

**5 DCNW2004/3353/F - REMOVAL OF EXISTING BUNGALOW AND GARAGE, PROPOSED THREE COTTAGE TYPE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE**

**For: Kington Building Supplies Ltd per Garner Southall Partnership, 3 Broad Street, Knighton, Powys, LD7 1BL**

**Date Received:**  
**1st October 2004**

**Ward:**  
**Kington Town**

**Grid Ref:**  
**28870, 56953**

**Expiry Date:**  
**26th November 2004**

Local Member: Councillor T James

### **Introduction**

Members will recall that consideration of this application was deferred in order for a site visit to be undertaken. The visit took place on 13 December 2004.

Since the publication of the original report, the applicant has confirmed in writing that an application to discharge into the nearby brook has been submitted for consideration by the Environment Agency.

The attached report has been amended/updated where necessary to take account of comments made at the site visit.

### **1. Site Description and Proposal**

- 1.1 Sunnydale comprises a spacious and steeply sloping 0.26 hectare plot of land located in the Floodgates area to the north west of Kington town centre. The existing site is characterised by a detached woolaway type bungalow which occupies a prominent and elevated position set back from the western roadside boundary.
- 1.2 To the north and south of the site are existing dwellings whilst to the east the land rises to an attractive woodland which provides as attractive backdrop in views from the A44 by-pass from the north and west.
- 1.3 The character of the area is generally characterised by a combination of tightly knit historic and modern properties and open spaces. The site lies within the settlement boundary of Kington but is not part of an Established Residential Area. It is outside the Conservation Area and is designated as an Area of Important Open Space. The site also lies within the specially designated area of Broken Bank.
- 1.4 Planning permission is sought for the demolition of the existing bungalow and the erection of two linked detached cottages and a third detached property. It is proposed that the new cottages would be built closer to the roadside boundary so as to provide a street frontage between two existing properties 15 and 16 Floodgates. Plot 1 would be

sited some 4.6 metres from 15 Floodgates whilst Plot 3 would be some 5 metres from 16 Floodgates.

- 1.5 The cottages would be constructed with a rendered external finish with natural slate roofs. Plot 1 would be served by its own new driveway whilst Plots 2 and 3 would have a shared access. The cottages would be set into the bank with a part two-part single storey appearance.
- 1.6 The site of the existing bungalow would be regraded to follow the natural slope of the open space behind the new dwellings. This area would become a communal amenity space with private gardens located immediately to the rear of the properties. Additional landscaping is proposed and all existing trees would be retained.

## **2. Policies**

### **Hereford and Worcester County Structure Plan**

CTC9 – Development Requirements

### **Leominster District Local Plan (Herefordshire)**

A1 – Managing the Districts Assets and Resources  
A2(A) – Settlement Hierarchy  
A10 – Trees and Woodland  
A15 – Development and Watercourse  
A16 – Foul Drainage  
A23 – Creating Identity and an Attractive Built Environment  
A24 – Scale and Character of Development  
A25 – Protection of Open Areas or Green Spaces  
A52 – Primarily Residential Areas  
A54 – Protection of Residential Amenity  
A70 – Accommodating Traffic from Development  
Proposal K8 – Broken Bank

### **Herefordshire Unitary Development Plan (Revised Deposit Draft)**

S1 – Sustainable Development  
S2 – Development Requirements  
S3 – Housing  
DR1 – Design  
DR2 – Land Use and Activity  
H1 – Hereford and the Market Towns  
H13 – Sustainable Residential Design  
H15 – Density  
LA5 – Protection of Trees, Woodlands and Hedgerows  
LA6 – Landscaping Schemes  
HBA9 – Protection of Open Areas and Green Spaces

## **3. Planning History**

- 3.1 None identified.

#### 4. Consultation Summary

##### Statutory Consultees

- 4.1 Welsh Water raise no objection.

##### Internal Consultee Advice

- 4.2 Head of Engineering and Transportation raises no objection subject to adequate provision of parking and turning space.
- 4.3 Chief Conservation Officer raises no objection in relation to the landscape impact of the development as proposed. The Council's Archaeological Advisor has commented that the site lies on the periphery of Old Kington and that there is no evidence to suggest that the site has any archaeological value.

#### 5. Representations

- 5.1 A total of 5 letters of objection were received to the original submission from the following persons:

Mr & Mrs Otter, Riverside Cottage, 16 Floodgates, Kington.  
Mr & Mrs Funnel, Laburnum Cottage, Floodgates, Kington.  
Mr G Peake, 13 Floodgates, Kington.  
Mr D J Baker, 15 Floodgates, Kington.  
Mr J E Burton, 14 Floodgates, Kington.

- 5.2 The concerns raised can be summaries as follows:

- Proposal out of character with this part of Kington. Existing bungalow only meant as a temporary structure.
- Conditions regarding safe demolition of bungalow should be attached.
- Concern regarding proximity of Plot 3 and impact of excavations on property.
- Streetscene elevation misleading.
- Overdevelopment of the site.
- Style of properties out of keeping with existing properties.
- Impact on existing drainage/mains water pipes needs to be examined.
- Loss of daylight/overshadowing.
- Limited width of access to site for emergency vehicles.
- Potential for parking outside the site to obstruct access to property beyond.
- Impact of sewage treatment plant on adjacent brook.
- Threat to existing water table due to amount of excavation required.
- Area liable to localised flooding.
- No more than one house should be built on site.
- Pedestrian safety during construction should be protected.
- New houses will be taller than the existing due to building regulations.
- Disturbance to medieval burial ground and castle tump resulting in loss of important source of archaeological data.
- Lane unable to cope with existing traffic associated with 3 dwellings.
- Loss of verge will make it dangerous for walkers using the lane.

- Artist impression doesn't give accurate information relating to the height of the proposed dwellings.
- Site is only suitable for dwellings of 1 1/2 storey height.

5.3 A further 3 letters of objection were received following reconsultation on the revised plans. Objections were received from the following persons:

- Mr & Mrs Otter, Mr G Peake and additionally from Mr Brookes of Jasmine Cottage, Floodgates, Kington.

5.4 The concerns raised reiterate those summarised above.

5.5 Kington Town Council state: We object to the proposed three dwellings on the following grounds:

1. It is over-development of the site which would mean that cottage number 3 on the plan is sited extremely close to No. 16, an estimate of 10 metres. We understand that No. 16 being an old 300 year old property has no foundations - and if permission is given, it should be a condition that no damage is caused to No. 16 and if damaged, then proper reparation is carried out, and moreover the applicant should be required to provide a Bond against any such eventuality.
2. There are likely to be at least 1 to 2 cars per household which will mean up to 6 extra vehicles coming and going on a single track lane where the only turning space is beyond the very old bridge over the brook. The exit from the lane onto Montfort Road is almost blind would present a hazard for traffic. Co-incidentally the Town Council has repeatedly requested that the 30mph restrictions be moved to the bottom of the road at Floodgates which would incorporate this exit access point.
3. The proposal contains plans for septic tank drainage for the three houses with an outflow into the Back Brook. We object to this on environmental grounds and wish to point out that the Back Brook now contains a rich diversity of wildlife, including Otters, a Polecat, Dippers and other water birds. We draw attention to the facts that the Back Brook flows into the River Arrow which eventually joins the River Lugg. It is against current environmental sustainability principles to increase the pollution in flowing water.
4. We understand that the mains water supply to adjacent properties runs across the applicants land and we would want guarantees that this would be maintained without cost to the adjoining properties. Likewise we understand that there is a septic tank belonging to an adjacent property again on the applicants land, again would require a guarantee of permanence.
5. We wish to draw attention to the Town Councils' request, made originally to Leominster District Council and more recently to Hereford Council that the Conservation Boundary of the Town be redrawn to include this area.
6. The whole plot of land is physically an extension of the historic Castle Mound. Any work on it must have an archaeological survey carried out first. We have reason to believe that the ground itself on the slope is unstable.
7. We would like to see all the trees on the plot have a preservation order placed upon them.
8. If any development is permitted on this site, then we believe it should be restricted to one small dwelling.

5.6 Kington Rural and Lower Harpton Group Parish Council state:

1. The members of the Parish Council agree and support all the points raised by Kington Town Council.
2. The members would like to reiterate two points:

- a) This application amounts to over-development of the site. The members disagree with Kington Town Council's assumption of 10 metres and believe in fact that the gap between the proposed new dwellings and the adjacent dwelling No. 16 is more likely to be 1 metre. This would be overbearing on the adjoining property.
- b) The roadway to the site is extremely narrow and the introduction of more vehicles, probably in excess of 6 would create difficulties in this roadway. The bank to the left hand side of this roadway looking towards the proposed application site on the right, is privately owned and although at present unfenced, this might not always be the case, and if the owner decided to fence his land, then the roadway would in effect become even narrower.
- 5.7 Council for the Protection of Rural England write to support the objections made by the Town Council. Proposal represents over-development and will have a visual impact on an important area of open space within Kington. Development should be restricted to one small dwelling in keeping with its surroundings.
- 5.8 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 The application is clearly locally sensitive with a wide range of concerns identified and summarised above. It is considered that the key issues for consideration in the determination of the application are as follows:
- a) the principle of infill development on the site;
  - b) the impact of the scale and character of development upon the site and its surroundings;
  - c) the impact upon the residential amenities of neighbouring occupiers;
  - d) highway safety and access issues and
  - e) drainage.

### Principle of Development

- 6.2 Policy A2(A) of the Leominster District Local Plan (Herefordshire) recognises the broad acceptability of residential infill on suitable sites within the established settlement boundary of Kington. The site lies wholly within the defined settlement boundary and is an area that is also characterised by existing residential development, including the woolaway bungalow on the site at present. In the light of this it is not considered that there are any grounds for objecting to the principle of redeveloping the site and it seems clear from the responses received that the demolition of the bungalow is generally supported. The fact that the site lies outside the defined Established Residential Area is not in this context considered to be grounds to object to the principle of any form of residential development. Furthermore the presence of the unsightly bungalow is considered to provide a basis for supporting redevelopment in the Broken Bank area where proposal K8 limits development proposals.
- 6.3 The main source of concern relates to the nature of the redevelopment of the site, which will be considered in more detail below but under this heading it is advised that the broad principle of residential development is acceptable.

Scale, Character and Impact upon the Site and Surroundings

- 6.4 The site and the Broken Bank area is specifically identified as requiring special control over further development and is designated as an Area of Important Open Space within the defined settlement boundary for Kington. As such it is recognised that the development proposed should respect the prevailing character of the area which essentially is defined by a mix of housing types in an irregular but fairly tight knit arrangement but certainly not giving the impression of a built up area as becomes apparent further along the main road into Kington. The site itself is dominated by the prominent and out of keeping woolaway bungalow which occupies an elevated and set back position bearing no resemblance to the general grain of development in the immediate vicinity. In this respect it is considered that the redevelopment of the site could enhance its appearance and contribution to the area.
- 6.5 The revised plans and elevations seek to "loosen" the form of development and increase the space along the sites margins and in between the proposed plots so as to enable an appreciation of the space beyond. Furthermore the positioning of the new dwellings close to the roadside boundary will allow a better appreciation of the sloping land to the rear in views from the bypass and land beyond to the north where the bungalow is currently visible.
- 6.6 On balance therefore the benefits of reinstating the land currently occupied by the bungalow, moving the proposed development into the existing street frontage and creating reasonable gaps along the sides and between the proposed new plots are such that it is considered that the open space is acceptably preserved and in its revised form the application is supported by the Chief Conservation Officer.
- 6.7 It is considered that the design of the dwellings is in keeping with the stone and rendered appearance of existing property and whilst the proposed dwellings will be taller than those adjacent to the site the generally mixed character of the area is such that this modest difference in eaves and ridge heights will not appear so out of keeping with the locality that the refusal of planning permission would be warranted.
- 6.8 Archaeological issues have been referred to in the letters of objection and specifically the potential importance of a medieval burial ground and remains associated with the castle tump. The implications for this proposal have been discussed with the Archaeological Advisor who recognises that the site is on the periphery of the Old Town but confirms that there is no evidence to suggest any important archaeological remains on or in the immediate vicinity of the site. In the light of local concerns it is suggested that a watching brief condition is a reasonable compromise on this issue.

Residential Amenity

- 6.9 The flank elevations of Plots 1 and 3 do not necessitate the introduction of windows other than those serving WC's which can be effectively obscure glazed to avoid any harmful overlooking. Furthermore, the creation of the garden areas at the rear of the plots are such that there would be no greater harm in terms of overlooking than would be the case with the occupation of the existing bungalow.
- 6.10 The proposed dwellings whilst being taller are sufficiently distant from the neighbouring properties so as to avoid unacceptable overshadowing or overbearing impacts upon them. Plot 3 in particular is set back so as to avoid any unnecessary effect upon the small window in the side elevation of Riverside Cottage to the north of the site.

- 6.11 Issues relating to impacts on existing foundations are not planning issues and as such cannot be substantiated as grounds for refusal. Any implications would be controlled under the Building Regulations requirements but given the distance of the proposed plots from existing property and the intention to retain ground levels at the present height along the site margins there is no likely effect on existing property.

#### Highway Safety and Access

- 6.12 No objection is raised by the Head of Engineering and Transportation in relation to the continued safe use of the existing access to the site and the other properties, which share it. The proposed development is served by adequate off street parking so as to avoid the potential for parking on the side of the road and obstructing emergency vehicles and walkers.
- 6.13 Notwithstanding the concerns raised by local residents and the respective Town and Parish Councils it is not considered that the development will result in the unsafe use of the access road or affect pedestrian safety of walkers using it to gain access to the countryside beyond.

#### Drainage

- 6.14 It is proposed to provide a private sewage treatment package to serve the proposed 3 dwellings and the intention is for this to discharge into the adjacent brook. The discharge of treated waste into the brook would be strictly governed by the Environment Agency who issue licenses for such matters. It is not therefore an issue over which the local planning authority has any control except to ensure that the necessary details are submitted and this is an issue that can be controlled by condition.
- 6.15 On a site of this size there is no reason to suspect that an effective system with the associated soakaways could not be installed but in the light of local concerns it is proposed that a condition requiring foul and surface water drainage should be attached.
- 6.16 The connection of other utility services and electricity is not a matter upon which the local planning authority can intervene.

#### Conclusion

- 6.17 The local concerns raised in respect of this application are acknowledged but it is considered that having accepted the principle of development on the site, its revised form is such that it will not appear out of keeping or detrimental to the character and appearance of the locality. Neither will there be any adverse effect upon residential amenity or highway safety that would warrant refusal whilst drainage issues can be resolved by introducing conditional control to ensure that all relevant bodies are consulted. Whilst a wide range of detailed issues have been raised in response to this application it is considered that these concerns have been adequately addressed in the appraisal.

### **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 - A07 (Development in accordance with approved plans ) (drawing nos. 3484/1A, 2A/3A, 4A, 5A and 6A)**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3 - B01 (Samples of external materials )**

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

**4 - C04 (Details of window sections, eaves, verges and barge boards ) (include porch details)**

**Reason: To safeguard the character and appearance of the dwellings in this sensitive historic area.**

**5 - C05 (Details of external joinery finishes )**

**Reason: To safeguard the character and appearance of the dwellings in this sensitive historic area.**

**6 - D03 (Site observation - archaeology )**

**Reason: To allow the potential archaeological interest of the site to be investigated and recorded.**

**7 - E08 (Domestic use only of garage ) (Plot 1)**

**Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.**

**8 - E18 (No new windows in specified elevation ) (south elevation of Plot 1 and north elevation of Plot 3).**

**Reason: In order to protect the residential amenity of adjacent properties.**

**9 - E19 (Obscure glazing to windows )**

**Reason: In order to protect the residential amenity of adjacent properties.**

**10 - F16 (Restriction of hours during construction )**

**Reason: To protect the amenity of local residents.**

**11 - F18 (Scheme of foul drainage disposal )**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**



12 - F48 (Details of slab levels ) (to include the ground levels adjacent to existing dwellings to the north and south of the application site).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

13 - G01 (Details of boundary treatments )

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

14 - G04 (Landscaping scheme (general) )

Reason: In order to protect the visual amenities of the area.

15 - G05 (Implementation of landscaping scheme (general) )

Reason: In order to protect the visual amenities of the area.

16 - G09 (Retention of trees/hedgerows )

Reason: To safeguard the amenity of the area.

17 - H12 (Parking and turning - single house )

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

18 - 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
- 2 - N03 - Adjoining property rights
- 3 - HN01 - Mud on highway
- 4 - HN05 - Works within the highway
- 5 - The applicant is advised that the discharge of treated waste into the adjacent brook requires the formal agreement of the Environment Agency prior to the occupation of the dwellings hereby approved.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.