

**13 DCCE2005/1583/F - PROPOSED BUNGALOW FOR
DEPENDANT RELATIVE AT 2 PARK VIEW,
BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1
4BX****For: Mr. & Mrs. L. Williams, per Mr. J.W. Locke, 24
Hopton Close, Bartestree, Hereford, HR1 4DQ****Date Received: 16th May, 2005****Ward: Hagley****Grid Ref: 56094, 41220****Expiry Date: 11th July, 2005**

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a single storey dependent residential annexe in the rear garden area of 2 Parkview, Bartestree. The application site is located within the settlement boundary of Bartestree and is sited to the north of the main A438 through the village. The existing property is a typical mid 20th Century semi-detached dwelling house. To the west is found New Inn, a Grade II Listed Building utilised as a Public House. To the east and north is a modern residential development.
- 1.2 The proposal involves the erection of a detached annexe to provide accommodation for a dependent relative. The building is intended to be sited approximately half way down the rear garden area, adjacent to the eastern boundary. Traditional detached outbuildings, now removed, were previously located in the proposed site for the new building. The proposed building is intended to provide a bedroom, kitchen, toilet and lounge in a building 5.3 metres deep by 11.6 metres wide. The proposal involves a double pitched roof running parallel with the boundary. The eaves height is 2.4 metres and the height to ridge 4.4 metres. The proposal would be constructed in brick and tile.

2. Policies**2.1 Planning Policy Guidance:**

- PPG1 - General Policy and Principles
PPG15 - Planning and the Historic Environment

2.2 South Herefordshire District Local Plan

- GD1 - General development criteria
C29 - Setting of a listed building
SH23 - Extensions to dwellings
T3 - Highway safety requirements
T4 - Highway and car parking standards

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage
DR1	-	Design
H18	-	Alterations and extensions
HBA4	-	Setting of listed buildings

3. Planning History

DCCE2002/1606/F: Extension to form lounge/utility with bedroom and en-suite – Approved, 12th July, 2002

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Conservation Manager – No Objection

4.3 Traffic Manager – No objection subject to conditions

5. Representations

5.1 Lugwardine Parish Council – No objections

5.2 Local Residents – A letter was received from the following source raising no objection to the proposal:

- 9 Wilcroft Park, Bartestree

5.3 A further three letters objecting to this proposal have been received from the following sources:

- Mr. and Mrs. Birch, 5 Wilcroft Park, Bartestree;
- M. Louis, 3 Wilcroft Park, Bartestree;
- Mr. and Mrs. Harrison, 7 Wilcroft Park, Bartestree

The points raised can be summarised as follows:

1. Access for emergency vehicles;
2. Construction and maintenance issues;
3. Loss of privacy;
4. Impact on property values;
5. Loss of view;
6. Need to tie annexe to main dwelling through a covenant;
7. Damage to third party property;
8. Impact of existing hedging;
9. Noise and disturbance caused by construction;
10. Loss of light.

A further two letters have been received from Mr. D. James, acting on behalf of his relatives living at 1 Wilcroft, Bartestree. No objection is specifically made but the comment was made that the existing hedge is a cause for concern.

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 following issues represent the main issues in the consideration of this application:

1. Principle of Development;
2. Design and Scale;
3. Residential Amenities;
4. Visual Amenities;
5. Highway Issues.

Each of these matters will be considered individually.

Principle of Development

6.2 At a fundamental level this proposal represents residential development within the settlement boundary of Bartestree and as such is not considered inappropriate development in this location. South Herefordshire District Local Plan Policy SH23 and Herefordshire Unitary Development Plan Policy H18 relate principally to residential extensions. However, these policies provide suitable considerations for the assessment of a detached outbuilding such as is proposed in this application. These policies advise that proposals should be in scale and in keeping with the character of the existing building and its surroundings, provide for any increase in car parking provision, have regard to the amenities of nearby residential properties, and be in keeping with the overall character of the area.

6.3 South Herefordshire District Local Plan Policy GD1 and Herefordshire Unitary Development Plan Policy DR1 relate to the design of new development. The importance of securing appropriately designed new development is emphasised.

6.4 In consideration of the above policies it is considered that there are no fundamental policy objections to the proposed development. The application is therefore considered acceptable in principle with the acceptability or otherwise of this scheme resting in the details.

Design and Scale

6.5 The proposal as originally submitted called for a design concept that was considered excessive. The original scheme had the appearance of a single storey dwelling house which is inappropriate for a secondary structure such as an annexe. A revised scheme was requested and received demonstrating a 'toned down' proposal that would not compete visually with other structures in the area and will appear as the secondary ancillary structure it is. The building is relatively large for a curtilage structure but it is considered that the site has sufficient space to accommodate the building. It is considered that the new building will appear as a subservient structure of a size appropriate for the site and the associated primary buildings.

Residential Amenities

6.6 The building is not sited so as to cause concern in relation to the loss of light or an overbearing impact upon adjoining neighbouring land users. Privacy is, however, an issue and the scheme as originally submitted was cause for concern due to the location of openings, specifically a rear rooflight and a north facing habitable opening. The rooflight was the more minor of the two with the most likely concern relating to the occupier of the annexe, rather than neighbours, due to the relative position of openings. The opening to the north, originally serving a second bedroom now removed, was of greater concern due to its relationship with the neighbouring property to the north which offers more direct overlooking than found elsewhere. Again, the occupier of the annexe was the more likely to be harmed by this opening but in the interests of both parties the opening was removed. The proposal therefore has habitable openings in the west facing elevation only. The relationship between the annexe and 1 Parkview is such that direct inter-visibility will not occur and the distances and single storey nature of the proposal will ensure a minimised impact upon this neighbour. A two metre boundary fence, together with a large conifer hedge further down the boundary, is currently found in situ and this is considered sufficient to ensure an acceptable degree of privacy of both parties. Notwithstanding this, a condition relating to boundary treatment will be attached to ensure this privacy is maintained.

Visual Amenities

6.7 Limited views will be afforded to this building and this, together with the design revisions secured, will ensure that the proposal does not detract from the visual amenities of the locality. The Conservation Manager is satisfied that no adverse impact will result upon the nearby Listed Building.

Highway issues

6.8 As the property is for a dependent relative it is considered that minimal traffic generation will result. Three parking spaces can be accommodated to the front of the property. The visibility is substandard to the left on exit but as intensification is limited the situation will remain little different to that currently found on site and as such not substantial grounds for a refusal.

'Fall Back' Position

6.9 When a refused application is Appealed against the 'fall back' position is considered. Namely, the development that could be undertaken without the need for planning permission, or that which is possible with an extant permission. In this instance it is of note that this proposal is located in excess of 5 metres away from the existing dwelling house. An outbuilding for purposes ancillary (though not a self-contained annexe) to the use of the main dwelling could therefore be built in this location, to this scale, but 0.4 metres lower in height, without the need for planning permission.

Other Issues

6.10 In relation to the points raised by local residents not addressed in the previous sections of this report, it is advised that loss of property values is not a planning issue in this instance. Damage to third party property and nuisance caused by existing hedging are matters tackled through alternative legislation and not issues for consideration in the

context of this application. Disturbance during construction will be minimised through and appropriate condition. It is also advised that although the impact of a proposal upon visual amenities is a very important consideration, nobody has a right to a view. Finally, the need for a covenant to tie this annexe to the main dwelling was stated. It is acknowledged that this is a wholly inappropriate location for an independent dwelling house, however, a condition rather than a covenant will be used to ensure that this building remains an ancillary building to 2 Parkview.

Conclusion

6.11 On balance it is considered that this development represents an appropriate development of a suitable design and scale for the location and with a residential and visual amenity impact that is within acceptable limits. A condition will ensure its retention as an ancillary building in perpetuity.

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. 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. A09 (Amended plans)

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

4. B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

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. E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

7. E29 (Occupation ancillary to existing dwelling only (granny annexes))

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

- 8. The parking facilities associated with the application site shall be retained and kept available for such use.

Reason: In the interests of highway safety.

- 9. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 10. G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.