

**DCNE2004/0639/F - NEW DETACHED HOUSE AT
HIGHWOOD, UPPERFIELDS, LEDBURY,
HEREFORDSHIRE, HR8 1LE****For: Mr A A McKechnie per Mr A Clive 8A High Street
Ledbury Herefordshire HR8 1DS****Date Received:
1st March 2004****Ward:
Ledbury****Grid Ref:
71151, 38157****Expiry Date:
26th April 2004**

Local Member: Councillors D Rule MBE, P Harling and B Ashton

1. Site Description and Proposal

- 1.1 The application site forms part of the curtilage of the property known as Highwood, situated on elevated ground on the east side of Bank Crescent in Ledbury. The site is also served by a track along the eastern boundary known as Upperfields. The land slopes significantly from the east to the west.
- 1.2 The proposal is for the erection of a predominantly 2-storey dwelling close to the southern boundary of the site.
- 1.3 The property is T-shape in plan consisting of 3 bedrooms, sitting room, kitchen, utility and entrance hall. A balcony is proposed on the rear, i.e. west elevation of the property. The design includes a very shallow pitched roof with a ridge height above finished ground level of 6.5m. The eaves height of the building is approximately 5.3m. The slope of the site is such that considerable ground works will be required.
- 1.4 The southern boundary of the site, which runs very close to the property to the south known as Applegarth at 52 Bank Crescent, consists of tall, Cupressus style trees which have been trimmed of their lower branches. On the south side of this line of trees lies a variety of hedge and shrub type plants. The screening afforded by the trees will be on the higher levels of the property.
- 1.5 Access to the site and proposed single garage would be via the lane known as Upperfields.

2. Policies**2.1 Malvern Hills District Local Plan**Housing Policy 2 – Development in main towns
Housing Policy 17 – Residential Standards**2.2 Herefordshire Unitary Development Plan (Deposit Draft)**H1 – Hereford and the market towns: Settlement boundaries
H13 – Sustainable residential design

3. Planning History

NE2001/2076/O - Outline planning permission for the erection of a dwelling, granted 24.9.01.

This was subject to a condition that the dwelling be restricted to single storey in height.

MH96/1440 - Outline planning permission for one dwelling. Approved 14.1.97. Subject to a similar condition restricting to a single storey height.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

5. Representations

5.1 Ledbury Town Council: Recommend approval.

5.2 Letters of objection has been received from Applegarth, 52 Bank Crescent, and Littlecroft, 56 Bank Crescent, making the following points:

1) The proposal would have a large impact on Applegarth, being only 2 ft from the boundary and is of an appropriate scale in relation to the size of the plot itself and the size as far as surrounding properties.

2) The proposed property would not follow the building line.

3) We understand that the border hedge should not be removed, however, as this is a full application, not a Reserved Matters. We are concerned that the hedge be removed.

4) A modern red brick, 2-storey split level dwelling is not in keeping with surrounding properties.

5) It will be overlooking from the kitchen, utility and living room windows of the back garden of Applegarth.

6) The balcony, even with a frosted glass screen only 8 ft from the bedroom window would not maintain privacy.

7) The privacy of the garden at 56 Bank Crescent would also be impaired through overlooking.

In addition to the objections above, further representations have been received from Bryncoed, Upperfields, Brilley, Upperfields, and The Lair, Upperfields, expressing concern about the adequacy of the Upperfields Lane, for vehicular access purposes.

5.2 In support of the application the applicant's agent advises that a full application has been made because of the former extent of the new plot has been altered to better accommodate the new building and to relieve pressure from the southern boundary, which has the closest neighbour. He advises that the building has been designed to take best advantage of the steeply sloping site and that a partial second storey has been located beneath the main living space where otherwise ground would need to be built up. Semi-opaque glass screens have been specified on the southern end of the balcony to inhibit overlooking of the neighbouring property. Upperfields boasts a

variety of building types using a wide range of materials. It is considered that the proposed building will fit in with the eclectic nature of the locale, there being no predominant style or type to refer to. The use of concrete interlocking flat slate type tiles allows a shallow pitched roof to be utilised. The submission was the subject of much debate with your previous planning officer and had been amended prior to submission accordingly.

- 5.3 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 One of the important elements in moving from a potential Reserved Matters application to a full application is not just the increasing site area, as referred to by the applicant's agent, but the fact that this proposal does not comply with a condition on the earlier outline requiring the development to be of single storey only. Nevertheless, the proposal remains to be considered on its own merits.
- 6.2 As the site lies within a primarily residential area, and as outline planning permission has previously been granted, the principle of development on the site is established. As a consequence, concerns about vehicular access along Upperfields have also previously been considered and do not substantiate a reason for refusal. The principal issues to be considered in this particular application therefore relate to the scale and character of the property together with the amenity of adjoining residents.
- 6.3 The scale of the dwelling proposed has necessitated an increase in the size of the plot, above that which was approved at outline stage. The wing of the dwelling which forms part of the 2-storey element projects into what is currently part of the garden of Highwood. The closest part of the dwelling to the western boundary is approximately 9.5m, however if the balcony is included this decreases to approximately 7m. The boundary to the south, i.e. 52 Bank Crescent, lies approximately 3m away. The proposed balcony is situated approximately opposite a first floor window in that property. The proposed screen on this side of the balcony will prevent overlooking. However, if approved, it is considered that a return along the western edge of the balcony in obscure glazing will enhance privacy for that occupier. There will clearly be an impact on the neighbour, particularly to No. 52, of the development. However, as the site lies to the north, overshadowing or loss of sunlight would not be an issue. The presence of the trees along the common boundary will reduce the visual impact of the property and prevent unreasonable levels of overlooking. It is considered that the property at 56 Bank Crescent would not be subject to a level of overlooking such that a reason for refusal could be sustained.
- 6.4 In terms of the scale and design of the property, the agent's description that it will fit in with the eclectic nature of the locale is apt. It is considered that the size of the plot can adequately accommodate a property of this size and there are no grounds for refusal on that aspect.

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)

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 - Before the development hereby permitted is commenced details of the proposed screening to the balcony shall have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of amenity.

5 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority may retain control over the scale of this development.

6 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

7 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

8 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

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 - H12 (Parking and turning - single house)

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

11 - H05 (Access gates) (5 metres)

Reason: In the interests of highway safety.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.