

14 DCNW2005/0743/F - CONVERSION AND EXTENSION OF EXISTING OUTBUILDINGS TO FORM NEW SINGLE STOREY DWELLING AT 2 LUGG GREEN COTTAGES, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SW

For: Mr B Botwood per Southgate Associates, The Studio, Sunny Bank, Kingsland, Hereford, HR6 9SE

Date Received:
7th March 2005

Ward:
Bircher

Grid Ref:
44829, 62064

Expiry Date:
2nd May 2005

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 The site is located in open rural countryside to the east of Kingsland and forms part of a small outlying enclave of rural cottages centred on the Lugg Bridge.
- 1.2 The application site comprises the rear garden of no. 2 Lugg Green Cottages and is characterised by a fairly large outbuilding of concrete clad construction under a tin roof.
- 1.3 The proposal is to incorporate this structure into a single storey dwelling by means of converting it and adding an extension to create a single storey habitable unit consisting of a kitchen/dining area, living room, two-bedrooms and a bathroom for use by the applicant who is registered disabled and currently resides in the two-storey cottage adjoining the application site. On occupation of the proposed new building by the applicant it is intended that the existing dwelling adjoining the application site will be lived in by the applicants relatives.

2. Policies

Leominster District Local Plan

A1 – Managing the District's Assets and Resources
A2(D) – Settlement Hierarchy
A9 – Safeguarding the Rural Landscape
A15 – Development and Watercourses
A51 – Housing for the Disabled
A54 – Protection of Residential Amenity
A60 – Conversion of Rural Buildings outside Settlements to Residential Use
A70 – Accommodating Traffic from Development
A57 – Sub-Division of Houses

Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable Development
- S2 – Development Requirements
- S3 – Housing
- DR1 – Design
- H7 – Housing in the Countryside Outside Settlements
- H13 – Sustainable Residential Design
- H14 – Re-Using Previously Developed Land and Buildings

3. Planning History

- 3.1 NW04/2475/O - Site for one detached bungalow - Refused planning permission 31st August 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - The Agency has no objection to the proposed development as submitted.

Internal Council Advice

- 4.2 Highways Manager - No objection to the granting of permission.

5. Representations

- 5.1 Kingsland Parish Council object to the proposed development stating: 'Not approved as it stands because the existing design is totally inappropriate to the Conservation Area and not in accordance with the Parish Plan and objectives on sustainable building. If a suitable plan is re-presented that will enhance the Conservation Area we will have no objections. We would also want a tie on the house that would tie it in with the original property.'
- 5.2 A further letter was received on 24th May 2005 from the applicant's agent in response to concerns raised by the case office this letter states: 'We refer to your letter dated 21 March 2005. On behalf of the applicant, we confirm that Mr Botwood is willing to enter into a unilateral Section 106 Agreement under the Town and Country Planning Act 1990 tying the proposed dwelling into the same ownership as that at 2 Lugg Green Cottages, Lugg Green.'
- 5.3 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 The site occupies a rural position and as such Policy A2(D) of the Leominster District Local Plan (Herefordshire) applies.

This policy states that development will not be permitted in the countryside or in villages, hamlets or other groups of houses for which no settlement boundary has been defined unless it accords with one of a number of specific criteria's, in this particular instance the criteria applies that states:

'It is an extension to an existing dwelling or a building ancillary to the enjoyment of a dwelling house in accordance with Policy A57.'

- 6.2 The application proposes to convert the existing outbuilding along with the addition of a new extension measuring approximately 50% increase in total size to provide a modest two bedroomed dwelling on one floor for a disabled occupant who currently resides in the adjacent dwelling known as 2 Lugg Green Cottages.
- 6.3 The applicant in a letter dated 23rd March 2005 has agreed to the signing of a unilateral Section 106 Agreement under the Town and Country Planning Act 1990 tying the proposed unit into the same ownership as that of the existing dwelling known as 2 Lugg Green Cottages.
- 6.4 The application therefore represents one site and application for disabled accommodation ancillary to the existing dwelling in whose curtilage it is proposed to incorporate the development.
- 6.5 Kingsland Parish Council has objected to the application in its current format stating that the existing design is totally inappropriate to the Conservation Area and not in accordance with the Parish Plan and objectives on sustainable building. They further state in their response that if a suitable plan is re-presented that will enhance the Conservation Area we will have no objections. They also would wish to see any development tied in with the original property.
- 6.6 The location for the proposed development is not within a Conservation Area as designated in the Leominster District Local Plan. The proposal is for a disabled annex-type dwelling and therefore the applicant is restricted in overall design and layout as a large unencumbered residential unit on site would be unacceptable in planning terms. Therefore the applicant is restricted in design terms due to any development at this location having to be annexed to the existing dwelling.

Conclusion

- 6.7 The application is for a residential unit for use by a disabled occupant, to which the applicant has agreed to tying the proposal into the same ownership as that of the existing dwelling. The location is not within a conservation area and therefore the design of the proposal is considered acceptable. The applicant has agreed to the signing of a unilateral Section 106 Agreement under the Town and Country Planning Act 1990. However to ensure greater control and suitability of the agreement it needs to be an agreement entered into by the Council and the applicant, not a unilateral undertaking.
- 6.8 The application is therefore considered acceptable and in line with Policy A2(D) and other relevant policies in the Leominster District Local Plan.

Recommendation

- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to**

(set out heads of agreement) and any additional matters and terms as she considers appropriate.

2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 - A06 (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 [special] architectural or historical interest.

5 - 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.

6 - E16 (Removal of permitted development rights)

Reason: In the interests of the visual amenity on the surrounding landscape and in order to control development at this special location.

7 - The existing building on site will be incorporated into the approved development and would not be demolished.

Reason: The application is approved on the understanding that the existing building is capable of conversion.

Informatives:

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

2 - NC02 - Warning against demolition

3 - Without the need for major reconstruction as to completely build from new would be contrary to policy in the Leominster District Local Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.