

MEETING:	PLANNING COMMITTEE
DATE:	15 APRIL 2015
TITLE OF REPORT:	<p>143833 - PROPOSED NEW DOUBLE GARAGE INCLUDING GARDEN STORE, LEAN-TO FIREWOOD STORE AND HOME OFFICE ABOVE; TO INCLUDE CHANGE OF USE OF LAND FROM ORCHARD TO RESIDENTIAL AT LAVENDER COTTAGE, COMMON HILL, FOWNHOPE, HEREFORD, HR1 4QA</p> <p>For: Mrs Alice Hayter, Lavender Cottage, Fownhope, Hereford, HR1 4QA</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143833&search=143833
Reason Application Submitted to Committee - Redirection	

Date Received: 23 December 2014 Ward: Backbury Grid Ref: 358935,234657
Expiry Date: 17 February 2015
 Local Member: Councillor J Hardwick

1. Site Description and Proposal

- 1.1 Lavender Cottage, a detached two storey, altered and extended property, is located on a sloping site at Common Hill, Fownhope within the Wye Valley Area of Outstanding Natural Beauty. Presently there is a parking area adjacent to the vehicular access off the unclassified lane with a small raised garden between it and the principal elevation of the cottage. The rear garden is located to the north of the cottage and slopes upwardly.
- 1.2 This application has two components, firstly it seeks planning permission to change the use of a section of land to the south of the property to residential curtilage, and secondly to erect an outbuilding on part of that land. The area of land subject to the proposed change of use is approximately 20 metres by between 18 and 26 metres and slopes upwardly from the lane to the west. The outbuilding would comprise a double garage with a lean-to store and is proposed to be sited towards the rear (westerly part) of the area of land subject to the change of use proposal. The submitted plans indicate that a home office would be provided within the roof void of the garage. A driveway and parking area is proposed between the existing access and the proposed garage, which would be a consolidated, permeable aggregate bonded surface. To create a level slab for the siting of the garage on this sloping site, it is proposed to cut the rear of the building into the hillside. As a consequence the height of the hillside at the rear of the building would be at eaves level height.
- 1.3 The proposed garage would be 5.2 metres to the ridge and 2.2 metres to the eaves. It would have a depth of 5.5 metres and length of 7.3 metres. To the left hand side there would be an attached lean-to wood store (5.5 metres by 2.1 metres), which would have a mono-pitched

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roof with a maximum height of 2.2 metres. To the rear of the store there would be a stone retaining wall of 2.2 metres in height, with an overall length of the garage, store and retaining wall of 10.65 metres.

- 1.4 As proposed the oak framed, open fronted garage would have a 45 degree roof pitch with natural slates. External and visible internal elevations would be clad in timber. A staircase is proposed internally, between the two bays, to provide access to the first floor office. Windows are proposed in each of the side gables and three rooflights to the rear elevation.
- 1.5 A Design and Access Statement was submitted with the application. This sets out the nature of the proposal and details the proposed landscaping to supplement the existing on site, mitigate the impact of the garage and promote biodiversity on site. A subsequent letter has been received from the applicants confirming that there is an error in the Design and Access Statement, in respect of the stated date for the photograph showing part of the land subject to this application being used as garden by the previous owner. They have confirmed that the photograph dates from 2009 and not 2002 as stated.
- 1.6 Procedurally it is acceptable to submit a single application for change of use of land and to site an outbuilding on that land. This application does not seek to establish that the recent use of the land to the south of the parking area as part of the garden is lawful, rather it seeks planning permission for this, which in part is retrospective.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction

Achieving Sustainable Development

Core planning principles

Section 7 - Requiring Good Design

Section 12 - Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (HUDP)

S1 - Sustainable Development

S2 - Development Requirements

DR1 - Design

DR2 - Land-use and Activity

H7 - Housing in the Countryside Outside of Settlements

H18 - Alterations and Extensions

HBA4 - Setting of Listed Buildings

LA1 - Areas of Outstanding Natural Beauty

NC1 - Biodiversity and development

2.3 Herefordshire Local Plan - Draft Core Strategy:

The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. The examination of the Core Strategy by an independent government inspector has recently concluded. Until the outcome is published the policies can be afforded only limited weight for the purposes of decision making.

SS1 - Presumption in Favour of Sustainable Development

RA3 - Herefordshire's Countryside

LD1 - Landscape and Townscape

LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
E3	-	Homeworking

2.4 Fownhope Neighbourhood Plan Area was designated on 23 January 2014 and is in the drafting stage. Accordingly it cannot be afforded any weight at this juncture.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 DCCE20073040/F - Proposed two storey extensions and alterations to front and rear. Approved 29.10.2007.

3.2 140052/FH – Construction of new garage with office above – Invalid application.

4. Consultation Summary

Statutory Consultees

4.1 None

Internal Consultees

4.2 Conservation Manager (Ecology): The proposal for a garage/office is not within the confines of the traditional orchard; nor is it impinging upon the SSSI to the west of the site. I do not have an objection to its construction.

4.3 Transportation Manager: No objection.

5. Representations

5.1 Fownhope Parish Council objects to the application to build a new double garage including garden store, lean-to firewood store and home office above; to include change of use of land from Orchard to residential on the grounds that the proposed structure would be too dominant a feature in this location. If Herefordshire Council is to grant permission for the development as proposed the Parish Council requests that the permission is subject to a condition that the building is only to be used as ancillary accommodation to Lavender Cottage.

5.2 Twenty three representations have been received, mainly from local residents. Of these fourteen make objections, eight support and one is none committal. The main points raised in objection and support are summarised below:

5.3 Objections (14):

- Factual inaccuracies in the submission, the change of use of part of the land took place in 2008/2009 and not 2002 as stated by the applicant.
- Change of use should be considered first, under a separate application with the correct fee, and then permission for a garage applied for after.
- The revised proposal is only modestly different to previous withdrawn scheme, it does not go far enough.
- Proposed garage would be too big (roof would be excessive) and would dominate the cottage.

- Inclusion of internal staircase to first floor results in a larger building and is unnecessary.
- Harmful to the AONB, too tall and would face Common Hill Lane.
- Garage, associated excavation and hardstanding would be prominent and spoil the landscape.
- Elevated position would exacerbate impact.
- Harmful to Common Hill which is a Conservation Area, SSSI, AONB and regularly visited by walkers.
- Harmful to setting of Grade II listed building (Little Bryalls).
- Multi-use building would be inconsistent with planning policies.
- Could be converted to either living accommodation or a separate dwelling in the future, as it is not adjacent to the cottage and could share the access
- Vehicles can park and turn within the site, lane is not so busy that reversing out of the site is dangerous (similar situation to many properties locally).
- If granted would set a precedent and delivery and construction vehicles would cause nuisance and damage to the lanes.
- View of hillside would be spoilt.
- Single storey garage and revised siting would be preferred.
- The previously attached garage should be converted back to a garage if one is needed.
- Extension to cottage could provide an office.
- Ecology report should have been provided.
- There is an existing access to the neighbouring property across the site which should not be restricted.
- Trees and hedgerows have been removed already on site, resulting in an eyesore.

5.4 Support (8)

- Proposal is similar to many such developments locally, objections come from residents who have benefitted from such themselves.
- Objections reflect a 'NIMBY' attitude.
- Reduced size building from previous scheme, outdoor storage is required.
- Two bay garage, with store and office in the roof void is in keeping with the local area.
- Scheme is to upgrade accommodation and supports young family living in the village.
- Proposed garage is in keeping with the area, due to scale and use of timber and stone.
- Utilising roof void accords with home working policies, reduces vehicular movements and is an efficient use of space.
- Impact of garage is reduced as it would be seen against the hillside behind.
- Site was previously neglected, proposal upgrades it and includes landscaping to support wildlife.
- Would enable vehicles to enter and exit site in a forward gear.
- Applicants have high standards, have already undertaken new planting on the site and support rural and village life.
- Proposal does not take over orchard, but uses part of old curtilage.

5.5 A letter from the previous owner of Lavender Cottage advises that the additional area of garden was created in 2008/2009, when scrub was cleared for a washing line and a lawn was laid.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

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6. Officer's Appraisal

- 6.1 In determining the application the starting point is the Development Plan, in this case the Herefordshire Unitary Development Plan (HUDP). In planning policy terms the site lies in open countryside, where there is a presumption against new residential development, as set out in policy H7. Exceptions to this strict presumption include the provision of an outbuilding to serve an existing dwelling. Proposals for such development must comply with detailed policy requirements, as set out in Policy H18. This requires proposals to ensure that the original dwelling remains the dominant feature in the resulting scheme and that the proposal would be in keeping with the character and appearance of the existing in terms of scale, mass, siting, detailed design and materials. Paragraph 17 of the National Planning Policy Framework (NPPF) advises that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It is considered that Policy H18 of the HUDP is in general conformity with the NPPF and accordingly can be afforded weight (paragraph 215 - NPPF).
- 6.2 In addition the site lies within the Wye Valley Area of Outstanding Natural Beauty (AONB). Policy LA1 of the HUDP stipulates that development will only be permitted where it is small scale, would not affect the intrinsic natural beauty of the landscape, and is necessary to facilitate economic and social well being of the area and community. In terms of applying the guidance set out in the NPPF the proposal is not considered to be 'major', so the presumption to refuse is not engaged. Paragraph 115 is applicable, which confirms that great weight should be given to conserving landscape and scenic beauty.
- 6.3 The area of land subject to the change of use proposed is sited next to the existing parking area and already includes the underground sewerage biodisc tank and a smaller area changed to garden by the previous owner. The proposed hedgerow planting and post and rail fencing would define the south and west boundaries from the remainder of the land that is also in the applicants' ownership. Trees and vegetation have already been removed from the site and this has altered its appearance. However this did not require planning permission. The siting of an area of garden to the front of a property is not uncommon in rural locations and by virtue of the existing hedgerow views from the lane alongside the proposed garden area would be filtered. Views from the east would be greater, but it would be seen in conjunction with the existing parking area and cottage and in its context, and subject to the appropriate boundary landscaping, it is considered to be acceptable.
- 6.4 As proposed the garage would be some 8.8 metres from the cottage and, similarly to it, it would occupy elevated ground compared to the lane. The principal elevation would face the lane, but would be set back some 11 metres from it. The rear section of the garage would be dug into the hillside, with the rear elevation comprising a retaining wall. The proposed garage structure would not be unduly large for a double garage, given that standard parking spaces are 2.4 metres by 4.8 metres and the lean-to would be a subservient component with a lower roof height. The overall bulk would be moderately increased by the retaining wall to the rear of the lean-to and extending 1.2 metres beyond. However, this would be set back from the front elevation, however, and would be read against the sloping land behind. The depth of the garage (5.5 metres) is dictated by its functional requirements and given the narrow span of vernacular cottages this proportion can often be regarded as rivalling that of the principal building. In this case this would not be unduly evident, given the orientation and siting of the buildings. At 5.2 metres in height the garage would be moderately taller than a standard double garage. Nevertheless, the height is not considered to be excessive and the first floor office accommodation is contained wholly within the roof void, without the inclusion of dormer windows, which would conflict with the building's correct hierarchy with the principal building on the site, Lavender Cottage. In addition, due to the low eaves height, which would sit immediately over the two bay openings in a traditional manner, the structure would read as a single storey outbuilding.

- 6.5 The overall design approach and materials are also typical and appropriate for an outbuilding, in contrast to the previous scheme which incorporated dormer windows to the front elevation. The set back siting, whilst resulting in relatively significant engineering operations, would ensure that from both the east and the south from Common Hill Lane, the cottage would not be obscured. In addition, due to the distance separation between the dwelling and the proposed outbuilding and their orientation the proposal would be subservient to the cottage.
- 6.6 Turning to the proposed use of the upper floor within the roof void for a home office, it should be noted that such use is usually considered to be ancillary to the use of the dwelling where it occurs in existing buildings. Home working is supported in principle by policy E3 of the Herefordshire Local Plan – Core Strategy, provided that it would not result in adverse impacts. Moreover, the NPPF supports a move to a low carbon future and home working, with the associated reduction in travel, would help to facilitate this.
- 6.7 In terms of the impact of the proposal on the AONB, the garage would be of domestic proportions and would be seen in the context of a residential curtilage near to existing dwellings. It would be set back from the lane, against the backdrop of steeply sloping hillside, which would reduce the impact such that it would not be intrusive. Supplementary planting would, over time, enhance the existing appearance of the site and provide biodiversity enhancement. On this basis it is considered that the proposal would not adversely affect the scenic qualities of the AONB.
- 6.8 It is considered to be reasonable and necessary to limit use of the garage/office to uses ancillary to the dwelling, by way of condition.
- 6.9 In conclusion the proposed change of use and outbuilding would be satisfactorily assimilated into the landscape and the building would not dominate the original dwelling and would be in keeping with it. As such the scheme accords with Policies LA1, H18 and DR1 of the HUDP and the requirements of the NPPF.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B02 Development in accordance with approved plans and materials (Location Plan and Block Plan (Promap), 11/14/01 (Elevations and Plans), rear and end elevations and ground floor plan, and sections and first floor plan received 23 December 2014)**
- 3. C01 Samples of external materials and colour of the aggregate bonded surface to the parking area**
- 4. F07 Domestic use only of garage**
- 5. G11 Landscaping scheme – implementation (landscaping shown on the Block Plan and detailed in the Design and Access Statement)**
- 6. I16 Restriction of hours during construction**

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

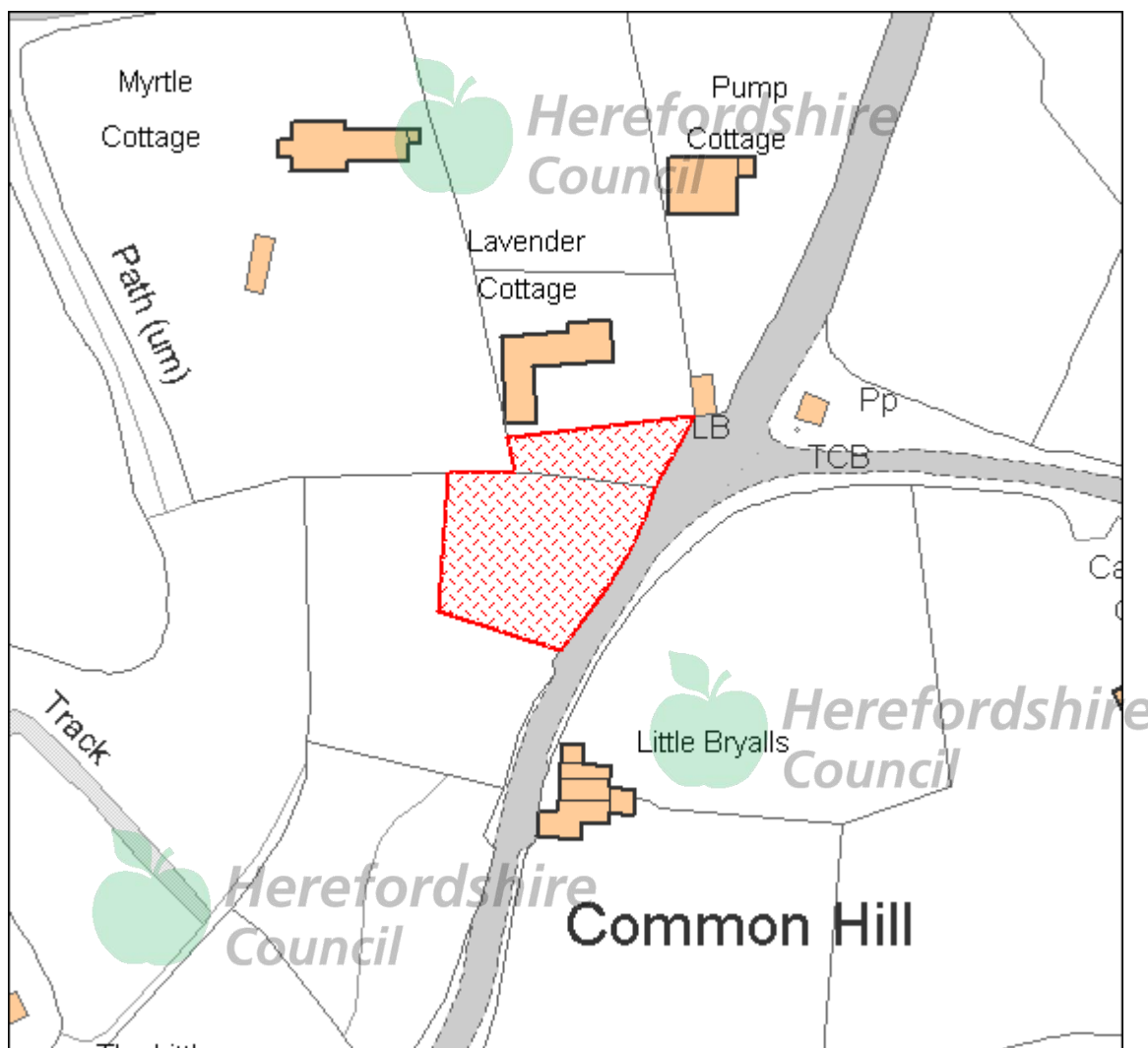
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143833

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