

**6 DCCE2005/0405/F - ERECTION OF DETACHED BUNGALOW AT PLOT IN GARDEN OF LAVENDA COURT GARDENS, FOWNHOPE, HR1 4PB****For: Mr. A. Prosser per Mr. C. Goldsworthy, 85 St. Owens Street, Hereford, HR1 2JW****Date Received: 8th February, 2005****Ward: Backbury****Grid Ref: 57989, 34613****Expiry Date: 5th April, 2005**

Local Member: Councillor Mrs J.E. Pemberton

**Introduction**

Members will recall this application from the Central Area Planning Sub-Committee (6th April, 2005) and the subsequent site inspection on the 18th April, 2005.

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the erection of a detached bungalow in the garden of Lavenda Court Gardens, Fownhope. The application site falls outside of the Fownhope Conservation Area and is accessed via a track running off Court Orchard. This track currently provides access to two bungalows permitted by virtue of planning application SH881680PM. The site falls within the settlement boundary of Fownhope and is within an area designated as an Area of Outstanding Natural Beauty.
- 1.2 The proposal involves the erection of a single storey dwelling house and associated parking facilities.

**2. Policies****2.1 South Herefordshire District Local Plan:**

GD1	-	General development criteria
C5	-	Development within AONB
C8	-	Development within AGLV
C9	-	Landscape features
C17	-	Trees/management
SH6	-	Housing development in larger villages
SH8	-	New housing development criteria in larger villages

**2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):**

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement

DR4	-	Environment
H4	-	Main villages: settlement boundaries
LA1	-	Areas of Outstanding Natural Beauty
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes

### 3. Planning History

- 3.1 DCCE2004/3231/F - Erection of bungalow. Withdrawn 21st March, 2005.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water Authority: No response received.

#### Internal Council Advice

- 4.2 Drainage Engineer: No objections.
- 4.3 Traffic Manager: No objections subject to conditions.
- 4.4 Conservation Manager: No objections from a Conservation Area perspective, however, the potential impact upon the Beech trees on the south eastern boundary is a concern.

### 5. Representations

- 5.1 Fownhope Parish Council: *'This application is not opposed but, whilst the position of the proposed bungalow is acceptable and doesn't cause too much invasion of privacy, the access is narrow, already serves 2 dwellings and would need a visibility splay, up to highway standard, to be acceptable'*
- 5.2 Four letters of objection have been received from the following sources:

- J.K. Cooper, 30 Court Orchard, Fownhope
- C. & J. Flather, 15 Noverwood Drive, Fownhope
- Mr & Mrs Addis, 14 Noverwood Drive, Fownhope
- E. Jones & R. Hawkins, 16 Noverwood Drive, Fownhope.

The objections raised can be summarised as follows:

1. Loss of privacy and natural light;
2. Loss of property value;
3. Poor condition of existing site;
4. Applicants unwillingness to trim trees and hedges on site;
5. Unacceptable access arrangements;
6. Increased noise levels;
7. Overcrowding;
8. Increased traffic;
9. Inadequate access track (weight/number of movements/subsidence);
10. Previous application was refused on the grounds of access.

It is advised that points 2 and 4 are not material planning considerations in this instance. Additionally, the previous application was not refused, rather it was withdrawn. The principal reason for this being the cramped nature of the site.

- 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 From a planning policy perspective this application seeks permission for a residential development within the settlement boundary of Fownhope. To this end the proposal is considered acceptable in principle in the context of both the adopted and emerging local development plans.
- 6.2 The application represents an amended scheme based upon the advice offered on the previous, now withdrawn, application. The principal alteration is the plot size, this has been increased to allow for the adequate provision of amenity space and to attempt to overcome concerns in relation to its cramped appearance.
- 6.3 The access to the property is via a private track that has substandard visibility splays. However, the Traffic Manager advises that the vehicle movements associated with the proposed single dwelling will be minimal in relation to the movements associated with the existing two dwellings. The Traffic Manager further commented that the standard of track is reasonably good with no evidence of subsidence identified. That said, issues relating to subsidence and the potential impact upon utilities would not in this case represent material planning considerations warranting the refusal of planning permission.
- 6.4 The potential impact upon the Beech trees on the boundary of the site is of note, particularly having regard to the AONB status of this area. Whilst the trees are not protected by TPOs and no consent would be required for their removal their value is recognised and as such landscaping conditions will be attached to require their protection or replacement in the event of their unavoidable loss.
- 6.5 Turning to the building itself, the design and scale of the proposed dwelling are considered acceptable in the context of the locality. The site is of sufficient size to accommodate the dwelling proposed and the bungalow will preserve the character and appearance of the local area. Permitted Development Rights would be removed in recognition of the relatively confined nature of this site. With regards to residential amenity, the dwelling is single storey and as such will not result in an overbearing impact to the neighbouring dwellings to the east. The impact upon privacy will also be limited due to the single storey nature of the property.
- 6.6 On balance it is considered that the proposal represents an acceptable form of residential development. The limitations of the access arrangements are recognised but it is concluded that the impact of this dwelling alone would not justify the refusal of this application. The potential loss of the existing trees on site is unfortunate but the lack of protection afforded to them suggests that their replacement if lost during development would represent an appropriate level of compensation.

## **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 B01 (Samples of external materials)**

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

**3 E16 (Removal of permitted development rights)**

**Reason: Due to the restricted nature of the application site.**

**4 F16 (Restriction of hours during construction)**

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

**5 G04 (Landscaping scheme (general))**

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

**6 G05 (Implementation of landscaping scheme (general))**

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

**7 G06 (Scope of landscaping scheme)**

**Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.**

**8 G10 (Retention of trees)**

**Reason: In order to preserve the character and amenities of the area.**

**9 G18 (Protection of trees)**

**Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.**

**10 G20 (Remedial work)**

**Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.**

**11 G33 (Details of walls/fences (outline permission))**

**Reason: In the interests of residential and visual amenity.**

**12 H14 (Turning and parking: change of use - domestic)**

**Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.**

**Informatives:**

- 1 N03 - Adjoining property rights**
- 2 HN01 - Mud on highway**
- 3 N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.