

MEETING:	PLANNING COMMITTEE
DATE:	28 NOVEMBER 2012
TITLE OF REPORT:	S121401/F - PROPOSED CONSTRUCTION OF DETACHED DORMER BUNGALOW AT SALOU, BELLE BANK AVENUE, HEREFORD, HR4 9RL For: Mr & Mrs Mifflin per Mr Roy Pipe, 35 Browning Road, Ledbury, Herefordshire, HR8 2GA
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121401&NoSearch=True

Date Received: 10 May 2012 Ward: Burghill, Holmer and Lyde Grid Ref: 350586,242253

Expiry Date: 25 July 2012

Local Member: Councillor SJ Robertson

The application was deferred by the Planning Committee for a site visit. This was undertaken on the 27 November 2012.

The report has been updated to include comments received by the applicant prior to the last committee.

1. Site Description and Proposal

- 1.1 The application site comprises part of a residential garden belonging to a detached bungalow, sited to the east of a residential cul-de-sac that is part of Belle Bank Avenue. The site lies within the urban settlement boundary of Hereford and within the parish of Holmer.
- 1.2 The proposal is for the construction of one detached bungalow. This would be sited to the east of the existing dwelling between it and the A49. The proposed bungalow would be sited 4m further forward than the existing dwelling and would have a linear form, with a footprint of 7m by 12m. The eaves height would be 2.5m, and ridge height of 5.5m. The proposal includes a dormer window in a central position in the east elevation overlooking the A49, and two rooflight windows in the west elevation overlooking the existing dwelling. windows would also be inserted in each of the gable ends. The window to the south elevation would be obscure glazed and top hung. The plans that are being considered are in an amended form to address concerns raised about the original submission.
- 1.3 The ground floor would comprise a bedroom, lounge, kitchen diner and bathroom, with hallway and stairs to two further bedrooms and a shower room.
- 1.4 Access to the site would be shared. The existing gates posts would be removed, widening the access width to the width of the carriageway (4.2m). Externally the existing garage would be removed and garden subdivided. Parking would be provided for the existing bungalow, with a minimum of three spaces and a turning area being provided. Likewise parking and turning would also be provided for three vehicles. The existing hedge along the boundaries of the site to the east and north would be retained, and there is a new close board fence in situ (replacing

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

a leylandii hedge) to the south. A bike storage shed is also proposed to the north east corner of the site.

2. Policies

2.1 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

- Introduction - Achieving sustainable development
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring Good Design

2.2 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S3 - Housing
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- H1 - Hereford and Market towns: Settlements Boundaries and Established Residential Areas
- H13 - Sustainable Residential Design

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspx>

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water recommend conditions.

Internal Council Advice

4.2 The Traffic Manager confirms that the revised parking and turning areas for Salou and the new property are acceptable.

5. Representations

- ### 5.1 Holmer and Shelwick Parish Councils objects to the above proposal for the following reasons:
- a) the access road, parking and turning area are insufficient for additional traffic
 - b) dormer style overbearing the existing dwelling
 - c) bedroom window on the proposed new dwelling will directly overlook an existing property
 - d) there is a danger of setting a precedent for other properties to apply for developing gardens in a residential cul-de-sac.

In response to the *revised plans* Holmer and Shelwick Parish Councils make the following comments:

Would like to maintain their objection to the proposal. The access road remains an issue and although they are proposing altering the parking turning area, they will be unable to widen the access much more due to the surrounding properties and footpaths. The PC feel that any development will have a detrimental effect on the unique character of Belle Bank Avenue and will set the precedent of other to follow suit and build in gardens.

5.2 Letters of objection have been received from:

Simon Bythell, Highcroft, Belle Bank Avenue
Michael Hayward (on behalf of occupier) Tehidy, Belle Bank Avenue
Betty Hayward, Tehidy, Belle Bank Avenue
Gordon Neale, Pantiles, Belle Bank Avenue
Sue Hall-Neale, Pantiles, Belle Bank Avenue
Ceri Lloyd, 3 Belle Bank Avenue
Ian Pontin 9 Belle Bank Avenue
Mrs S Powell, 36 Wordsworth Road, Whitecross
William Hall, Stockingfield, Dilwyn

These letters can be summarised as follows:

- Approval would set a precedent for other development within gardens
- Would alter and be detrimental to the character of the area
- Refer to appeal decision at Levante / Belle Bank Avenue
- Loss of privacy / overlooking to Pantiles from Gable end window
- Intrusive and overbearing on the existing bungalow
- The existing house could be extended without harm to the area
- Concern / objection over additional traffic movements and potential for indiscriminate parking on Belle Bank Avenue
- Already difficulty with traffic on Belle Bank Avenue due to the shop
- Difficulty in making access wide enough
- The proposal is garden grabbing

5.3 A letter was received from the applicant prior to the committee meeting on the 7th November and the following was included in the committee updates:

Firstly, I have read your report to support your recommendation of the application for approval and I completely agree with your appraisal and conditions stated.

With regard to the objections received. I believe that they consist of a few concerns fairly raised, and then reiterated by a handful of local residents a number of times in the hope that a larger apparent volume of objections will have a more negative effect on the outcome of the application.

The points which were initially raised I believe were satisfactorily addressed with the revised and resubmitted plans, the first point being the lack of parking , extra volume of traffic and inadequate access through the proposed development entrance.

With reference to volume of traffic and given its proximity to Salou, I find it difficult to absorb the constant references to excess traffic from Bellebank stores to be in any way connected to this application. I believe that the amount of traffic generated by the proposed dwelling would be of virtually no impact after its completion.

The present access is approximately 2.3 metres in width, it appears that one objector has taken the time to measure the maximum that the entrance can be widened by taking care not to obstruct the pathway and this is 1.57 metres, this additional space would allow 3.8 metres in

total width, a modern standard fire engine is 2.5 metres wide so obviously access would be no problem for a standard vehicle and as the revised plans show there will be adequate parking for at least two vehicles at each property together with the ability to access and egress in a forward direction. This facility also serves to address the concerns over parking in the cul-de-sac as I believe that Salou is possibly unique in that it can contain its own and its visitors parking requirements within its own grounds, this in fact has been more necessary of latter years as a number of public parking spaces have recently been lost to lowered kerbs.

The objection over the impact of this dwelling on the present Bellebank development I believe would be negligible as it would be virtually out of view to all but the A49 traffic and the residents of Pantiles to the south. The revised plans have allowed for obscured glass to be placed in the only south facing window to ensure the continued privacy of Pantiles garden, the same however cannot be enjoyed by Salou and the proposed dwelling as Pantiles has a northerly facing first floor window enjoying views into the garden of Salou, this has been the case for many years and causes no irritation to anyone.

Another point raised is that the existing bungalow could be extended to allow for carer accommodation. This is not a route which would be sufficient for our requirements as we had hoped to occupy the new dwelling as a family ,(hence the request for a three bedroom property) thus having limited effect on the day to day lives of our children and relative ease in which we could care for both generations, an extension for carer accommodation would not be suitable for our needs, however were this to be the case I would very much doubt that there would be less traffic issues as one objection stated that no.4 Bellebank Avenue has "round the clock carers which create an additional three cars parked on the narrow road".

As far as the objection of "opening the floodgates for further development" is concerned I would hope that any application would be considered in its own merit, and would be successful if it met all the requirements in the same way as a development in any other area.

The remaining objection of financial gain is surely irrelevant as if the development is approved it will be done so because it is within permitted development criteria and whether or not any individual should benefit from a gain is of no interest to others.

Finally, I note that there have been objections from as far afield as Wordsworth Road and Dilwyn, unless these persons find it difficult to park when visiting the aforementioned shop I would have to doubt the credibility of their intentions.

- 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 Policy H1 of the Herefordshire Unitary Development Plan allows for residential development within primarily residential areas where compatible with housing design and other policies of the Herefordshire Unitary Development Plan.
- 6.2 The application falls to be considered having regard to three main issues; firstly the design of proposed dwelling and the impact of the proposal on the character of the area; secondly the impact upon highway safety; and thirdly the impact upon the amenities and living conditions of local residents.

- 6.3 The application site comprises a detached bungalow, set in a quite substantial garden. The site boundary to the east is a substantial and mature hedgerow with the A49 to the east. The dwelling is one of a number of similar bungalows set around a cul-de-sac, albeit these are not set within such spacious gardens as much of the remainder of Belle Bank Avenue. The cul-de-sac element of Belle Bank Avenue has a different character. The dwelling to the south (Pantiles) being a two storey dwelling, with dormer windows.
- 6.4 The subdivision of this plot, and introduction of a new dwelling in this location has been carefully considered, especially having regard to the dismissed appeal for a new dwelling nearby. This application must be considered on its own merits, having particular regard to the character of this area, and the site characteristics. Whilst it is acknowledged that Belle Bank Avenue does have a special character, the introduction of a dwelling, that would be of a similar scale, size and design to the bungalows in the area, would not result in a form of development that would appear cramped or uncharacteristic. This cul-de-sac element of Belle Bank Avenue, has different characteristics, with dwellings being closer together, plot sizes and gardens being smaller, and distances between dwellings being less formal and rhythmic. There is sufficient space within the site to provide amenity space and parking / turning to both dwellings without being cramped or out of character with other dwellings in this locality. Local residents raise concern about distance between the existing and proposed dwellings. This would be 3.8m, which is similar to the distances between Tehidy and High Croft (2.5m) to the west and Edale and Pantiles (2m) to the south.
- 6.5 The proposed bungalow, does introduce a dormer window to the east elevation that would front the A49. This has been designed as a flat roofed dormer, similar to that in Pantiles. The height of the proposed dwelling is 500mm taller than the existing bungalow. To accommodate this change in height, the dwelling would be set at a level 300mm lower than Salou, utilising the existing change in levels within the garden. Whilst this will be perceptible, the character of the dwellings is not so rigid that this would be uncharacteristic or detrimental to the area. As roofing materials will be important, the details / samples of materials would be required by condition. Having regard to the design and siting of the proposed dwelling, the development would comply with the design requirements of policies DR1 and H13 of the Unitary Development Plan and would represent a form of development that not be detrimental to the character of the area in accordance with these policies.

Highway safety

- 6.6 One of the key issues raised in letters of representations is the potential impact on highway safety. These letters outline issues that exist in relation to indiscriminate parking. This application has been amended to demonstrate that parking for at least three vehicles can be provided, off road, and within the curtilage of the dwellings. The additional traffic generated by this one three bed dwelling, can be accommodated on this residential highway network without detriment to highway safety. An inspector reiterated this point in the appeal decision at 'Levante' stating '*I am less concerned about safety because I do not think a compelling argument has been mounted that the potential increase in traffic from one additional house would materially increase the likelihood of accidents*'. The highways officer raises no objection to the proposed development, and subject to a condition in respect of the provision of the parking areas detailed the proposal would comply with the requirements of policy DR3 of the Herefordshire Unitary Development Plan.

Impact on amenities and living conditions of local residents

- 6.7 Local residents raise concern about the impact of the proposed development on their living conditions. The plans have been amended to detail the first floor gable windows as being obscure glazed and top hung. This window would be approximately 4m (to centre) above ground level, and 15m from the boundary, that is a 2m close board fence. Its inclusion in the scheme would not adversely impact upon the living conditions enjoyed by the occupants of

Pantiles. A condition requiring this window to be obscure glazed is recommended. The dormer window would serve a bathroom, and likewise would be obscure glazed.

- 6.8 Concerns are also raised about the relationship between the existing and proposed bungalows. The distance between these would be 3.5m, with the proposed bungalow being staggered in its position to ensure a satisfactory relationship. Principle windows are south facing. To ensure that these relationships are protected in the future, permitted development rights are proposed to be removed by condition. As such the proposed development would not adversely impact upon the amenities and living conditions of local residents in accordance with the requirements of policies H13 and DR2 of the Herefordshire Unitary Development Plan.

Section 106 agreement

- 6.9 The development would have been subject to a planning obligation as per the Council's Supplementary Planning Document on Planning Obligations. However, in response to the current economic climate, the Council has introduced a temporary suspension of the payment of planning obligations provided that the development is commenced within 12 months. This decision was ratified by Cabinet on 4 March 2009. The applicant has requested a 12 months commencement date to be attached to any approval notice as part of the planning application.
- 6.10 As such the proposed development is by virtue of its siting, scale and design would represent a form of development that would respect the character of the locality and the amenities enjoyed by local residents, and that, with the suggested conditions would ensure that this accords with the requirements of policies H1, DR1, DR2 and H13 of the Herefordshire Unitary Development Plan. The proposal for one dwelling, and inclusion of parking and turning for both the existing and proposed dwellings, would also comply with the requirements of policy DR3 of the UDP in respect of highway safety. As such, the proposed development is recommended for approval subject to the appropriate conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. F14 Removal of permitted development rights**
- 5. F17 Obscure glazing to windows**
- 6. G11 Landscaping scheme - implementation**
- 7. L01 Foul/surface water drainage**
- 8. L02 No surface water to connect to public system**
- 9. L03 No drainage run-off to public system**
- 10. H13 Access, turning area and parking**

Reason for Approval

- 1. The proposed development, by virtue of its siting, scale and design would represent**

a form of development that would respect the character of the locality and the amenities enjoyed by local residents, and that, with the appropriate conditions would ensure that this accords with the requirements of Policies H1, DR1, DR2 and H13 of the Herefordshire Unitary Development Plan. The proposal for one dwelling, and inclusion of parking and turning for both the existing and proposed dwellings, would also comply with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan in respect of highway safety.

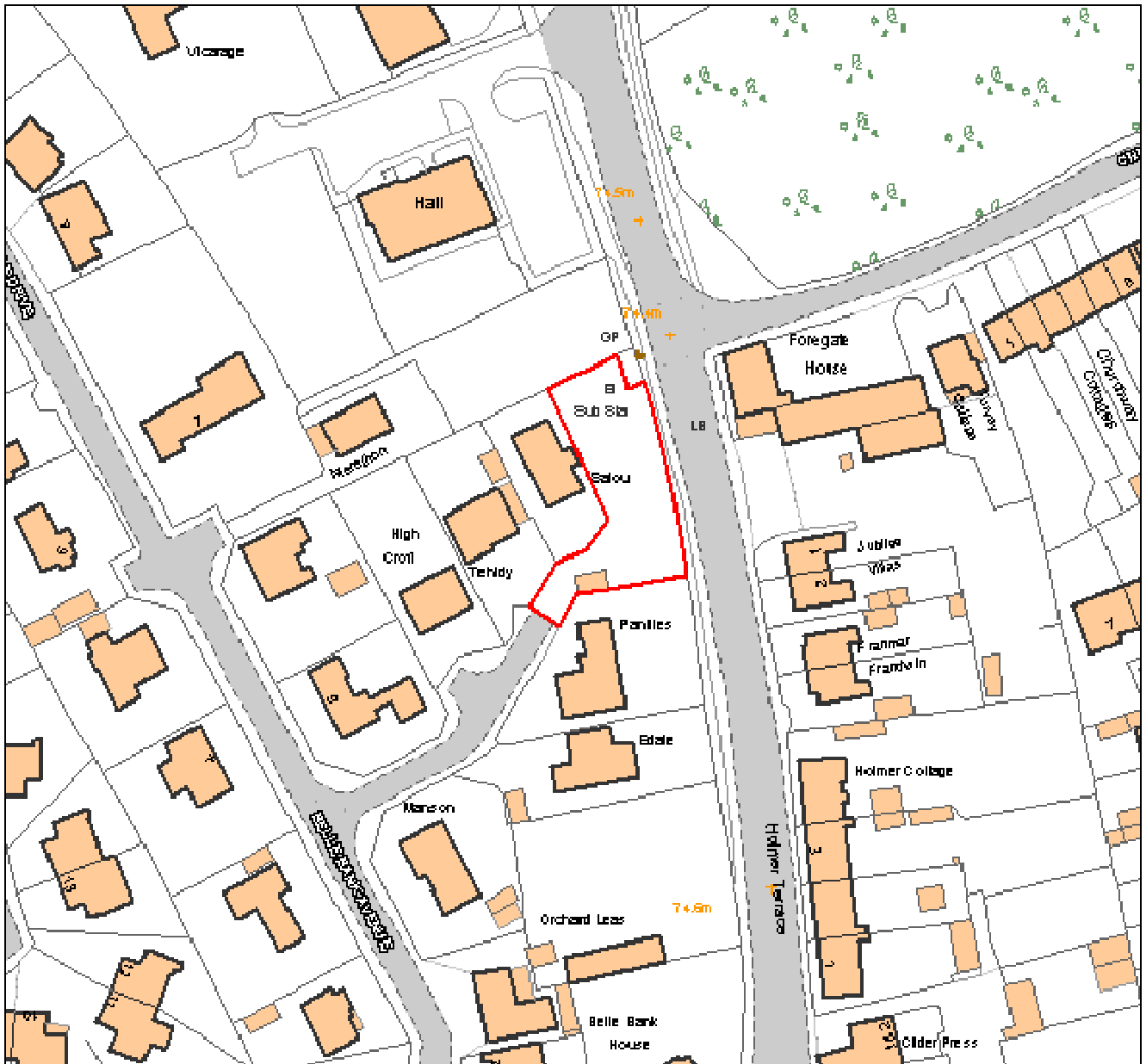
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/121401/F

SITE ADDRESS : SALOU, BELLE BANK AVENUE, HEREFORD, HR4 9RL

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