

6 DCSE2004/4116/RM - AMENDMENT TO APPROVED POSITION OF DWELLING (REF: PLANNING PERMISSION SE2003/3553/RM) AT THE NURSERIES, PLOT 1, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EP

**For: Mr. & Mrs. A. Fisher per Design and Materials Ltd,
Lawn Road, Carlton-in-Lindrick, Worksop, Notts,
S81 9LB**

Date Received: 1st December, 2004 Ward: Llangarron Grid Ref: 52865, 19068

Expiry Date: 26th January, 2005

Local Member: Councillor Mrs. R.F. Lincoln

1. Site Description and Proposal

- 1.1 The application site (Plot 1) is part of a larger site for which outline planning permission was granted in March 2000 for the erection of 2 dwellings. The new dwelling, Llanria, on the adjoining part of the outline application site has been constructed; the construction of the dwelling on the current application site is well underway. The siting of the latter does not conform to the approved drawings however in that the front of this house should be slightly forward of the front of the adjoining new house whereas it is about 0.75 m to the rear. Consequently the Plot 1 house extends further to the rear of Llanria. The new dwelling is in approximately the correct position in relation to the bungalow, The Haven, to the north.
- 1.2 The current proposal is to retain the building as built. In all other respects the house would be the same : a 4 bedroom house with an attached garage to the west.

2. Policies

2.1 Planning Policy Guidance

PPG1 - General Principles

2.2 Hereford and Worcester County Structure Plan

Policy H18 - Residential Development in Rural Settlements

2.3 South Herefordshire District Local Plan

GD1 - General Development Criteria
Policy SH6 - Housing Development in Larger Villages
Policy SH15 - Criteria for New Housing Schemes

3. Planning History

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|-----|----------------|--------------------------|---|-------------------|
| 3.1 | SE2000/0043/O | Two dwellings | - | Approved 6.3.00 |
| | SE2003/0166/RM | Detached dormer bungalow | - | Withdrawn 18.2.03 |
| | SE2003/3553/RM | Detached dormer bungalow | - | Approved 22.1.04 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objection to the grant of permission provided parking requirements conditioned previously are not impeded.

5. Representations

- 5.1 The applicant's agent has made the following submission:

- (1) I have visited the site to review the setting out of the house and double-checked the same dimension that was taken by the Building Control Officer on an earlier visit from study window to road edge. I made the dimension the same, i.e. within 300 mm of the scaled dimension of the approved drawing.
- (2) A second check was made from the face of the garage to road tarmac edge. This was within 150 mm of scaled dimension.
- (3) Next we compared the line of the main elevation with the rear wall of 'The Haven' bungalow. This worked out to be 750 mm as shown on the same approved drawing.
- (4) Finally, we compared the relative positions of Plots 1 and 2. Plot 2 appears to be 700-800 in front of Plot 1.
- (5) During discussions at your offices, it was indicated that we should be behind, or at least equal to the rear wall of the bungalow in order to address the concerns raised at previous planning submissions. I believe that Plot 1 is in accordance with that and the dwelling is sited and being constructed as previously approved.

- 5.2 The Parish Council have no objections to the amended plans, but would consider that items like this should have been picked up on earlier by the professionals involved.

- 5.3 Two letters have been received objecting to the proposal. In summary the following concerns have been received:

- (1) We went to the trouble, and expense of employing a Chartered Surveyor who negotiated with the planning officer regarding the property that would be built on this site. The planning officer was particularly concerned about the position of the new house in relation to neighbouring properties but agreed in a letter, on a plan that was submitted to her.
- (2) The Building is set back 60 to 90 centimetres from where Planning agreed.
- (3) Because the Building is in the wrong position the door on the East flank wall is some 120 cm out of its original position, and therefore giving a clear view directly into our living room, kitchen and patio. This is a gross intrusion of our privacy and will never be accepted.

- (4) I feel I must point out that your office, the Builder of the said property, and the owner, and his Architect were all informed of this when the house was only up to dpc level but you all chose to ignore it.
- (5) We noticed that they had drawn lines across plot 2 with the work "incorrect" stated. I really cannot understand why this has been done unless it is some kind of "spin" to make it look as if our property is in the wrong place. I can assure you that our property is in the exact position that was shown on our plans that we submitted to planning which has been confirmed by Building Control.
- (6) My property had no restrictions on its position, unlike theirs, to which planning officer had agreed.
- (7) Because of the intrusion to our property I must urge you to make them reinstate this construction to where it should be or at least instruct them to remove the door, and window from the utility room that is on the flank wall facing our property. If you do not what is the point of planning approval?

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

6. Officers Appraisal

- 6.1 The new house is considered to be appropriately sited in relation to The Haven and the distance back from the highway. The relationship to Llanria presumably arises from incorrect plotting of that property on the site plan submitted with application no. SE2003/3553/RM. This has been corrected on the site plan submitted with the current application and shows that the house on Plot 1 is about 1m out of position in relation to Llanria. The main planning issue then is considered to be whether this would harm the amenities of occupants of Llanria.
- 6.2 The eastern elevation of the Plot 1 house, according to the approved drawings, has two windows and a door at ground floor level and one window at first floor level. Two windows would light cloakroom/en-suite rooms and consequently would normally be glazed with obscure glass. The remaining window and the door are part of the utility room. The door is solid rather than glazed. A screen fence along the boundary would protect the privacy of neighbours. This would be about 5 m from the western elevation of Llanria and hence would not be overbearing and a tall fence separating the side walls of neighbouring properties is not unusual.
- 6.3 As noted above the Plot 1 house extends about 1 m further to the rear of Llanria than approved. The rear wall of the former is therefore about 4.8 m beyond that of Llanria. Nevertheless there is a gap of about 6.3 m between Llanria and the rear part of the Plot 1 house, the side wall of Llanria being 5 m from the common boundary. It is considered that viewed from the rear facing rooms of Llanria the adjoining house would not appear as overbearing. The reserved matters approval for Llanria included a garage to be built in the rear garden close to the side boundary and this would further reduce the visual impact of the adjoining house.
- 6.4 It is appreciated that the siting of this new house in relation to both Llanria and The Haven has been problematic. Nevertheless the adjustment in position now proposed

would not seriously harm the amenities of neighbours and there are no cogent planning grounds therefore to refuse permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no windows or dormer windows shall at any time be placed in the eastern and western elevation of the dwelling hereby permitted.**

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

- 2. **Before the dwelling is occupied a 2 m screen fence shall be erected along the eastern boundary of the plot in accordance with details of design, materials and position which have been submitted to and approved in writing by the local planning authority and thereafter the fence shall be permanently retained.**

Reason: To protect the amenities of neighbours.

- 3. **H01 (Single access - not footway)**

Reason: In the interests of highway safety.

- 4. **H05 (Access gates)**

Reason: In the interests of highway safety.

- 5. **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.

Informatives:

- 1. **HN01 - Mud on highway**
- 2. **HN04 - Private apparatus within highway**
- 3. **HN05 - Works within the highway**
- 4. **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.