

23 DCNW2004/3350/O - DEMOLITION OF EXISTING DWELLING & OUTBUILDINGS, CONSTRUCTION OF 2 X 5-BEDROOMED DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ

**For: SD & JM Wicks per Mr Funge, Stephen Funge
Architectural Design, Dartmoor View, Queen Street,
Winkleigh, Devon, EX19 8JB**

**Date Received:
1st October 2004**

**Ward:
Mortimer**

**Grid Ref:
40338, 74527**

**Expiry Date:
26th November 2004**

Local Member: Councillor Mrs Olwyn Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a 0.19 hectare plot, located on the western side of the A4113 (High Street). An existing bungalow (Burnside) and a detached garage occupy an elevated position above the road level and are set back some 20 metres from the highway, behind a well-established screen of trees and shrubs. To the north and south of the application site are properties known as Needwood Rise and The Old Police House respectively, which have fenced and planted boundaries.
- 1.2 The rear garden of the bungalow benefits from mature landscaping, including coniferous trees and hedgerows along the boundary with Meadowbank to the west. Notable trees in the densely planted rear garden include a copper beech, blue cedar, rowan and a silver birch.
- 1.3 The site lies within the settlement boundary of Leintwardine, but outside the Conservation Area and the Scheduled Ancient Monument. The prevailing character of the area is one of mixed residential development, including detached and terraced properties of single and two-storey scale. The whole of Leintwardine is designated as a Landscape Protection Area.
- 1.4 Outline planning permission is sought for the demolition of the existing bungalow and the erection of 2 no. 5-bedroomed detached dwellings. The application seeks formal consideration of the siting and means of access, but reserves design, external appearance and landscaping for future consideration.
- 1.5 This is a revised submission following the refusal of permission for 3 dwellings by the Members of Northern Area Planning Committee. It is advised that this proposal is now the subject of an appeal.

2. Policies

2.1 Government Guidance

PPG3 - Housing

2.2 Hereford and Worcester County Structure Plan

CTC9 - Development Requirements
CTC11 - Trees and woodlands
CTC18 - Development in Urban Areas

2.3 Leominster District Local Plan (Herefordshire)

A1 - Managing the District's Assets and Resources
A2(C) - Settlement Hierarchy
A9 - Safeguarding the Rural Landscape
A10 - Trees and Woodlands
A18 - Listed Buildings and Their Settings
A23 - Creating Identity and an Attractive Built Environment
A24 - Scale and Character of Development
A25 - Protection of Open Areas or Green Spaces
A54 - Protection of Residential Amenity
A55 - Design and Layout of Housing Development
A70 - Accommodating Traffic from Development

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable Development
S2 - Development Requirements
S3 - Housing
S7 - Natural and Historic Heritage
DR1 - Design
DR2 - Land Use and Activity
DR3 - Movement
DR4 - Environment
H4 - Main Villages: Settlement Boundaries
H13 - Sustainable Residential Development
H14 - Re-Using Previously Developed Land and Buildings
H15 - Density
H16 - Parking
LA5 - Protection of Trees, Woodland and Hedgerows
HBA4 - Setting of Listed Buildings

2.5 Leintwardine Village Design Statement

3. Planning History

NW2004/2056/O - Demolition of existing dwelling and outbuildings and construction of 3 no. 4-bedroom dwellings - Refused 8 September 2004. Appeal lodged.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water raise no objection subject to conditional control over foul and surface water drainage arrangements.

Internal Council Advice

- 4.2 Head of Highways and Transportation raises no objection subject to access, parking and turning areas being provided in accordance with approved plan.

- 4.3 Chief Conservation Officer comments as follows:

Landscape Officer - no objection to the principle of redeveloping the site or to the proposed removal of trees, as these are small ornamental specimens, which are insignificant in terms of amenity value.

Senior Historic Buildings Officer raises no objection subject to appropriate design and sympathetic materials.

5. Representations

- 5.1 A total of 12 letters have been received in response to the consultation exercise. A petition including 23 signatures objecting to the revised application has also been received.

- 5.2 The concerns raised can be summarised as follows:

- 2 dwellings are greater in mass than previous application
- floor area and height 10% greater than rejected application
- greater potential for overlooking
- loss of daylight and sunlight
- taller dwellings overly dominant
- pedestrian safety remains an issue
- existing dwelling should be retained
- detrimental to open, leafy aspect
- proposed development too dense
- rural villages should be spared development of this scale and density
- out of character with existing houses and bungalows on this side of High Street
- no need for 5-bedroomed houses
- two smaller houses/bungalows more appropriate
- pressure to fell established trees
- contrary to adopted policies and Leintwardine Village Design Statement
- existing access dangerous for use by additional traffic

- 5.3 The signed petition objects on the following points:

- development fails to comply with the Herefordshire UDP, Leominster District Local Plan and Leintwardine Village Design Statement
- developer shows unsympathetic attitude following Committees, Parish Councils and local residents wishes
- proposed houses will dominate, overlook and destroy privacy, are totally out of keeping with the village

- increased traffic volume will increase likelihood of an accident

5.4 Leintwardine Parish Council state:

Objection on following grounds:

- development too large and dominant
- square footage is greater than refused application
- proposed too close to boundary, blocking light and aspect to neighbouring houses
- out of keeping with village - roof design inappropriate
- important to maintain sizeable garden.

5.5 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 This is an outline application, which seeks approval for the siting of two detached dwellings and the access thereto. At this stage, the design, external appearance and landscaping of the site are not matters requiring detailed consideration. The application has generated a significant number of objections locally.

6.2 The key issues for consideration in the determination of this application are as follows:

- a) the principle of residential infill on the Burnside plot;
- b) the effect of the proposal on the character and appearance of the surrounding area;
- c) the wider landscape impact of the proposal, having regard to the Landscape Protection Area designation and the trees on site;
- d) the effect of the proposal upon the amenities of neighbouring occupiers; and
- e) highway safety and access issues.

Principle of Residential Infill

6.3 Policy A2(C) of the Leominster District Local Plan (Herefordshire) and emerging Policy H4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) broadly support the principle of residential developments on windfall sites within the defined settlement boundaries of main villages such as Leintwardine.

6.4 Government guidance set out in PPG3 – Housing establishes minimum thresholds for the density of development on residential infill sites and seeks to promote more effective use of land by encouraging densities between 30 and 50 dwellings per hectare. Emerging Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) reflects this guidance.

6.5 In essence, this is a site, which, according to Government guidance and adopted policies, is potentially suitable for higher density, residential development than currently exists.

Character and Appearance of the Area

6.6 Notwithstanding the advice set out in Government guidance, development proposals should not cause harm to the character and appearance of the site and its surroundings. In this case and in response to a number of comments made, it should

be stressed that the site does not lie within the Leintwardine Conservation Area, neither is it within the area defined as the Scheduled Ancient Monument.

- 6.7 An assessment of the site and its surroundings indicates a diverse mix of housing types and architectural styles, ranging from the historic listed property (Plough Cottage - the roadside setting of which would not be detrimentally affected by this proposal), detached single-storey and two-storey development to the north, south and west and two-storey terraced housing (in blocks of four) to the east.
- 6.8 The application site is clearly low in density (approximately 10 dwellings per hectare), whilst the terraced blocks opposite achieve a density of just over 33 dwellings per hectare.
- 6.9 Within this mixed residential environment, the application proposal would involve a density of some 10 dwellings per hectare. Clearly, this falls well below the threshold set by Government guidance, but represents what is regarded as a reasonable compromise within the context of the village.
- 6.10 In terms of siting the dwellings would generally respect the linear pattern of existing residential development being set back into the site and reflecting the building line defined by the properties on either side. Furthermore, the principle of two-storey development is acceptable having regard to other properties in the locality. It is acknowledged that the deeper plan form of the proposed 5 bedroom dwellings is such that the combined footprint and height is greater than the refused scheme but it should be stressed that the 'View from High Street' is an indicative elevation and should not be construed as a clear indication of the way in which a detailed design would necessarily be submitted. The concerns regarding the roof design are particularly relevant since the indicative form would not be in keeping with the prevailing character of properties in the locality. Furthermore, the frontage of the proposed development would be some 27.6 metres compared to the 29.6 metres of the refused scheme. As such there would be a little more space between the proposed dwellings and their immediate neighbours.
- 6.11 There will inevitably be a loss of space to the sides of the existing bungalow but, having regard to the prevailing character of this part of High Street, it is not considered that this will cause demonstrable harm and, as such, would accord with Policies A1, A23 and A24 of the Leominster District Local Plan (Herefordshire).
- 6.12 Since the application is in outline form, the design and external appearance of the dwellings is reserved for future consideration, but will inevitably require careful attention, in order to preserve the character and appearance of the surrounding area.

Impact on Landscape Protection Area and Trees

- 6.13 Policy A9 of the Leominster District Local Plan (Herefordshire) promotes the conservation and enhancement of the rural landscape, referring specifically to the importance of the Landscape Protection Area designation. This covers the whole of the village and the wider countryside to the Shropshire boundary to the north and Wigmore to the south.
- 6.14 Clearly, its key significance is in protecting the area from inappropriate isolated development, with the weight attached being reduced in respect of existing settlements such as Leintwardine

- 6.15 It has been suggested that the scale and density of this development accords with the residential character of the area and, as such, the landscape designation carries lesser weight. No objection to the principle of residential development has been raised by the Chief Conservation Officer.
- 6.16 In local landscape terms, the trees on site are considered to be of high amenity value and should be retained. Within the context of the coniferous and ornamental shrub planting, there are 4 trees worthy of retention (a copper beech, blue cedar, rowan and silver birch) at the rear of the site, although it is recommended that the blue cedar should be felled to allow the copper beech to grow unimpeded.
- 6.17 The revised siting of the proposed dwelling would enable the retention of the trees and, subject to conditions requiring fenced protection during construction, these trees would not be unduly affected and can therefore be preserved.
- 6.18 In the light of the above, the requirements of Policies A9 and A10 of the Leominster District Local Plan (Herefordshire) are satisfied.

Neighbouring Amenities

- 6.19 In terms of privacy, a condition would be attached to ensure that no windows were installed in the south elevation of Plot 1 and the north elevation of Plot 3, which would, in the light of the relative siting of the proposed dwellings in relation to the neighbouring property, ensure that no harmful overlooking would occur.
- 6.20 Plot 2 would be some 4 metres away from the blank side elevation of the bungalow and, accordingly, would not have such an adverse impact on daylight and sunlight such that the refusal of planning permission would be justified. Approximately 7 metres is achieved between Plot 1 and The Old Police House and some 27 Metres to the property to the west, which would not result in an unacceptable, overbearing effect on these properties.
- 6.21 In view of the above, the scale of the development would not cause serious harm to the amenities of neighbouring occupiers and, subject to control of the hours during which demolition and construction is undertaken, Policy A54 of the Leominster District Local Plan (Herefordshire) is satisfied.

Highway Safety and Access

- 6.22 Means of access is the other issue requiring formal consideration at this stage and appropriate visibility splays of 2 metres by 60 metres in either direction can be achieved through the regrading of the existing roadside embankment and the trimming back of trees and shrubs. This is recognised by the Highways and Transportation Manager who raises no objection to the access arrangements.
- 6.23 In response to the concerns raised locally, it is recognised that none of the properties on the western side of High Street has the benefit of direct pedestrian access, with occupants required to cross the road. Clearly, the proposal will result in additional pedestrian activity, but this would not be so significant or such a threat to pedestrian safety that grounds for refusal could be substantiated.
- 6.24 Subject to conditions requiring the proper provision and retention of the proposed parking and turning areas, no objection is raised.

Conclusion

- 6.25 This application has generated a significant number of objections but, in planning policy terms, it is considered that the principle of residential development is acceptable and, furthermore, the density and siting of the proposed dwellings would not be out of keeping with the prevailing character of residential development in the locality, whilst enabling the retention of the existing trees on the site. With minor modifications, the access can be improved to meet the minimum visibility requirements and, as such, it is not considered that there are sufficient grounds to oppose this proposal.
- 6.26 It is also acknowledged that the local consensus is that the applicant has not responded sensitively to the objections previously raised but it is suggested that this in itself is not grounds for objecting to the proposal. In terms of offering consistent advice it is therefore recommended that this revised application be approved.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 - A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 - A04 (Approval of reserved matters) (delete siting and means of access)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 - A05 (Plans and particulars of reserved matters)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5 - B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 6 - E16 (Removal of permitted development rights)**
Reason: To ensure effective control over further developments which may affect the amenities of neighbouring occupiers and the future health of important trees on site.
- 7 - E18 (No new windows in south elevation of Plot 1 and north elevation of Plot 2)**
Reason: In order to protect the residential amenity of adjacent properties.

8 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 - G06 (Scope of landscaping scheme)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

12 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

13 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN10 - No drainage to discharge to highway
- 6 - Wildlife and Countryside Act 1981

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.