

**13 DCSE2004/3266/F - PROPOSED REPLACEMENT DWELLING AT THE FIRS, LEA LINE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LN****For: Mr. & Mrs. D. Sheppard per Mr. C.F. Knock,  
Tinkers Grove Cottage, The Deer Park, Eastnor, Nr  
Ledbury, Herefordshire HR8 1RQ****Date Received: 20th September 2004    Ward: Penyard    Grid Ref: 66782, 21205****Expiry Date: 15th November 2004**

Local Member:    Councillor H. Bramer

**1. Site Description and Proposal**

- 1.1 The application site comprises a detached bungalow and garden and adjoining land near Lea Line. The property as a whole lies in the angle between the A40(T) and the C1281 road (Lea Line - Aston Crews), with the house and garden at the eastern apex. Planning permission (SE2004/2355/F) for a replacement dwelling was refused permission in August 2004 for the following reason:

“The proposed dwelling would not comply with the Council's policies for replacement dwelling as it is not of comparable size to the existing dwelling and would detract from the rural character of this area, which is designated as of Great Landscape Value in the Hereford and Worcester County Structure Plan. The relevant policies are CTC2 and H20 of Hereford and Worcester County Structure Plan and C8 and SH21 of South Herefordshire District Local Plan.”

- 1.2 The current application is for a revised scheme. The existing bungalow is ‘L’-shaped and a double garage has been attached to the south-eastern end and a bedroom formed in the roof space. The proposed house makes use of the changes in level on the site by including a basement below the main part of the house and by reducing the finished floor level. The width of the house would be similar to the existing bungalow and garage (about 18.2 m compared to 17.5 m). The ridge would be about 0.6 m higher and the depth about 1.2 greater. The basic shape and style of the house would reflect the existing but the changes allow for a substantial basement, with a retaining wall to allow light, and additional first floor accommodation. It would occupy much the same site.

**2. Policies****2.1 Planning Policy Guidance**

PPS7    Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**

Policy CTC2	-	Area of Great Landscape Value
Policy H20	-	Housing in Rural Areas

### 2.3 South Herefordshire District Local Plan

Policy C1	-	Development within Open Countryside
Policy C8	-	Development Within Area of Great Landscape Value
Policy SH21	-	Replacement Dwellings
Policy GD1	-	General Development Criteria

### 3. Planning History

- 3.1 SE2004/2355/F Replacement Dwelling - Refused 23.8.04

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency does not wish to comment on this proposal.

#### Internal Council Advice

- 4.2 Traffic Manager recommends that conditions be included regarding access and parking.
- 4.3 Head of Environmental Health recommends that conditions be imposed to protect residential amenity during construction of the dwelling.

### 5. Representations

- 5.1 Lea Parish Council supports this proposal.
- 5.2 Adjoining Aston Ingham Parish Council still considers that such a dwelling on this site, in the AGLV, is over-development, out of character, and would pose a major visual impact on the surrounding area.

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 Council's adopted policy is to allow replacement dwellings in the countryside provided "the existing dwelling is not of architectural or historic interest which it is desirable to retain [and] the replacement is of a size and scale similar to that of the original dwelling and is on the same site" (Policy SH21). The existing dwelling is a modern bungalow and is not considered to be architecturally noteworthy. The new dwelling would occupy almost all of the site of the existing dwelling. The planning issues then are (1) whether the new, larger dwelling would be comparable in size such that it would not harm the landscape and (2) the acceptability of the design.
- 6.2 The floor area of the proposed dwelling would certainly be significantly larger but the bulk of this would arise from the new basement. The dwelling would be cut into the ground with a retaining wall along the north-western and south-western elevations, about 3 m away from the dwelling. The existing fall in the land to the west would ensure that the basement level would not be visible in wider views. An existing hedge would help screen the garage elevation so that the only significant public view would

be of the front elevation from the adjoining highway and more distant views from the A40(T). The elevation would not have the basement exposed to view, and the dwelling would have a finished floor level below the highway. As noted in paragraph 1.2 the new dwelling would be larger in width, depth and height but not to such an extent, discounting the basement, that it would not be comparable with the existing bungalow. In these circumstances it is considered that the proposal would not be significantly more intrusive in the countryside. The replacement dwellings policy is clearly intended to restrict increases in the size of new dwellings in order to protect the countryside. It is concluded that as this intention would be met the proposal is acceptable.

- 6.3 The modest changes in size noted in paragraph 1.2 do alter the proportions and scale of the building. Nevertheless from public viewpoints this would appear to be a single-storey building with rooms in the roof. There are a number of reservations regarding detailed design which have been discussed with the agent.

### RECOMMENDATION

**That subject to submission of acceptable revised drawings with regard to design and fenestration, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

- 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 B01 (Samples of external materials)**

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

- 3 G04 (Landscaping scheme (general))**

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

- 4 G05 (Implementation of landscaping scheme (general))**

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

- 5 The development hereby approved shall be carried out in strict accordance with the levels approved.**

**Reason: To ensure that the development is carried out in accordance with the approved plan.**

- 6 During the demolition and construction phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside of the following times, without prior consent from the Local Authority:**

**Monday - Friday 7.30 am - 6.00 pm, saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or public holidays.**

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

7 No materials or substances shall be incinerated within the application site during the demolition and construction phase.

Reason: To safeguard residential amenity and prevent pollution.

8 All machinery and plant shall be operated and maintained in accordance with BS 5228: 1984 Noise Control of Construction and open sites.

Reason: To safeguard residential amenity and prevent pollution.

9 H09 (Driveway gradient)

Reason: In the interests of highway safety.

10 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.

11 E16 (Removal of permitted development rights)

Reason: In order for the local planning authority to retain control over further alterations to the property.

**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.