

19 DCSE2004/2701/F - ERECTION OF DETACHED DWELLING WITH ANCILLARY WORKS AT LAND AT 28 OVERROSS FARM, ROSS-ON-WYE, HEREFORDSHIRE

For: Tendean Ltd per The Brock Planning Consultancy, Kingston House, 45 Victoria Road, Coleford, Glos GL16 8DS

Date Received: 21st July, 2004

Ward: Ross-on-Wye East

Grid Ref: 60670, 25276

Expiry Date: 15th September, 2004

Local Members: Councillor Mrs. A.E. Gray and Councillor Mrs. C.J. Davis

1. Site Description and Proposal

- 1.1 This site is located within a residential area within the town boundary of Ross on Wye. The site itself is a lawn area which forms part of the large garden of No. 28. This site and the existing two storey dwellinghouse i.e. No. 28 which adjoins the site are owned by the applicant. The site is positioned between two existing dwellings and forms part of a small housing estate. There is an existing mature hedge on the road frontage and an area of mature trees to the rear of the site and a tree lined hedge on the side (south east) boundary.
- 1.2 The proposal is to erect a two-storey dwelling with an attached flat roofed garage and rear conservatory. The roof and walls will be tiles and render to match the adjoining dwelling. A new vehicular access to serve the new dwelling will be created on the road frontage.

2. Policies

2.1 Planning Policy Guidance

PPS1	-	Delivering Sustainable Development
PPG3	-	Housing

2.2 Hereford and Worcester County Structure Plan

Policy CTC9	-	Development Criteria
-------------	---	----------------------

2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C43	-	Foul Sewerage
Policy SH5	-	Housing Land in Ross on Wye
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for New Housing Schemes
Policy Ross on Wye 1	-	Housing Land in Ross on Wye
Policy Ross on Wye 2	-	New Housing Developments
Policy Ross on Wye 3	-	Infill Sites for Housing

- Policy Ross on Wye 4 - Primarily Residential Areas
- Policy T3 - Highway Safety Requirements

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- Policy S2 - Development Requirements
- Policy DR1 - Design
- Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- Policy H2 - Hereford and the Market Towns : Housing Land Allocations
- Policy CF2 - Foul Drainage

3. Planning History

- 3.1 No relevant history.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water comments that following recent investigations by the Sewerage Operations Contractor of the public sewerage pumping station downstream of the development site, it has been identified that some limited capacity exists which could cater the foul flows from the proposed development. In addition they recommend that certain conditions and advisory notes be incorporated within any planning permission with respect to foul and surface water discharges and also that no part of the building be within 3 metres of the public sewer which crosses the site.

Internal Council Advice

- 4.2 The Traffic Manager has no objections to the amended drawings.

5. Representations

- 5.1 The applicant's agent submits the following:

"The existing dwelling does have a number of windows facing the site but it is proposed to either close off the openings or ensure they comprise obscure glazed or high level windows. The site is part of residential curtilage i.e. developed land which PPG3 gives prioritisation to. New dwelling reflects character and appearance of area. The existing house and new house will have adequate amenity space. Proposal in accordance with planning policies. Applicants have had discussions with Welsh Water who have subsequently withdrawn their objections. Amended plans of the development have now been submitted."

- 5.2 The Town Council, with respect to the original scheme, returned consultation response with no comments attached.

The Town Council observe with respect to the revised scheme:

"Comments cannot be made as there is no site plan".

5.3 There have been six letters of objection received with respect to the revised scheme and six letters of objection received with respect to the original scheme. The main points which apply to revised scheme being:

- minimal alterations to revised scheme. If previous was unacceptable then the revised should be unacceptable,
- building density was agreed for this estate at time of original development of estate. Have there been changes in legislation which enables Council to increase density?
- another house on site will make estate look overcrowded,
- building on the garden will result in chopping down of trees,
- changes in appearance of No. 28 will conflict with provisions of the vendors deeds which prohibit changes to design of the dwellings on the estate,
- appearance of the building is unacceptable and unsuitable for the area,
- why should area be spoilt just for the financial gain of the developer?
- the estate already has traffic and parking problems which will be made worse and could lead to more traffic being parked on the road,
- extra traffic could cause problems for the elderly/children,
- very narrow road,
- other housing developments planned for Ross on Wye. Surely there are enough units planned without this unnecessary infilling,
- estate already fully developed and other applications at entrance to Overross Farm refused in past,
- house much larger than other properties around it,
- the property is only one metre from boundary of neighbours garden and is at a higher ground level. House will be overlooked and lose privacy, loss of light and hedge/trees on boundary,
- surface water from site will run directly into neighbour's garden,
- Overross Farm has its own pumping station at bottom of the estate which is only adequate for the existing houses. There are currently problems with the sewerage and more houses will make situation worse,
- sewage is pumped up road and under application site. How will pipe be checked if house is built over it?
- new house will overlook houses on opposite side of road.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The main issues relate to the principle of placing a dwelling on this site, the size and design of the dwelling and its effect on residential amenities of the neighbouring dwellings and the character and setting of the immediate area. In addition the effect the new dwelling will have on traffic/parking and also the sewerage implications. The most relevant policies are GD1, SH15, C43 and Ross on Wye 3 of the South Herefordshire District Local Plan.

6.2 This site is a natural infilling plot within a residential area/housing estate within the town boundary of Ross on Wye. Therefore the principle of erecting a new dwelling on this site is considered to be acceptable. The original dwelling proposed was considered to be too large for the site and its setting and was considered to be unacceptable. Following negotiations the applicant has now submitted a revised proposal. The dwelling was redesigned essentially by reducing the height, mass and width to ensure that it was of a similar size and scale as the adjacent dwelling No. 28.

The width of the dwelling was reduced which meant that the proposed building was moved away from the neighbours boundary to the south east by a metre so that it is now approximately 2 metres away from that boundary.

- 6.3 The revised size/design for the dwelling is considered to be acceptable. The building is now of an appropriate size and is in keeping with the size and design of some of the other dwellings on the estate. The revised dwelling is now considered to be appropriate in relation to the size of the plot. The proposed dwelling will not adversely affect the residential amenities of the occupants of any of the adjacent dwellings. With respect to the dwelling to the south east, the side wall of the proposed new dwelling [facing that dwelling] is blank except for a small utility room window and door at ground level and a small obscure glazed en-suite window at first floor level. The building is far enough away so as not to adversely take light nor overdominate the adjacent dwelling to the south east.
- 6.4 The proposed parking and access arrangements are considered to be acceptable and it is not considered that the flow of traffic on the estate road will be adversely affected by this proposal.
- 6.5 There has been concern from the residents regarding the existing sewerage arrangement for the estate and the effect another dwelling would have on the system. However Welsh Water has confirmed that the existing sewerage pumping station can cater for the additional foul flows which will be generated by the proposed development provided certain conditions are imposed on any planning permission. They also state that there is a public sewer pipe which crosses the planning application site and that they need to have access to the pipe at all times. In fact under the Water Industry Act 1991 Welsh Water has rights of access to its apparatus at all times. Welsh Water have discussed the proposal with the applicants. Welsh Water have no objections to the proposed new dwelling on this site provided that no part of the new building is within 3 metres of either side of the centreline of the sewer pipe.
- 6.6 In conclusion it is considered that the proposed development is acceptable on this site and will be in accordance with the planning policies for the area. The concerns of the objectors are noted but are not considered to be sufficient to warrant a refusal of planning permission for a dwelling on this site.

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. W01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

4. W02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

5. W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

6. Prior to the commencement of the development hereby approved, details of any necessary or required re-routing of the public sewer with respect to this development, or as a direct consequence of it, shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the integrity of the public sewerage system and to avoid any damage thereto.

Informatives:

- 1. N03 - Adjoining property rights**
- 2. N14 - Party Wall Act 1996**
- 3. HN05 - Works within the highway**
- 4. HN10 - No drainage to discharge to highway**
- 5. N16 - Welsh Water Informative**
- 6. Dwr Cymru Welsh Water advise that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer. The developer is advised to contact the Network Development Consultants to discuss this matter prior to the commencement of any site work, the appropriate contact number being Tel: 01443 331155**
- 7. N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.