

7 DCNE2004/2989/F - PROPOSED RESIDENTIAL DWELLING AT EASTNOR HOUSE, WORCESTER ROAD, LEDBURY, HEREFORDSHIRE, HR8 1PL**For: Mr P Brazil per Mr P D Jones 92 Robinsons Meadow Ledbury Herefordshire HR8 1SX****Date Received:**
13th August 2004**Ward:**
Ledbury**Grid Ref:**
71187, 37599**Expiry Date:**
8th October 2004

Local Members: Councillor B Ashton, Councillor D Rule and Councillor P Harling

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a one bedroom dwelling on land to the rear of Eastnor House, Worcester Road, Ledbury. The site falls within both the defined Ledbury settlement boundary and the conservation area.
- 1.2 The dwelling proposed is located to the northwestern corner of the site, the remainder of which has been developed over the last several years to the effect that with the inclusion of Eastnor House itself there is approval for a mixture of 11 one and two bedroom units with 11 on site car parking spaces. The final three dwellings, located to the northeastern corner of the site, are currently nearing completion.
- 1.3 The sole vehicular access and egress is taken from the Worcester Road at a point adjacent to the traffic lights.

2. Policies

Planning Policy Guidance Note 3 – Housing

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries

Conservation Policy 2 – New Development in Conservation Areas

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

H1 – Hereford and the market towns: settlement boundaries and established residential areas

3. Planning History

NE03/1029/F - 2 No. residential units utilising existing buildings at Eastnor House: Approved under delegated powers 28th May 2003

NE02/2975/L - First floor bedroom extension to existing dwelling, alterations to existing garage block and construction of 3 no. 1-bed houses: Approved under delegated power 27th November 2002

NE02/1800/F - Change of use and conversion of existing motorcycle showroom, workshop and residential unit to 5 residential units: Approved 13th September 2002

NE02/1588/L - Change of use and conversion of existing building to 5 residential units with 5 car park spaces at rear: Approved 13th September 2002

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent raise no objection but recommend the imposition of a condition that no buildings shall be erected or trees planted within 2.5 metres of the public sewer that crosses the site.

Internal Council Advice

- 4.2 Public Rights of Way Manager Comments as follows: "The proposed development would appear to affect public footpath ZB21, which runs adjacent to the proposed dwelling and provides access from the public road. The right of way should remain open at all times remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion."
- 4.3 Head of Highways and Transportation. Initially recommended refusal on the basis that there would be insufficient car parking spaces for the number of units on site, although requested further information regarding the nature of the dwellings on site in order to make a considered judgement. Further to receipt of this information and a site visit the officer has withdrawn the objection on the undertaking that the applicant make provision for a secure bike store for 6 bicycles elsewhere on site.
- 4.4 The Head of Conservation raised no objection to the proposal

5. Representations

- 5.1 Ledbury Town Council recommend approval subject to the approval of the Conservation Officer
- 5.2 2 letters of objection have been received from Mr & Mrs. G. Wilde, Clifton House, Worcester Road, Ledbury, Herefordshire HR8 1PL. The initial letter of objection relates to the scheme as originally proposed, the latter to revised plans. A further letter has been received from Gail Simons, Apartment 3, The Priory, Worcester Road, Ledbury, Herefordshire HR8 1PL.

The letters from Mr & Mrs Wilde are summarised as follows:

- The erection of a dwelling at this location will compound the overlooking of the private amenity space to Clifton House, infringing on privacy.

- Existing overlooking does not justify the introduction of a further dwelling.
- The proposed dwelling would be closer to the garden than the existing development.

The letter from Ms. Simons is summarised as follows:

- The existing vehicular access/egress onto the Worcester Road shared by The Priory, The Priory Gatehouse and the Eastnor House development is hazardous.
- Traffic pulling out onto the road often overshoots the lights and have to reverse back.
- Conflict with pedestrians when crossing the vehicular access.
- A bottleneck has been created for traffic into and out of the Eastnor House parking area as there is insufficient room for two vehicles to pass.

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 The main issues in the consideration of this proposal are:

1. The principle of development and conservation area impact;
2. Car parking provision and vehicular access;
3. The impact on residential amenity;

1. The principle of development

The site is located to the rear of the High Street, Ledbury and lies within the defined town boundary. The principle of residential development is therefore accepted, subject to the resolution of factors, which include residential amenity, parking and access and design.

In this case the site also falls within the Ledbury Conservation Area. As such development must demonstrate the ability to either preserve or enhance the character or appearance of the area.

The existing development on site is tightly defined, although the northwest corner of the site remains vacant and is bound by the rear of the print works. It is considered that a modest unit in the location proposed would effectively round off the development creating a courtyard effect.

The Historic Building Officer has no objection to the principle of a dwelling on this site subject to the detail shown on the revised plans. In terms of the impact upon the conservation area, the development proposed is considered acceptable.

2. Car parking provision and vehicular access

The historic planning approvals work on the principle that each dwelling has one dedicated parking space, giving a total of 11 spaces for the mix of one and two bedroom properties. Initially it was suggested that the proposed dwelling house two integral parking spaces one dedicated, the other for use by occupants of another dwelling on site. This was dismissed, however, on the basis that the design was inappropriate and that the residential amenity of occupants would be adversely affected by the use of non-dedicated garaging.

The design revisions have omitted the non-dedicated parking space, with the effect that if approved, there would be 10 spaces for 12 dwellings. Originally the Head of Highways and

Transportation recommended refusal on the basis that there were insufficient spaces for the number of dwellings on site. It was advised that 1.5 spaces/dwelling would be required, although this standard cannot be met under the current approvals.

Following discussions and having regard to the town centre location, the Transportation Officer has withdrawn the objection on the proviso that the applicant provides a secure bike store for a minimum of six bicycles to be located centrally to the site. This has been agreed and will be subject to a condition to agree the points of detail should members be minded to approve the application.

The letter of representation raises issues that pertain to the existing vehicular access, which serves the Eastnor House development, the Priory, the Priory Gatehouse and the recently approved bungalow. The points raised relate predominantly to the position of the traffic signals and the difficulty that this presents when attempting to join the traffic heading into the town centre, as well as the intensified use of this access. However, the position of the traffic lights and the perceived inadequacy cannot be considered as part of this application, whereas the development proposed would actually reduce the number of parking spaces on site, which may infer a reduction in the number of vehicular movements to and from the site.

3. The Impact on Residential Amenity

A further letter of representation raises concern over the potential for overlooking of the private amenity space associated with Clifton House, Worcester Road. The amenity space backs onto the development to the rear and is screened from ground level by a brick wall with trellis above.

Concern surrounds the potential overlooking from the first floor of the development proposed and it is not contested that a portion of the garden will be visible from the first floor. Overlooking of this space is currently possible from the rear of the dwellings that neighbour Clifton House as well as from the approved dwellings located to the northeast of the Eastnor House site. The judgement is therefore whether the potential for overlooking from the proposed dwelling would, in this context, render the development proposed unacceptable. It is the Officer's opinion that due to the existing potential for overlooking of this amenity space, the refusal of this application on amenity grounds alone could not be sustained.

4. Conclusion

The principle of development at this location is established. The design as amended is considered acceptable within the conservation area, and concern regarding the overlooking of private amenity space is not considered to constitute a substantive reason for refusal in this instance. The traffic signals on the Worcester Road are well established and notwithstanding the perceived difficulties with the arrangement the development reduces the number of parking spaces associated with the development. In accordance with sustainable transport objectives and in lieu of car parking space the applicant has agreed to provide a secure bike store on site.

It is considered that the development is acceptable and that the documented objections on highways and amenity grounds do not warrant refusal of the application.

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 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

- 4 - E16 (Removal of permitted development rights)

Reason: [Special Reason].

- 5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 6 - Prior to commencement of development full details of the secure bike store including siting, scale and external appearance shall be submitted to and approved in writing by the local planning authority.

Reason: In order to define the terms of the permission.

Informative(s):

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN02 - Public rights of way affected

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.