential Development in Rural Settlements
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

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy SH.6	-	Housing Development in Larger Villages
Policy SH.7	-	Residential Proposal Sites in Larger Villages
Policy SH.8	-	New Housing Development Criteria in Larger Villages
Policy C.5	-	Development within Area of Outstanding Natural Beauty
Policy C.8	-	Development within Area of Great Landscape Value

- Policy C.43 - Foul Sewerage
- Policy C.45 - Drainage

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

- Policy S.2 - Development Requirements
- Policy S.3 - Housing
- Policy DR.1 - Design
- Policy H.6 - Housing in Smaller Settlements
- Policy LA.1 - Areas of Outstanding Natural Beauty
- Policy CF.2 - Foul Drainage

3. Planning History

- 3.1 CE2001/0734/O Site for one new dwelling house - Outline Planning Permission Approved 20.06.01
- SE2004/0432/F Variation of condition one of outline planning permission CE2001/0734/O (to extend condition by one year) - Planning Permission Approved 02.04.04

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections.

Internal Council Advice

- 4.2 The Head of Engineering and Transportation recommends that conditions be imposed on any approval.

5. Representations

- 5.1 The Parish Council observe:-

"Sewage and soakaways proposed - septic tank tick under item 13 on the planning application form but no additional information has been given and not ticked off in checklist. The Parish Council wish to know what provisions have been provided for the soakaway for the septic tank as there is no indication on plans provided. The Parish Council are of the understanding that the ground that this plot stands on is impervious.

The applicant is known to be a gun dog breeder and trainer and has history of establishing kennels for this purpose on site. The Parish Council consider this to be a no go area as the proposed plans are only metres from existing properties.

The Leylandi hedge from the entrance to 6 metres back towards property needs to be taken out for visual purposes and safe access and exit as a lot of school traffic passes the proposed property.

The Parish Council would like to see a preservation order put on the two Silver Birch trees in the back garden and also request that this is adhered to as at the applicants

last property the preservation order was breached and when the Council was notified no action was taken.

The Parish Council also understand there is a covenanted right of access on the boundary of the whole property to allow for access to hedge cutting and this needs to be retained.

Historically the applicant is known for applying for retrospective planning permission for mobile homes on building sites. The Parish Council wish that this is not repeated.

If these matters are put into place before the application is passed the Parish Council have no objections to the plans.

The Parish Council request that you give the above concerns your most serious considerations.”

5.2 A letter of objection has been received from Mr. K. Adamson, Woodstock, Kings Caple, Herefordshire, HR1 4UN. The main points being:

- the elevation of the property has a first floor window which directly overlooks the private garden of Woodstock
- being a two storey building there will be a shadow cast over the garden blocking out early morning sunlight
- unlike trees and shrubbery, the building shadow will be permanent and will be very noticeable in the Spring, Autumn and Winter.

5.3 Three letters of representation have been received from:

Mrs. Papps, Boxtree, Kings Caple, Hereford, HR1 4UN
Mr. J. Nicholson, 20 Caple Avenue, Kings Caple, Hereford, HR1 4UL
A & P Garbutt, Wedmore, 24 Caple Avenue, Kings Caple, Hereford

The main points being:

- whilst disappointed that a house will be built on land, a greater concern is that the applicant keeps a large number of dogs and birds. This would be environmentally unacceptable, rats and mice could be attracted and the noise from the dogs would be intolerable
- no objection to new dwelling provided that there will be no run-off from septic tank
- the Silver Birch tree should not be cut down or trimmed
- that any noise from dogs should be similar to domestic use. Rumour that owner intends to breed dogs commercially from the premises
- would object to the applicant breeding dogs on site.

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 relate to the four reserved matters submitted for consideration, i.e. siting, design, external appearance and landscaping. The most relevant policies with respect to this application are Policies GD.1 and SH.8 of the Local Plan and Policies H.16A and H.18 of the Structure Plan.

- 6.2 The proposed size and design of this dwelling is considered to be acceptable and in keeping with the size and design of other dwellings in the immediate vicinity. The use of brick and slate externally on the walls and roof are also considered to be acceptable. The dwelling will be situated in the centre of the plot. There is a fir tree hedge on the north, south and west boundaries of the site which are shown on the submitted drawings to be retained. It is considered that the proposed dwelling will not result in the residential amenities of any of the neighbouring dwellings being adversely affected, especially if the existing fir tree hedge is retained. The first floor window on the western elevation, referred to by the objector, will be a small window of a wc/shower room, however this is likely to be obscure glazed and should not pose a problem to the neighbour. However a condition requiring it to be obscure glazed could be imposed on any approval. The existing fir tree hedge would also partly prevent any adverse overlooking.
- 6.3 The letters received also refer to the possibility that the owner of the dwelling will be keeping/breeding dogs on a commercial basis from the dwelling when it is built. However this would constitute a change of use requiring planning permission and if such an application was submitted the residential amenities of neighbouring dwellings would be of paramount consideration.
- 6.4 There are two mature Silver Birch trees in the south western corner of the site which are considered worthy of retention, although not shown on the submitted landscaping scheme. Also there is no existing boundary fence on the eastern boundary although there is one shown for retention on the submitted drawing.
- 6.5 The Environment Agency consider that the use of a septic tank for the foul drainage is acceptable on this site. Approval for the septic tank drainage arrangements were granted within the ambit of the outline planning permission.
- 6.6 In conclusion, it is considered that the proposed development is acceptable, in keeping with the scale and character of other dwellings in the immediate area and also will not be detrimental to the residential amenities of neighbouring dwellings.

RECOMMENDATION

That approval of reserved matters be granted subject to the following conditions:

1. A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

2. B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3. The window serving the en-suite wc/shower room at first floor level on the west elevation of the dwelling shall have obscure glazing and at all times thereafter, unless otherwise first agreed in writing by the local planning authority.

Reason: To ensure that there is no adverse overlooking of the adjacent dwellings.

4. The existing fir tree hedge shown to be retained on the submitted drawing shall not be reduced from its current height and also shall not be wilfully damaged, destroyed, uprooted, removed, felled, lopped and/or topped without the prior written consent of the local planning authority. Any part(s) of the hedgerow(s) removed without such consent or dying, being severely damaged or becoming seriously diseased within 5 years of the date of this permission shall be replaced with hedging of such size and species as is agreed in writing by the local planning authority. Any hedging plants that fail more than once shall continue to be replaced.

Reason: In the interests of the visual amenities of the area and the residential amenities of the neighbouring properties.

5. G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

6. The two existing Silver Birch trees situated in the south western corner of the application site shall not be removed, felled, lopped or pruned or damaged in any way without the prior written consent of the local planning authority.

Reason: In order to preserve the character and amenities of the area.

Informative(s):

1. N09 - Approval of Reserved Matters
2. N14 - Party Wall Act 1996
3. The applicant should ensure that there is no discharge from the foul drainage system into any neighbouring property.
4. The applicant/developer should be aware that the details relating to the foul drainage arrangements were formally approved under outline planning permission Reference No. CE2001/0734/O dated 20th June, 2001.
5. The Environment Agency advises that the septic tank and soakaway system should meet the following requirements:
 - (i) a site survey should be carried out to establish the location of any watercourse, ditch or land drainage system on the site,
 - (ii) the foul drainage system, particularly the foul soakaway, should be sited at least 10 metres from any watercourse, ditch or land drainage system to minimise pollution risk,
 - (iii) the foul drainage system, including the foul soakaway, should be situated so as not to cause pollution of any well, borehole, spring or groundwater used for potable water supply. A minimum separation of 100m should be kept from any source of potable water supply.
6. N15 - Reason(s) for the Grant of Approval of Reserved Matters

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.