

21 DCNW2005/0306/F - SUBSTITUTION OF HOUSE TYPES ON APPROVED RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS AT LAND TO THE REAR OF STONELEIGH, KINGSLAND, HEREFORDSHIRE**For: Mr & Mrs Pugh per Jennings Homes Ltd,
New Park House, Brassey Road, Shrewsbury,
Shropshire SY2 7FA****Date Received:
1st February 2005****Ward:
Bircher****Grid Ref:
44786, 61465****Expiry Date:
29th March 2005**

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 This application seeks consent for 4 detached dwellings. The application represents a revision to the previously approved scheme for 4 dwellings, NW2003/2583/F and has been altered from application DCNW2004/3247/F that was refused by Members on the 5th January 2005 (scheduled for public inquiry appeal for February 2006)
- 1.2 The application site lies on a site to the rear of property known as Stoneleigh on the north side of the B4360 road in Kingsland. The main body of the site measures approximately 88m x 32m, is a former orchard and lying within both the Kingsland Conservation Area and the Settlement Boundary. Access to the site is via a modified existing access on the east side of Stoneleigh. To the east and west boundaries of the site lie relatively modern residential cul-de-sac.
- 1.3 The original development was proposed in a linear form with plots 1 - 3 inclusive facing east whilst plot 4 faces south, namely the end elevation of plot 3. The revised scheme refused by Members in January, remained linear but revised the siting of plot four resulting in all four dwellings facing east. The dwellings that were proposed in this application were more substantial in scale, complex in design, and have detached garaging, with some elements design features and projections removed.
- 1.4 The application now submitted is for four dwellings of a similar size, scale and design, but with Plot 4 reoriented onto an angle (facing south), as per the originally approved plan. Alterations include the re siting of Plot 3, so that it lies closer to the dwelling on Plot 2, allowing for the reorientation of Plot 4. Boundary treatments have also been shown as a 1.8m close board fence to the boundary with the properties to the rear, and a 1.0m post and rail fence to the field boundary.

2. Policies

Leominster District Local Plan

Policy A2(c) - Small Scale Development within Defined Settlement Boundaries
Policy A18 – Listed Buildings and their Settings
Policy A21 – Development within Conservation Areas
Policy A24 – Scale and Character of Development
Policy A54 – Protection of Visual Amenity

Herefordshire Unitary Development Plan (deposit draft)

Policy H4 – Main Villages
Policy H13 – Sustainable Residential Design
Policy H15 – Density
Policy HBA4 – Setting of Listed Buildings
Policy HBA6 – New Development within Conservation Areas
Policy HBA7 – Demolition of Unlisted Buildings with Conservation Areas

3. Planning History

DCNW2004/3247/F - Substitution of house types on approved application NW2003/2583/F - refused 5th January 2005. Application currently at appeal with a Public Inquiry scheduled for February 2006. The reason for refusal was as follows:

1. The proposed development, by reason of the scale and size of the proposed dwellings and garages, are considered to constitute the over-development of the site and as such are contrary to Leominster District Local Plan policies A1, A2(c), A21, A23, A24 and A54, together with, Herefordshire Unitary Development Plan policies S2, DR1, DR2, H13 and HBA6.

2. The proposed development, by reason of its siting, scale and design would have a detrimental effect on the amenities of the occupiers of adjoining dwelling houses. The proposal is therefore considered contrary to Leominster District Local Plan policies A1 and A54, together with, Herefordshire Unitary Development Plan policies DR1 and DR2.

3. The proposed development, by reason of its siting, design and scale, would be harmful to the character and appearance of the Kingsland Conservation Area. The proposal is therefore considered contrary to Leominster District Local Plan policy HBA6.

NW03/2588/F - Erection of four new dwellings
Approved 28th January 2004

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - recommend conditions

Internal Council Advice

4.2 Conservation Manager made no comment to the proposal

4.3 Traffic Manager raised no objections.

5. Representations

5.1 Parish Council raises an objection to the proposal as follows:

1. 4 houses were approved with 3 x 3 bed and 1 x 4 bed. This application is equivalent to 6 houses on the same scale. This is a 22% increase in size of development on the footprint of the existing passed plans.
2. The occupancy of the proposed dwellings had increased from 14 to 20 which is over-development of the site.
3. This increases amounts to two additional dwellings, 6 houses would not have gained approval from the local authority on safety grounds – too much vehicle activity on the busiest section of the village road and an increased vehicle splay as a result. This increased splay would have a greater negative impact on the visual amenity, which is the heart of the conservation area in the village.
4. This will overburden the already over-pressured services, for example the sewerage system.
5. There will be an increase in traffic, thus overburdening the infra structure of the village and affecting the environment. The entrance to Stoneleigh crosses a pavement that is used every day by children walking to the Primary School.
6. The increased size of the dwellings will blank out any views from, and are totally overlooking, neighbouring houses and will impact of their right to light.
7. The size of the development inhibits the right to extend for existing properties in the vicinity and will reduce the quiet enjoyment of neighbouring properties.
8. The plans are totally contrary to the adopted Kingsland Parish Plan, going against the housing needs of that Plan.
9. The present application is similar in all essentials to the plan that was rejected by the Authority in January and, as there is no material change, this application should be rejected on the same grounds.
10. The original objections of Kingsland Parish Council have not changed and still apply.

5.2 Jennings Estates have included a supporting letter that can be summarised as follows:

- For the reasons given in your Committee Report on the application the issue of over-development and massing can be satisfied on the basis that (a) the height of the proposed dwellings is in fact less than those permitted on the site, and (b) permitted development rights were not removed on the approved scheme whereas this is proposed in the case of the latest scheme.
- In respect of residential amenity, the proposals respect accepted space about dwelling standards and will have no unacceptable impact on any of the surrounding properties. Indeed, we consider a better relationship is offered to the bungalow to the north west of the site by re-orientating the northernmost plot, compared with the refused scheme.
- The proposals are considered to be of a quality and character that are not discordant with the Conservation Area and offer an interest that may be considered lacking in both the developments to the west and east of the site.

- The proposals have considerable merit and should receive favourable consideration by the Local Planning Authority. We consider that the previous refusal was unreasonable in the merits of the case and that the enclosed resubmission should be approved. Such an approval would avoid the expense of an inquiry and it is requested that you advise the Members of the Local Planning Authority of refusing proposals without proper defensible reasons.

5.3 Objections have been received from:

R Randall, 4 St Michael's Avenue, Kingsland
M Evans, 3 St Michael's Avenue, Kingsland
A Moddocks, 8 Orchard Close, Kingsland

The objections can be summarised as follows:

- a) Substantial increase in size of replacement dwellings;
- b) Inappropriate design and scale;
- c) Overbearing impact and light loss;
- d) Loss of privacy;
- e) Over development of the site;
- f) Lack of affordability of proposed dwellings;
- g) Inadequate distances between dwellings;
- h) Impact of garages.

5.4 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 principle of this development, inclusive of density, has been established and accepted by virtue of the previously approved scheme. Similarly, the access arrangements remain the same and as such are accepted. The principal issues for consideration, as advised previously, are therefore design, scale, and impact upon residential and visual amenities.
- 6.2 Design is a subjective matter. The original application involved three properties of a plain and simple design with a render and slate finish. This was an unobtrusive design, which though unadventurous was sensitive to the location. This application is for a far bolder design that is both imposing and visually complex. Both brick and render are proposed though the use of slate is retained. But this is not to suggest that the proposal is unacceptable. The two flanking developments are hugely contrasting in design and appearance and in this context it is not considered that the proposed design concept is inappropriate.
- 6.3 In the previous application, one of the area of concerns related to the impact of the dwellings upon the amenities currently enjoyed by the surrounding occupiers. The dwellings although relatively large in scale, are not cramped in relation to the plot sizes and the physical relationship between the dwellings is little different to that found on Orchard Close to the east. It should also be noted that the ridge heights are in fact lower than those of the approved dwellings. The dormer style design concept also aids the visual reduction in apparent scale.

- 6.4 The approved plans included attached garages, whilst the revised plans show detached garaging. The footprint of the dwellings now being considered are only marginally larger than those approved. This therefore adds to the overall massing and built form of the development. The single storey side additions, together with the width to height relationship certainly gives these dwellings a substantial feel but when the details are examined it seems unlikely that the impact will equal the apparent threat. It is advised that the previously approved scheme did not remove Permitted Development Rights and as such although detached garaging would require consent by virtue of volume, and although the volume limits in Conservation Areas are more restrictive, modest extensions and porch additions could be introduced to the approved scheme without the need for planning approval. The removal of Permitted Development Rights is proposed in this instance in recognition of the extent of development now proposed.
- 6.5 By revising the plans and reverting L shaped formation the perceived impact of the linear of form of the dwellings has been addressed. In relation to privacy the rear elevations remain as per the approved scheme and as such no additional loss of privacy should occur. The repositioning of the dwelling on plot 4 will also reduce the any impact of this dwelling on its respective neighbours. The garaging will not cause an unacceptable impact upon the neighbours to the rear. Of further note is the fact that some of the bulk of the new dwellings is caused by single storey additions.
- 6.6 In view of the above it is not considered that the proposed development poses any greater threat to the Conservation Area or nearby Listed Building to that of the approved scheme.
- 6.7 Conditioning in line with the original development is proposed, together with the removal of Permitted Development Rights.
- 6.8 On balance therefore it is considered that the proposal, while more visually imposing than the original, is ultimately acceptable subject to appropriate conditioning.

RECOMMENDATION

That, subject to the comments of the water authority, 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)

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)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

6 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

7 - G04 (Landscaping scheme (general))

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

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

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

9 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

10 - H03 (Visibility splays)

Reason: In the interests of highway safety.

11 - H05 (Access gates)

Reason: In the interests of highway safety.

12 - The first section of the new roadway to the rear of Stoneleigh shall be not less than 4.5m wide.

Reason: In the interest of highway safety.

13 - Before the development hereby permitted is commence details of the replacement stone wall and piers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these plans prior to occupation of any of the dwellings.

Reason: In order to protect the character of the Conservation Area.

14 - E16 (Removal of permitted development rights)

Reason: To safeguard the character and amenities of the locality.

15 – The development approved by virtue of this consent shall, if commenced, be implemented in place of and not in addition to application DCNW2003/2583/F.

Reason: In the interests of controlling the development of the application site.

Notes to the Applicant:

- 1 – NDO3 – Contact Address
- 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 - N15 – (Reasons for the Grant of PP)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.