

19 DCSE2005/0830/F - PROPOSED NEW 4 BEDROOMED HOUSE, GARAGE AND ACCESS, SITE ADJACENT TO WHITECROFT, UPTON CREWS, NR. ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UE

For: Mr. & Mrs. D. Howe per Peter Cripwell & Associates, 3 St. Nicholas Street, Hereford, HR4 OBG

Date Received: 15th March, 2005

Ward: Old Gore

Grid Ref: 64558, 27186

Expiry Date: 10th May, 2005

Local Member: Councillor J.W. Edwards

1. Site Description and Proposal

1.1 This site at Upton Crews flanks the north eastern side of the unclassified road No. 70003 which leads out from the centre of this small settlement in a north westerly direction. The site itself is a small strip of land fronting onto the road with two existing dwellings on either side. The site forms part of a large field which extends out to the rear and slopes down towards the north east. There was a hedgerow on the roadside boundary but this has recently been removed.

1.2 Outline planning permission reference No. DCSE2003/2649/O, was granted on 17th March, 2004 to renew a previous outline planning permission (SE2001/0906/O) for a single storey dwelling on this site. This full planning application is for the erection of a house and a detached double garage on this site with a new vehicular access onto the unclassified road.

2. Policies

2.1 Planning Policy Guidance

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas
PPG.3	-	Housing

2.2 Hereford and Worcester County Structure Plan

Policy H.16A	-	Development Criteria
Policy H.18	-	Residential Development in Rural Settlements
Policy H.20	-	Residential Development in Open Countryside
Policy CTC.9	-	Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.43	-	Foul Sewerage
Policy SH.10	-	Housing in Smaller Settlements
Policy SH.14	-	Siting and Design of Buildings

- Policy SH.15 - Criteria for New Housing Schemes
- Policy T.3 - Highway Safety Requirements
- Policy T.4 - Highway and Car Parking Standards

2.4 Unitary Development Plan (Revised Deposit Draft)

- Policy S.1 - Sustainable Development
- Policy S.2 - Development Requirements
- Policy S.3 - Housing
- Policy DR.1 - Design
- Policy H.6 - Housing in Smaller Settlements
- Policy H.16 - Car Parking
- Policy CF.2 - Foul Drainage

3. Planning History

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|-----|-----------------|--|---|-----------------------------|
| 3.1 | SS980964PO | Site for 4 bedroomed detached house | - | Refusal 22.12.98 |
| | SE2001/0906/O | Site for the erection of single storey dwelling | - | Outline Permission 27.06.01 |
| | DCSE2003/2649/O | Renewal of planning permission SE2001/0906/O – site for single storey dwelling | - | Outline Permission 17.03.04 |

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections and recommends that a condition relating to discharge of foul drainage be imposed on any permission.

Internal Council Advice

- 4.2 The Traffic Manager comments:

“I understand that a condition for visibility splays was included in the previous outline planning permission granted for this site. To be consistent with this permission we would recommend that the visibility requirements for the current full application be as conditioned previously. However, it should be noted that these requirements cannot be achieved.”

5. Representations

- 5.1 The Parish Council objects strongly to this application. This proposed house is too large, the access is unsafe and it does not fall within the confines of the Herefordshire Unitary Development Plan.
- 5.2 There have been ten letters of objection received. The main points being:
- this infill gap appears to have been deliberately created by the building of the adjacent dwelling for reasons of profit

- planning permission for a two-storey dwelling was previously refused on this site as it was contrary to planning policies and set an undesirable precedent
- view of Malvern Hills will be blocked
- the proposed dwelling is of inappropriate size for the plot
- the dwelling is too large and not in keeping with style of the hamlet
- due to its height and elevated position it would dominate skyline and adjacent properties, especially the dwelling to the south east. The large garage would similarly affect this property
- the proposed dwelling would result in loss of privacy and light to dwelling to south east
- the plot is higher than the dwelling to south east
- Unitary Plan sets out sizes for infill plots
- infill plot desuberately created by builder of dwelling to north west. Planning authority easily hoodwinked
- this is a cynical case of profitering which renders planning regulations in this country a shambles
- a safe vehicular access for this site cannot be achieved due to poor visibility
- outline planning permission SE2001/0906/O had a condition imposed requiring visibility splays, i.e. 2 metres back and 33 metres in each direction. This requirement cannot be achieved due to neighbours fencing and hedgerow. This requirement cannot be compromised as safety issues have not been reduced
- neighbours to south east do not intend to remove boundary fence to improve sight lines
- the Traffic Manager has indicated that lesser splays may be acceptable due to lane being a no through route and lightly trafficked
- no vehicle movement study has been undertaken. Therefore objector has undertaken one which shows that the lane is not of a lightly trafficked nature (a copy of study was enclosed)
- the revised plan of the proposed vehicular access gives a woefully inaccurate position of the road and proposed visibility splays.

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 erecting a dwelling on the site, its size and design, its effect on the landscape and neighbouring dwellings and also the proposed vehicular access. The most relevant policies in this case are GD.1, SH.10 and T.3 of the Local Plan and H.16A and H.18 of the Structure Plan.
- 6.2 Upton Crews is designated as a 'smaller settlement' under the provisions of the Local Plan and this site is considered to be within its boundary. As such Policy SH.10 of the Local Plan, which refers to 'smaller settlements' directly relates to this site.
- 6.3 One of the main provisions of this policy is that housing will only be permitted within the settlement where it can be clearly demonstrated that the development would help it satisfy local housing requirements. This was considered to have been successfully established in the previous outline planning permission on this site for a dwelling, reference No. SE2003/2649/O which was approved on 17th March, 2004.
- 6.4 There are a mixture of house types in the immediate area of the site with a fairly large modern dwelling immediately adjacent to the site to the north west. It is considered

that the proposed dwelling would be acceptable on this infill plot, will not over-dominate the setting nor neighbouring properties and also will not adversely affect the residential amenities of the occupants of those dwellings. The proposed design and external materials will not be out of keeping with the visual amenities and character of the area. As such, for these reasons the proposed development is considered to be in accordance with Policies SH.10 and GD.1 of the Local Plan.

- 6.5 An application for a four bedroomed house on this site was refused on 22nd December 1998 (SS980964PO). However this was before Upton Crews was designated as a smaller settlement under Policy SH.10 in February 1999.
- 6.6 One of the main issues relates to the proposed vehicular access to the site. At present there is an existing roadside boundary hedgerow in front of the neighbour's property to the north west and a stone retaining wall with a larch lap fence on top of the boundary with the property to the south east. This larch lap fence has only recently been extended to within approximately one metre from the carriageway edge. A condition was imposed on a previous outline planning permission (SE2001/0906/O) for a dwelling on this site which essentially required the provision of visibility splays set back 2 metres from the nearside edge of the adjoining carriageway for a distance of 33 metres in each direction. This condition was imposed on the recommendation of the Traffic Manager.
- 6.7 Following this, another outline planning application was submitted to renew this previous permission and was subsequently granted on 17th March, 2004 (DCSE2003/2649/O). Consequently the principle of erecting a new dwelling on this site with a new vehicular access has been established by these outline planning permissions. However the recommended visibility splays cannot be achieved in either direction. A revised drawing of the proposed vehicular access showing the best that could be achieved with respect to the visibility splays, however these still fall short of the required 33 metre splays. The Traffic Manager considers that the 33 metre splay requirement should be maintained.
- 6.8 It is therefore considered that the erection of the proposed dwelling on this site is acceptable and will not adversely affect the residential amenities of neighbouring dwellings and as such is in accordance with planning policies. The proposed vehicular access arrangements do not meet with the Traffic Manager's requirements. However it is considered that the principle of erecting a dwelling on this site with a new vehicular access has been established by the previous outline planning permissions and it would be unreasonable at this stage to withhold planning permission on highway grounds.

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. B01 (Samples of external materials)

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

- 4. The foul drainage from the proposed development shall be discharged to a treatment plant and soakaway system which meets the requirements of British Standard BS 6297: 1983, and which is provided in accordance with the details submitted (including plan J1650-984-1 Rev. C, dated January 2005), unless otherwise agreed in writing by the local planning authority. There shall be no connection with any watercourse or land drainage system and no part of the soakaway system located within 10 metres of any ditch or watercourse, nor within 50 metres of any water abstraction or well.**

Reason: To prevent pollution of the water environment.

5. H04 (Visibility over frontage)

Reason: In the interests of highway safety.

6. H05 (Access gates)

Reason: In the interests of highway safety.

7. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

8. H09 (Driveway gradient)

Reason: In the interests of highway safety.

9. H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 10. The whole of the works relating to means of access, including drainage, shall be completed before the development is brought into use.**

Reason: In the interests of highway safety.

Informative(s):

- 1. N03 - Adjoining property rights**
- 2. N14 - Party Wall Act 1996**
- 3. HN01 - Mud on highway**
- 4. HN05 - Works within the highway**

- 5. **HN10 - No drainage to discharge to highway**
- 6. **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.