

MEETING:	PLANNING COMMITTEE
DATE:	6 JUNE 2012
TITLE OF REPORT:	S113491/F- ERECTION OF 3 BEDROOM HOUSE AT 1 BIRTLETONS, UPTON BISHOP, HEREFORDSHIRE, HR9 7UF For: Mr Rawlins per Mr David Williams, Greenbank Cottage, The Stenders, Mitcheldene, Gloucestershire, GL17 0JE
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113491&NoSearch=True

Date Received: 12 December 2011

Ward: Old Gore

Grid Ref: 364577,227062

Expiry Date: 1 May 2012

Local Members: Councillor Cllr BA Durkin

1. Site Description and Proposal

- 1.1 Birtletons is a large semi-detached house on the southwest side of the unclassified 70002, some 70metres southeast of its junction with the C1286. Boundaries of the site are defined by hedges. There is a parking area and two garages on the north side of the site. To the west of the site is a track that is crossed by public footpath UB27. The Steppes and Crews Court are to the north and Pound Cottage is on the opposite side of the 70002.
- 1.2 The site is located in the small hamlet of Upton Crews.
- 1.3 This is a full application that proposes a 3 bedroom dwelling in the garden on the north side of 1 Birtletons. Access is proposed off the 70002 which will require the removal of a small section of hedge. A septic tank drainage system is proposed in the southwest corner of the site.

2. Policies

- 2.1 National Planning Policy Framework (NPPF)
- 2.2 The NPPF sets the achievement of sustainable development at its core. Paragraph 14 states “...a presumption in favour of sustainable development...should be seen as a golden thread running through....decision-taking.” Paragraph 9 confirms that the planning system should play an active role in guiding development to sustainable solutions and that pursuing sustainable development should involve ‘seeking positive improvements in the quality of the built, natural and historic environment.’ This includes, inter alia, replacing poor design with better design and improving the conditions in which people live, work, travel and take leisure.

2.3 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR5	-	Planning obligations
H7	-	Housing in the countryside outside settlements
H9	-	Affordable housing
H10	-	Rural exception housing
H13	-	Sustainable residential design
HBA9	-	Protection of open area and green spaces

2.4 Herefordshire Strategic Housing Land Availability Assessment Second Review (March 2012)

3. Planning History

3.1 There is no planning history.

4. Consultation Summary

Statutory Consultees

4.1 None required.

Internal Council Advice

4.2 Traffic Manager has no objection subject to conditions.

4.3 Public Rights of Way Officer will not affect a public right of way.

5. Representations

5.1 Upton Bishop Parish Council has no objection in principle. The only concern raised was the disruption building in that area may cause (short term only).

5.2 In support of the application it is said:

- The proposal is designed so that it can be sited comfortably on the site and provide adequate rear garden for leisure and domestic purposes.
- The site is located within an established residential neighbourhood.
- The location of the site is close to established community, retail and open space facilities including public transport to and from Ross-on-Wye and Hereford make this an ideal location for this property.
- The appearance of the dwelling is designed to hold its own with the existing building.
- 1 Birtletons has lodged a subsidence insurance claim that damage is due to clay shrinkage exacerbated by vegetation. This means that an Ash and 2 Oaks which form part of the boundary will be removed.

- Due to the high cost of dwellings within rural areas and the lack of affordable housing to purchase, this is the only way for me to remain in the village to be on hand to look after my mother in her own home in years to come.

5.3 An objection has been received from: M and R Tamplin, The Steppes, Upton Bishop. In summary it said:

- The property would be on raised land overlooking the lower portion of our garden.
- Existing properties are angled to the road and surrounded by mature trees and hedging that gives privacy.
- Because of the exposed position of the proposed site and height of the overlooking windows it would be difficult for such a boundary to be created.
- Its existence would be intrusive to properties in Upton Crews, thereby detrimental to the visual amenity of the area.
- We are concerned the development may damage or cause loss of several mature trees. These are adjacent to the road and form part of the intrinsic beauty of the area.
- Most properties in Upton Crews have large gardens and we feel it would set a dangerous precedent to allow development in the garden of 1 Birtletons.
- We would also query whether this would constitute infill (policy H6) as it is at the end of a row of houses. What is it filling in?
- There is no evidence of 'a lot of public interest in support of this application from the local community'. No neighbours have written in support and in fact we understand that at least 4 of the immediate neighbours are not in favour and will be sending a letter to this effect. The parish council's report indicates a most cursory look at the proposal with no proper consideration of the issues.
- We are extremely suspicious of the separate claim that 1 Birtletons is suffering from subsidence, hence the need to remove the mature trees at the front of the property (which would presumably end the main objection of transport planning for the new build). We understand from speaking to the other residents of the Birtletons that their properties are unaffected by subsidence despite there being mature trees at the front of their properties also. Also, if there is subsidence on the site, surely replacing the trees with a building site is far from ideal. We understand that removing mature trees can then create other problems.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 The application site is located in the hamlet of Upton Crews which is not classified as a main village under policy H4 or a smaller settlement classified under policy H6. As such the proposal site is considered to fall within open countryside. Residential development is considered under policy H7 of Herefordshire Unitary Development Plan. Policy H7 states that residential development will only be permitted in the open countryside if it meets strict criteria. This proposal does not comply with any of the specified criteria and therefore in principle is contrary to policy H7 of Herefordshire Unitary Development Plan. In view of the isolated nature of the location, and the lack of local services and facilities, it follows that the site is not regarded as being a sustainable one in terms of additional residential development. It would therefore fail to comply with policy S1 and the guidance set out in the National Planning Policy Framework.
- 6.2 Furthermore, the site is not considered to be located in an established residential neighbourhood; a district or community within a town or city. The site is not considered close to shopping facilities which are located in Ross-on-Wye. The nearest shop is located at Gorsley which is some 2.3km to the southeast. Insofar as sustainable transport links are concerned, the nearest bus stops to the site are at Hill Top and at Upton Bishop. The route to these stops is along unlit lanes with no pavement either side. As such the site is not located in a sustainable location and will be reliant on the use of private transport.
- 6.3 In addition to the unacceptability of the principle of residential development outlined above the applicant has raised the matter of affordable housing. The Housing Officer has been consulted who comments "there is a Housing Need identified for Upton Bishop, the need is 13. I am currently working with a Housing Association to build up a scheme in the area but I'll only be meeting a need of possibly 11. I've checked on Home Point and the applicant isn't registered, so as far as I can see with the limited information the family has not presented themselves as in Housing Need. I would not support the application until they became registered with Home Point and I could clearly see that they are unable to purchase within Upton Bishop."
- 6.4 As submitted the application does meet an identified need or properly evidenced housing need or represent subsidised housing scheme provided by a registered social landlord or local authority allocating on the basis of need for first time buyers, single people, older people and other low income households who cannot afford to rent or buy houses generally available on the market. The proposal therefore conflicts with policy H9.
- 6.5 In conclusion, notwithstanding the recently identified shortfall in relation to the delivery of a 5 year housing supply, it is considered that the proposal represents an unacceptable and unsustainable form of development in this countryside location. Notwithstanding the objections concerning the scale and form of the proposal and potential of overlooking that may arise, the design of the proposed dwelling is considered to be in keeping with 1 Birtletons. Insofar as the potential of overlooking of lower garden of The Steppes is concerned, there is a separation distance of some 30metres between the proposal and the garden. This is considered an adequate distance to avoid direct overlooking that may arise leading to the loss of residential amenity. Nevertheless the proposal conflicts with policies S1, H7, H9 and H10 of the Herefordshire Unitary Development Plan and the guidance contained within the National Planning Policy Framework. The application is therefore recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The application site is located in the open countryside in a location that is not considered accessible by a choice of modes of transport, nor well related to local services or amenities. Accordingly, the proposal, in the absence of any overriding exceptional circumstances represents an unsustainable form of development that would be contrary to policies S1, H7, H9 and H10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

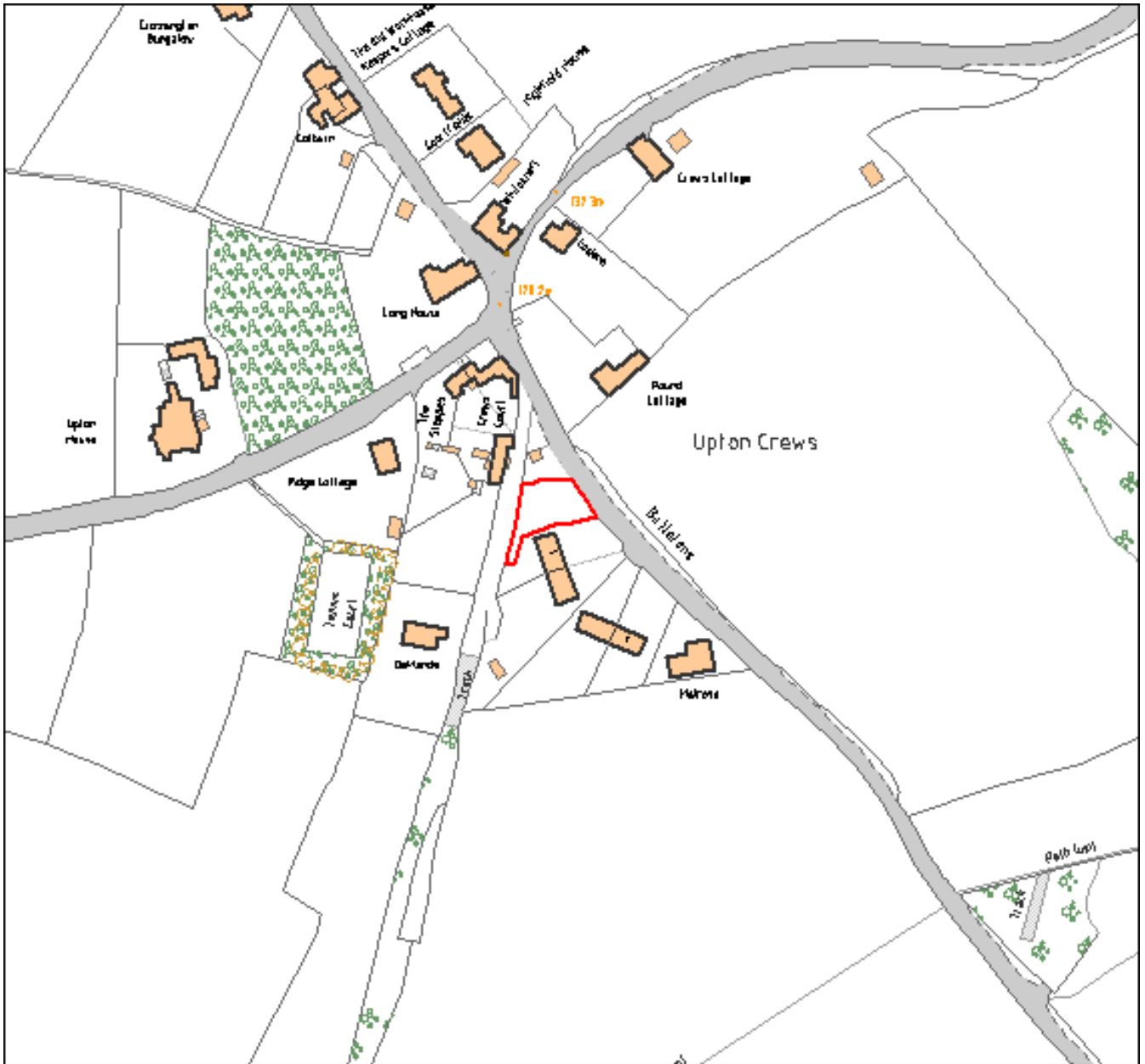
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/113491/F

SITE ADDRESS : 1 BIRTLETONS, UPTON BISHOP, HEREFORDSHIRE, HR9 7UF

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Further information on the subject of this report is available from Mr D Thomas on 01432 261974