

**11A DCCE2004/4132/F - PROPOSED TWO STOREY THREE BEDROOM DWELLING AT GARDEN TO THE REAR OF 5 ST. JOHN STREET, HEREFORD****For: Mr. P. Williams per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB****11B DCCE2004/4136/L - PROPOSED TWO STOREY THREE BEDROOM DWELLING AT GARDEN TO THE REAR OF 5 ST. JOHN STREET, HEREFORD****For: Mr. P. Williams per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB****Date Received: 2nd December, 2004****Ward: Central****Grid Ref: 51046, 39928****Expiry Date: 27th January, 2005**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the erection of a two storey three bedroom detached dwelling house. The site is located to the south of East Street and the west of St. John Street. The site is currently part of the rear garden area of 5 St. John Street. The site is located within the Central Conservation Area.
- 1.2 The proposal seeks to erect a detached dwelling with a contemporary design concept. The dwelling will abut the existing rear boundary walls of 5 St. John Street. Three bedrooms are proposed on the ground floor with a kitchen/living/dining room on the first floor. The first floor sits across the ground floor with an overhang of approximately 3.5 metres to the east. The first floor is intended to have a timber finish with the ground floor formed by the three boundary walls and a glazed east facing elevation. The first floor is effectively 'half width' and is located over the northern half of the ground floor. A roof terrace is proposed on the remainder of the first floor. The site is accessed via a former wagon way in 97-98 East Street, currently itself the subject of an application for re-development (see DCCE2003/3716/F).
- 1.3 The application as originally submitted sought vehicular access and parking on site. The access was to be provided via 97-98 East Street. This was viewed as unacceptable due to the access arrangements, which were detrimental to highway safety. A revised plan was requested and received omitting the access and parking, making the development car free.
- 1.4 This is a joint report, which considers both the full planning, and Listed Building Consent applications.

**2. Policies**

## 2.1 National:

PPS1	-	Delivering Sustainable Development
PPG3	-	Housing
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

## 2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy H6	-	Amenity Open Space Provision in Smaller Schemes
Policy CON1	-	preservation of Buildings of Architectural and Historic Interest
Policy CON2	-	Listed Buildings – Development Proposals
Policy CON3	-	Listed Buildings – Criteria for Proposals
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON19	-	Townscape

## 2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy TCR1	-	Central Shopping and Commercial Areas
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H16	-	Car Parking
Policy HBA1	-	Alterations and extensions to Listed Buildings
Policy HBA6	-	New Development within Conservation Areas
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy ARCH2	-	Foundation Design and Mitigation for Urban Sites
Policy ARCH5	-	Sites of Regional or Local Importance
Policy ARCH6	-	Recording of Archaeological Remains
Policy ARCH7	-	Hereford AAI
Policy ARCH8	-	Enhancement and Improved Access to Archaeological Sites

**3. Planning History**

- 3.1 SC99/0357/LD Minor internal alterations (Nos. 5 & 6 St. John Street). Approved 19th June, 2001.
- 3.2 CE1999/1153/C Demolition of existing building (97-98 East Street). Approved 14th March, 2003.
- 3.3 CE1999/11154/F Demolition of existing building and erection of new two storey building to form nursery for Cathedral Junior School (97-98 East Street). Approved 14th March, 2003.

- 3.4 CE2003/0872/F Change of use from general education to residential to form 4 x 1 bed flats and 2 x 2 bed flats (Nos. 5 and 6 St. John Street). Approved 30th June, 2003.
- 3.5 CE2003/0873/L Change of use from general education to residential to form 4 x 1 bed flats and 2 x 2 bed flats (nos. 5 and 6 St. John Street). Approved 30th June, 2003.

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 Environment Agency - no objection.
- 4.2 English Heritage - no response received.

##### Internal Council Advice

- 4.3 Traffic Manager - objected to the original proposal as submitted, required development to be car free.
- 4.4 Conservation Manager -

Archaeology - advises that the site is in a very sensitive area and is relatively undisturbed. Requires a site investigation prior to the formal determination of the application with conditions dependent upon the inspection findings.

Conservation - the development is considered acceptable due to the very specific circumstances of this location and the high standard of design of the dwelling.

#### **5. Representations**

- 5.1 Hereford City Council - recommend refusal due to the incompatibility with the surroundings. A site visit is recommended.
- 5.2 Hereford Conservation Area Advisory Committee – Did not feel able to comment on the original plans due to the lack of 'sufficient information'.
- 5.3 Local residents - five letters of objection have been received from the following sources:

- P. Taylor & M. Knight, Flat 2, 5 St. John Street;
- Hereford City and County Conservative Club, 102 East Street;
- The Abbeyfield/SSAFA Hereford Society, 4 St. John Street;
- The Very Rev. & Mrs. P. Haynes, 5 St. John Street;
- R. Woore, 20 Church Street, Hereford.

The objections raised can be summarised as follow:

1. Properties to the east are in residential use;
2. Loss of privacy;
3. Noise disturbance;
4. Light pollution;

5. Access by emergency vehicles;
6. Inappropriate design;
7. Impact upon adjacent historic structures;
8. Access is unacceptable;
9. Precedent set.

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 key issues for consideration in this instance are as follows:

- Principle of Development;
- Impact upon Conservation Area and Adjacent Listed Buildings;
- Design;
- Residential Amenities;
- Highway Issues.

### Principle of Development

6.2 The application site is located within the identified Central Conservation Area and Central Shopping Area. The surrounding area is characterised by a mix of land uses including both commercial and residential. No commercial premise is affected by this development; rather it is a new build 'backland' scheme. There is no policy objection to such a proposal in this location. From a policy perspective there are no concerns in principle to the proposed use. The acceptability or otherwise of this proposal will relate to the specifics of the development in this particular context.

### Impact upon Conservation Area and Adjacent Listed Buildings

6.3 To the north of the site is the Conservative Club, a Grade II\* Listed Building. To the east, nos. 5 and 6 St John Street are Grade II Listed. The Grade II\* status of the Conservative Club to the north, and the potential impact upon its setting caused by the proposal, necessitates the notification of the Office of the Deputy Prime Minister. This location is unusual in that it is a central city location characterised by large private garden areas. It is stressed that it is recognised that breaking this up in an unplanned manner with infill could be inappropriate and undesirable. That said, this particular location has site specific characteristics that offer potential for this development proposal. The development of the Conservative Club to the north has impacted upon the character of the area with a mix of building styles, heights, qualities and conditions found. The siting of this building is not unusual in this context and will relate to the buildings to the north effectively. This development offers the potential to provide a high quality termination to this group of buildings and it is considered that it would improve the character and appearance of the Conservation Area. The Conservation Manager has stressed that this is an exceptional case and any further developments in this location would be strongly resisted. It is not therefore considered that a precedent would be set by this development. This particular proposal is justifiable due to the very specific characteristics of the site and its setting. The Conservation Manager also noted the particularly high quality design of the dwelling proposed. There are no concerns raised with regards to the impact upon the Listed Buildings in the area.

### Design

- 6.4 This proposal is of particular note due to the design concept of the dwelling. The dwelling proposed is very contemporary in its appearance and it is considered that this is an appropriate approach in this instance. The building will integrate well with the boundary walling to the north, west and south providing a contrast between the old and new in a positive and desirable manner, complementing the traditional character with sensitive and modern new development. The use of glazing in the east facing elevation, the screening of the addition with the existing boundary walling, together with the timber finish for the modest first floor element, allows for a lightweight character and appearance that does not visually compete with the adjacent properties. The building is considered to offer visual interest and inspiration and it is considered that the proposal is a statement in high quality modern architecture that should be embraced, particularly in this traditional location where the design characteristics of the dwelling complement the historic architecture of the area.

### Residential Amenities

- 6.5 The relationship to the neighbouring properties is clearly a significant factor in this development and there are privacy implications to the east, south and west. To the west and south, existing and proposed boundary enclosures and screening mitigate against any loss of privacy. The existing boundary wall to the west offers an effective screen, while to the south, the existing boundary wall, together with a first floor planted screen, provide protection against overlooking. To the east a 2 metre high boundary enclosure is to be provided, this will offer a privacy screen to the properties to the east. At first floor level the primary opening is to the south. The only overlooking at first floor level will be from the roof terrace. Approximately 25 metres would be maintained between the proposed dwelling and the properties to the east. Clearly the overlooking of the garden areas to the east will be of greater significance but it is not considered that the relationship between these sites is an undue cause for concern. On balance it is considered that though the impact of this upon privacy to the east is of note, the distance and relationship of the sites will ensure an impact within acceptable limits. It is not considered that the proposed dwelling will cause undue harm with respect of noise and light pollution.

### Highway Issues

- 6.6 The proposal is now proposed to be car free. Only a 2 metre wide pedestrian access is to be retained and a condition will be imposed stressing the car free nature of this site. The location of this site is appropriate for a car free development and it is considered that the removal of the parking enhances the site appearance.

## **RECOMMENDATION**

### **In respect of DCCE2004/4132/F:**

**That subject to the completion of initial archaeological investigations and submissions, and there being no objections from English Heritage:**

- i) The application is notified to the Office of the Deputy Prime Minister.**
- ii) Subject to the Secretary of State confirming he does not intend to call it in, planning permission be granted 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. **A09 (Amended plans) (30th March 2005).**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

3. **B01 (Samples of external materials).**

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

4. **E16 (Removal of Permitted Development Rights)**

**Reason: Due to the particular characteristics and architectural merits of the dwelling and the confined and sensitive nature of the site.**

5. **F16 (Restriction of hours during construction).**

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

6. **F39 (Scheme of refuse storage).**

**Reason: In the interests of amenity.**

7. **Upon occupation of the dwelling hereby authorised, the site shall at no time be accessed by vehicular traffic. The site shall remain free of vehicles at all times.**

**Reason: For the clarification and in the interests of highway safety.**

8. **G04 (Landscaping scheme (general)).**

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

9. **G05 (Implementation of landscaping scheme (general)).**

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

10. **G33 (Details of walls)**

**Reason: In the interests of the residential and visual amenities of the locality.**

11. **A landscape management plan shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwelling hereby authorised. The landscape management plan shall be carried out as approved.**

**Reason: To ensure the retention of effective landscape screening to the south of the application site.**

**Informatives:**

- 1. N03 - Adjoining property rights.
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

**In respect of DCCE2004/4136/L:**

- 1. C01 (Time limit for commencement (Listed Building Consent)).

**Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**Informatives:**

- 1. N03 – Adjoining property rights.
- 2. NC1 – Alterations to submitted/approved plans.
- 3. ND3 – Contact Address
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.