

22 DCNW2005/0410/F - REMOVAL OF EXISTING BUNGALOW AND REPLACE WITH TWO COTTAGE STYLE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE**For: Kington Building Supplies, Garner Southall Partnership, 3 Broad Street, Knighton, Powys LD7 1BL****Date Received:
10th February 2005****Ward:
Kington Town****Grid Ref:
28870, 56953****Expiry Date:
7th April 2005**

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The dwelling known as 'Sunnydale' is a detached 'Woolaway' type single storey dwelling located in a prominent and elevated position on a steeply sloping 0.26 hectare plot of land facing west onto the adjoining roadside boundary.
- 1.2 There are other dwellings located to the north and south of the application site, these properties are 'cottage like' and of a more traditional built form than the dwelling subject to this applications. To the east of the application site the land rises steeply on the boundary of which is attractive mature deciduous woodland.
- 1.3 The Leominster District Local Plan identifies the location as being outside the Kington Conservation Area, and within the development limits of the settlement, in an area designated as an area of important open space and the specially designated area of Broken Bank.
- 1.4 The application seeks permission for demolition of the existing dwelling and garage and construction of two detached cottage style dwellings and attached garages of external render construction under slate roofs. It is proposed to construct both these dwellings alongside one another further down the slope in front of the existing dwelling that is to be demolished. Once demolished it is proposed to regrade the land the existing property stands on, to blend in with the existing contours of the vicinity. It is proposed that the remaining land to the rear of the existing dwelling is to be retained as open space.

2. Policies

- 2.1 **Hereford and Worcester County Structure Plan**
CTC9 – Development Requirements
- 2.2 **Leominster District Local Plan (Herefordshire)**

A1 – Managing the District's Assets and Resources
2(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

2.3 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, Woodland and Hedgerows
LA6 – Landscaping Schemes
HBA9 – Protection of Open Areas and Green Spaces

3. Planning History

- 3.1 NW04/3353/F - Removal of existing bungalow and garage, proposed three cottage type dwellings - Refused planning permission on 26th January 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raises no objections subject to the attachment of a condition with regards to foul drainage to any approval notice issued.

Internal Council Advice

- 4.2 Landscape Manager raises no objections.
4.3 Traffic Manager raises no objections.

5. Representations

- 5.1 Kington Town Council object to the proposed development on the following grounds:

'Kington Town Council objected to the earlier proposal for three dwellings and garages on this site to replace one bungalow. The Town Council objected on the following main grounds:

1. Over-development on a site that is designated as a Protected Open Area, outside the established residential area.
2. The site is part of the historic medieval castle tump which itself stands within the Saxon area of the Town.

3. KTC registered, through the UDP, an objection that the Conservation Boundary be redrawn to include this old historic part of the Town.

Those grounds form our objections to the application for two houses on this site and we make the following comments:

1. The number of dwellings has been reduced to two but this is still one more than a replacement of the single dwelling presently on the site; furthermore the footprint of the two is greater than that of the current bungalow, and the two storey height will occlude much of the view of the green space to the rear.
2. K8 (Leominster District Local Plan 1999). We have examined this carefully and cannot understand why it should not be taken as the over-riding reason for refusing an application to build a new development on this site.
To quote. "DEVELOPMENT WILL **NOT** BE PERMITTED WITHIN THIS AREA **EXCEPT** WHERE IT COMPRISES ALTERATIONS AND EXTENSIONS TO EXISTING PROPERTY **AND** IT PRESERVES OR ENHANCES THE CHARACTER AND APPEARANCE OF THE AREA."

How are the two proposed new dwellings either alterations or extensions to an existing property, and how are they likely to preserve or enhance the character and appearance of the area? Why have officers used AND to mean OR? We accept that if the bungalow is demolished the appearance of the area will be improved; if replaced by one new dwelling there might possibly be no further degradation, but we do not believe that it will enhance the area.

We believe it is an important point of principle that Herefordshire Council should adhere to its own Planning Principles unless there are verifiable exceptional circumstances; we do not believe that there are any such here. No evidence of need/demand etc has been produced. The application is purely for commercial reasons. Granting permission would allow a principle that is intended to ensure that developers in sensitive areas are strictly controlled to become subordinate to a commercial interest. If, in the knowledge of K8 the application is allowed, a precedent will be set with serious implications for future cases, and the judgement of the decision makes open to question.'

- 5.2 Kington Rural and Lower Harpton Group Parish Council also object to the proposed development and state in their response:

'The members of the Council have now had an opportunity to consider the application and would respond as follows:

1. The members feel that Policy No. K8 of the Leominster District Plan which is still in operation is the only point worthy of mention. This Local Plan policy is a policy of Herefordshire Council and the members of the Council believe that as this was put in place on the plan and should be rigidly adhered to in order to preserve the area of Broken Bank. Therefore the members object to any development on this site.
2. The members also would like to reiterate the points raised in the original application (26/10/04) for the site which are printed below.
 - A. The members of the Parish Council agree and support all the points raised by Kington Town Council.
 - B. The members would like to reiterate two points. A. This application amounts to over-development of the site. The members disagree with the 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.

5.3 A total of four of objections have been received from the following members of the public.

Mr M & Mrs S Otter, Riverside Cottage, 16 Floodgates, Kington
M G & A D Bull, 3 Newton Road, Newton Lane, Kington
Mr G Peake, 13 Floodgates, Kington, Herefordshire HR5 3NE
R & Mrs L Funnell, Laburnum Cottage, Floodgates, Kington, Herefordshire HR5 3NH

5.4 The objections from the public can be summarised as follows:

- Concerns that the proposed development is contradictory to Policy K8 - Broken Bank of The Leominster District Local Plan.
- The area is currently under consideration in the Unitary Plan for inclusion into the Kington Conservation area and that any proposed development should be put on hold until this matter is decided.
- The style of the proposed development is out of keeping with the surrounding existing built form.
- Loss of light to neighbouring property.
- Height of proposed development is too high in relationship to existing properties.
- Insufficient off street car parking, and the public highway leading to the site is too narrow.
- Concerns about development at this site considering previous enquiries resulted in advice given that no development or demolition would be allowed at this location.

5.5 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 Members will recall an application at this location for removal of existing bungalow and garage, proposed three cottage type dwellings, at Committee on 26th January 2005. Members refused the application and were mindful to support an application for two dwellings rather than three. Policy K8 in the Leominster District Local Plan was taken into consideration, but not considered to constitute a reason for refusal.

6.2 This current application is clearly locally sensitive with concerns as outlined above. The key issues for consideration with this application for two cottage style dwellings, are:

6.3 The principle of infill development on the site

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 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 bungalow that is not typical of the surrounding built environment is considered to provide a basis for supporting redevelopment in the Broken Bank area where proposal K8 limits development proposals.

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.

6.4 The impact of the scale and character of development upon the site and its surroundings

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.

Proposal K8: Broken Bank of the Leominster District Local Plan (Herefordshire) states that development will not be permitted except where it compromises alterations or extension to existing property and it preserves and enhances the character and appearance of the area.

It is acknowledged that a strict interpretation of this policy would rule out the replacement of the existing bungalow let along the redevelopment of the site. However, having regard to the application site it is recognised that the siting and appearance of the bungalow is out of keeping with character of the Broken Bank area. It is therefore considered that the repositioning of the development would bring the site more into line with the general grain of the area whilst returning the more elevated area as viewed from the north to open grassland that would benefit from conditional control over domestic paraphernalia.

In the light of this specific site it is therefore advised that there is scope to support this proposal in view of its enhancement of the area when considered in relation to the requirements of Proposal K8.

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.

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. The previous application was supported by the Conservation Manager.

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.

Archaeological issues were referred to in the previous application for the site 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.

6.5 The impact upon the residential amenities of neighbouring properties

The flank elevations do not necessitate the introduction of windows other than one serving a WC on the end side elevation of Cottage No. 2 to which it is proposed to use obscure glazing 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.

The proposed dwellings whilst being taller are sufficiently distant from the neighbouring properties so as to avoid unacceptable overshadowing or overbearing impacts upon them.

6.6 Off-Street Car Parking and Access Issues

No objection is raised by the Traffic Manager 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.

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.

6.7 The applicants have reduced the original proposed number of dwellings on site from three to two, both these will enhance the surrounding built environment and are more in-line with the existing street scene than the present dwelling on site, that is located half way up the hill, from other properties. Therefore considering the proposal against the existing built form and Committee's previous stance being mindful to support an application for two rather than three dwellings, it is recommended that this application is supported subject to conditions.

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)

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 architectural or historical interest.

5 - C05 (Details of external joinery finishes)

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

6 - D03 (Site observation - archaeology)

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

7 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

8 - F18 (Scheme of foul drainage disposal)

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

9 - F48 (Details of slab levels)

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

10 - G01 (Details of boundary treatments)

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

11 - G04 (Landscaping scheme (general))

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

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

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.