

8 DCSW2004/1729/RM - PROPOSED DETACHED BUNGALOW, LAND ADJACENT TO LITTLE BIRCH ROAD, KINGSTHORNE, HEREFORDSHIRE**For: Mr. N. Jones per Mr. J. Clarke, JCA Design Ltd,
2 Abbey Terrace, Tewkesbury, Gloucester, GL20 5SP****Date Received: 11th May, 2004****Ward: Pontrilas****Grid Ref: 49880, 32070****Expiry Date: 6th July, 2004**

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 This site is located via a private, partly stoned track which leads off the southern side of The Thorn. The junction with The Thorn is 30 metres east of the junction of The Thorn with the Class III road (C1263) that runs north to south.
- 1.2 The site is approximately 0.22 hectares in area. It slopes from west to east and towards the south-eastern corner of the site. There is a stone barn in the north-western corner of the site, close to where the above-mentioned access road bends eastward towards Mosscroft, which is presently being converted into a dwelling unit by the applicant.
- 1.3 The application is for reserved matters for a single-storey dwelling on the site. The original application was refused planning permission in 1998, essentially on drainage and access grounds. However, a subsequent appeal was allowed. This outline permission was renewed on 9th January, 2002.
- 1.4 The proposal is for a 3 bedroom bungalow with integral double garage sited in the south-western portion of the site. The double garage being sited approximately 2 metres from the boundary of Jabiru, and on the southern boundary, shared with Karapiro, the bungalow would be between 5 metres at the nearest and 10 metres at the furthest from this boundary. The dwelling would be cut into the slope by at least 1.85 metres, such that the first floor level of the bungalow is below that of Jabiru and Karapiro.
- 1.5 Further details have been provided detailing the landscaping involving planting of trees in the south-east and north-eastern corners of the plot, together with details of the red facing brick proposed and natural slate roofing for the 'C' shaped dwelling and linked double garage.

2. Policies**2.1 Hereford and Worcester County Structure Plan**

- | | | |
|--------------|---|--------------------------------|
| Policy H.16A | - | Housing in Rural Areas |
| Policy CTC.2 | - | Areas of Great Landscape Value |
| Policy CTC.9 | - | Development Requirements |

2.2 South Herefordshire District Local Plan

Kingsthorpe Policy (Part 2) on Drainage

Policy GD.1	-	General Development Criteria
Policy C.8	-	Development within Area of Great Landscape Value
Policy C.43	-	Foul Sewerage
Policy SH.8	-	New Housing Development Criteria in Larger Villages
Policy SH.14	-	Siting and Design of Buildings
Policy SH.15	-	Criteria for New Housing Schemes
Policy T.3	-	Highway Safety Requirements

3. Planning History

3.1	SH960448PO	2 dwellings	-	Refused 12.06.96
	SH970683PO	Dwelling	-	Refused 08.10.97
	SH971289PO	Dwelling	-	Refused 04.02.98
	SS980186PO	One dwelling	-	Refused 15.04.98 Appeal allowed 16.09.98
	SS981071PF	Conversion of barn to form one bedroom accommodation	-	Approved 25.03.98
	SW2001/1412/O	Site for construction of two dwellings	-	Withdrawn
	SW2001/2404/O	Site for construction of a dwelling. Renewal of SH980186PO	-	Approved 09.01.02
	SW2004/0769/F	Construction of conservatory to barn conversion and amendment of kitchen roof	-	Approved 27.04.04

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency recommends a condition be attached to any planning permission.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.

5. Representations

- 5.1 The applicant's agent states in a letter received following submission of the application the following main points:

- see copies of revised plan providing details of landscaping, site section, levels and contours, and specifications
- can confirm that information provided already by Alan Williams Drainage is illustrative only
- proposed siting to highest part of site is obviously affected by proposed slab level and will have effect of lowering roofline when viewed from the west
- garage sited at west of bungalow in order to protect privacy of existing houses as there are no windows in that elevation. Nearest windows are approximately 11 metres from the western boundary of the site.

5.2 Much Birch Parish Council make the following observations:

"The Parish Council supports the application but would suggest that the bungalow be moved away from the plot boundaries, for the benefit of neighbouring properties. Drainage will need special attention."

5.3 Much Dewchurch has no objections to this application.

5.4 Four letters of objection have been received from:

Mrs. M. McNeice, Karapiro, Kings Thorn, HR2 8AL
Mr. C. & Mrs. M. Swift, Jabiru, Kings Thorn, HR2 8AL
Mr. & Mrs. E. Kimm, Mosscroft, The Thorn, Kings Thorn, HR2 8AN
Mr. & Mrs. K. Wilson, Sheppon Lodge, Kings Thorn, HR2 8AL

The following main points are made:

- scale is incorrect on drawings 02, 03 and 04
- apparent discrepancy in plans relating to position of bungalow within 4-5 metres of my boundary, could be in centre. Planning Inspectorate letter dated 16th September, 1998 stated reasonable privacy would be maintained
- within one metre of our boundary
- larger dwelling than expected, difficult to ascertain, no dimensions given and it is stated dimensions should not be scaled from drawing
- previous correspondence on this site still obtains
- loss of amenity due to loss of view
- no details of landscaping
- landscaping should not be too close to our retaining wall
- tree planting indicated over our soakaway, will hinder maintenance
- built over our soakaways for which we have a legal easement, not a planning issue but Building Regulations Department should be made aware
- bungalow/barn boundary as per drawing 01 acceptable, other plans indicate boundary straddles my soakaway, awkward with two third parties involved.

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 are considered to be the loss of view, proximity to adjoining properties, larger dwelling than expected, drainage issues including disturbance to soakaways in ownership of third parties and omission of landscaping details.

- 6.2 With regard to the accuracy of the plans, those submitted included a drainage plan providing a siting for the bungalow at variance with the block plan provided in drawing 01. This issue has been clarified by applicant's agents letter recently received stating that the drainage plan was drawn up by drainage engineers acting on behalf of the applicant whom inadvertently plotted the bungalow at variance to the submitted plan. It should also be noted that the scale, as has been stated, is incorrect, it is 1:100 and not 1:500 as stated on drawing nos. 2, 3 and 4.
- 6.3 A loss of view as such is not a material land use consideration. One can object to a particular building or structure in view, i.e. the design and its materials, but the fact that it removes an existing view is not a matter than is supported in planning policies, including Government advice.
- 6.4 The next issue relates to the size and positioning of the bungalow. The siting for the bungalow has been dictated by the need for at least 52.8 square metres of soakaway as stipulated by the Environment Agency and this together with the need for separate drainage system for the barn to the north of the site, and also in the applicant's ownership has resulted in the requirement for the bungalow to be sited at approximately the highest point of the site which is in the south-western corner. This relative proximity is however mitigated by the bungalow being cut into the slope such that the finished floor level which is lower than the garden areas of both Jabiru and Karapiro at present is reduced further. The configuration allows for privacy for the occupants of the bungalow principally on the eastern and northern areas of the plot. The footprint of the building is considered to be commensurate with the remaining land around the site and consistent in footprint to Karapiro for example. The design and the materials proposed, i.e. different ridge heights over elements built from red brick under a natural slate roof will not detract from the amenity of the site. The Planning Inspectorate in his decision letter dated 16th September, 1998 refers specifically to privacy in terms of restricting the dwelling to single storey only. This would ensure a reasonable standard of privacy is maintained. A reasonable amount of privacy has been provided given the dwelling is single storey as conditioned initially by the appointed Inspector and again in the reserved planning permission in 2001.
- 6.5 The issue of disturbance to soakaways is a matter than would need to be resolved by any developer of the site and adjoining residents. Landscaping originally proposed on the boundary with Sheppon Lodge has been reviewed, and in the landscaping scheme received recently by the Council. The landscaping details received addresses not only the fact that such details needed further clarification, but also have been considered in relation to soakaway systems on the site.
- 6.6 The Environment Agency have not objected to the drainage system proposed. There is not a highways issue in that the Council at the time of the appeal had identified the existing means of access onto The Thorn, to the east as being deficient for visibility purposes, however the appointed Inspector had deemed that the visibility available was adequate. Therefore, it is considered that the proposal for a three bedroom bungalow can be supported for reasons previously stated.

RECOMMENDATION

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

- 1. A06 (Development in accordance with approved plans)**

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

2. The bungalow shall be cut into the site consistent with submitted plan (drawing 01A).

Reason: In order to settle the dwelling into the site in the interests of the visual amenity of the site.

Informative(s):

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.