

9 DCCE2005/0206/F - ERECTION OF DETACHED ANNEXE 3 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY

**For: Mr. & Mrs. R. Woolf, Axys Design, 30 Grove Road,
Hereford, HR1 2QP**

Date Received: 24th January, 2005 Ward: Aylestone Grid Ref: 52588, 40264

Expiry Date: 21st March, 2005

Local Members: Councillors D.B. Wilcox and A.L. Williams

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a detached annexe to be associated with No. 3 Folly Lane, Hereford. The existing property is an attractive semi-detached property on the southern side of Folly Lane, adjacent to the junction with Ledbury Road. The existing property is a registered care home.
- 1.2 The proposal involves the erection of a two storey detached annexe to the south west of the property. The annexe is to be sited in the same location and would have the same dimensions as a garage with play room approved pursuant to planning application SC980201PF. The annexe is intended to provide additional accommodation for the applicants, Mr. and Mrs. Woolf, as the dwelling, which provides accommodation for 5 adults, offers insufficient accommodation for the visits of their family and friends.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H12	-	Established Residential Areas – character and amenity
H13	-	Established Residential Areas – loss of features
H14	-	Established Residential Areas – site factors
H16	-	Alterations and extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H18	-	Alterations and extensions

3. Planning History

- 3.1 HC970256PF - Removal of existing garage, new garage with games room over. Refused 21st January, 1998.
- 3.2 SC980201PF - Removal of existing garage, new garage with games room over. Refused 14th July, 1998. Appeal allowed 4th February, 1999.
- 3.3 DCCE2004/0442/F - Detached dwelling house. Refused 30th March, 2004. Appeal dismissed 12th January, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

- 4.2 Traffic Manager: No objections.
- 4.3 Occupational Therapy: No response received.

5. Representations

- 5.1 Hereford City Council: No objection providing condition and Section 106 Agreement to tie annexe to dwelling.
- 5.2 Two letters of objection have been received from the following sources:
 - D.G. Boardman, 3b Folly Lane, Hereford
 - G. Forbes, 157 Ledbury Road, Hereford

The objections raised can be summarised as follows:

- Loss of privacy caused by new openings;
 - Proposal is still for a dwelling, which has already been refused.
- 5.3 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 It is considered that the following issues are of note in the assessment of the application.
 - (a) Principle of development;
 - (b) Residential amenities;
 - (c) Design and scale; and
 - (d) Transportation.

Principle of Development

- 6.2 From a planning policy perspective this proposal represents a residential development within an Established Residential Area. The proposal is therefore considered acceptable in principle in relation to both the adopted and emerging development plans.

Residential Amenities

- 6.3 The previous planning application on this site (DCCE2004/0442/F) sought permission for a dwelling. As with this application, the intention was to construct a dwelling in the same location and with the same dimensions as the previously approved garage (SC980201PF). The previous application was refused due to the limited size of the plot and its relationship with No. 3 Folly Lane. It is of particular note that it was the impact on 3 Folly Lane that was the cause for concern.
- 6.4 The Planning Inspector for the dwelling application dismissed the appeal stating that:

“Whilst a building of the general size and in the location proposed may be suitable as a garage/playroom I consider that it is unacceptable as a dwelling. Its lack of bulk, its position on this site, the small area of garden and shared access and parking are alien to the surrounding area, especially the south side of Folly Lane, and as such the character and appearance of the area would be unacceptably compromised. The shared access and parking would also be a cause of conflict between the occupants of the proposed dwelling and the existing dwelling, to the detriment of the amenities of the residents.”

It is clear from the above conclusions of the Inspector that as an independent dwelling, the building proposed would be unacceptable due to its position on site and its size and relationship with No. 3 Folly Lane. Principal concerns relate to access and parking conflicts, and the limited amenity space to be attributed to the dwelling.

- 6.5 In the case of this application it is considered that the situation is different. It is advised that a garage of identical dimensions has been approved on this site, in the same location as the annexe now proposed. No objections can therefore be substantiated in relation to the physical location and dimension of the actual building. Rather the issue is the relationship with neighbouring properties and the use of the building. It is considered that the access and parking conflicts, together with the garden area issue, cease to be an issue in this application as the proposal seeks permission for an annexe. The building will therefore not be occupied as an independent unit of accommodation, rather it will be directly related to the main dwelling house. The amenity conflict between No. 3 Folly Lane and the use of this building therefore also ceases to be an issue.
- 6.6 The remaining concern, though not one raised as a reason for refusal in the previous application (DCCE2004/0442/F), is the relationship with the adjoining properties to the south and west. To the west, a new dwelling is under construction. The sole opening in this elevation is a bathroom window, which will be conditioned with obscure glazing. Privacy is therefore not a concern in this instance. Turning to the south, greater concern exists but it is considered that the impact on the site to the rear will remain within acceptable limits. At first floor level a single window serves a kitchen and again this is to be obscure glazed. At ground floor level, a large opening is proposed to serve a bedroom. This is the key window in the deliberations over residential amenity

impact and clearly a degree of overlooking to the rear will be possible. However, the siting and orientation of the building is such that a limited impact will result to the dwelling itself to the rear. The rear garden area will be overlooked to a greater extent but it is not considered that the degree of overlooking will be unreasonable or unacceptable. The remainder of the openings look onto No. 3, the dwelling with which the annexe is to be associated. The impact upon residential amenities is therefore considered acceptable.

Design and Scale

- 6.7 As noted above, the scale of this building is as per the garage previously approved in this location. The issue is therefore one of design. On submission the design was considered excessively flamboyant resulting in a building that would compete visually with the adjacent dwellings. As an ancillary residential building it is considered essential that this building is modest in its character allowing for a minimised impact upon the character and appearance of the street scene. A 'toned down' proposal was requested and received and the result is a modest design concept that is simple in appearance and appropriate in the context of the associated dwelling house. It is considered that the visual impact of this annexe will be little different to that of the garage already approved.

Transportation

- 6.8 The access and parking provision on site remains unchanged. An annexe, by virtue of its association with a principal building, is not considered to be traffic generating in itself, though an adequate level of vehicular parking accommodation to serve the site is nevertheless required. This is the case in this instance and as such no objections are raised to the parking provision proposed. The proposal is acceptable in relation to highway safety issues.

Other Issues

- 6.9 The City Council have requested both a Condition and a Section 106 Agreement to tie the annexe to the associated dwelling house. A condition and Section 106 Agreement is considered excessive, unreasonable, and inappropriate. That said, a condition in this instance is considered wholly appropriate and will ensure the continued association of the annexe to the associated dwelling.

Conclusion

- 6.10 Though it is recognised that the garage approved on this site was granted on appeal, it is nevertheless the case that the garage was ultimately approved. This proposal is for a building of the same dimensions on the same site. Indeed, the physical appearance of the revised proposal is not significantly different to that of the approved garage. It is of note that the principle concerns resulting in the refusal of the dwelling application related to the conflicts between the proposed dwelling and No. 3. It is recognised that a dwelling in this location is wholly unacceptable but as an annexe the areas of conflict are removed. The impact upon the neighbouring sites to the south and west has been commented upon and is considered to be within acceptable limits. Appropriate conditions will ensure that this remains the case.

RECOMMENDATION

That planning permission be approved 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 B01 (Samples of external materials)

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

- 3 E15 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

- 4 E29 (Occupation ancillary to existing dwelling only (granny annexes))

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

- 5 E18 (No new windows in specified elevation)

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

- 6 E19 (Obscure glazing to windows)

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

INFORMATIVE:

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.