



## Appeal Decision

Site visit made on 04 April 2005

by **R G Gardener** BSc(TownPlan) MRTPI

an Inspector appointed by the First Secretary of State

DCSE2005/1768/F

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

27 APR 2005

**Appeal Ref: APP/W1850/A/04/1169913**

**Former Petrol Filling Station, Gloucester Road, Ross-on-Wye, Herefordshire HR9 5NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by First London Investment Group Ltd. against the decision of the County of Herefordshire District Council.
- The application Ref DCSE2004/2733/F, dated 22 July 2004, was refused by notice dated 27 October 2004.
- The development proposed is the demolition of the existing petrol filling station and the erection of 18 No. residential apartment dwellings.

### Decision

1. For the reasons given below, **the appeal is dismissed.**

### Procedural Matters

2. The proposal is for 3 blocks of apartments, Block 1 being 2-storeys in height and Blocks 2 and 3 at 3-storeys. A more recent scheme for 16 residential apartments has been granted planning permission by the Council (Council ref: DCSE2004/4339/F). I have a copy of that scheme which has strong similarities to the current appeal proposal but Block 2 is reduced to 2-storeys while Block 3 has the appearance of being 2-storey. That approval creates an obvious fall-back position, a material consideration which I have taken into account.

### Reasons

3. While there is commercial development nearby, residential uses, primarily mature detached and semi-detached houses in reasonable plots, line Gloucester Road westwards towards the town centre. These commence on the eastern edge of the appeal site where the former Ashburton Inn has been converted to flats. On its west side, the first house, Rowancroft, is set back from the road in a good sized plot. The petrol station is a conspicuous feature in this frontage and residential re-development is supported, as the recent approval shows.
4. That position accords with adopted and emerging policies which support new residential development in the built-up area of Ross on Wye. It also follows government guidance concerning the re-use of previously developed land. However other policies require that new development is sympathetic to the character of the locality in terms of density, form, scale and height. The Council and others consider that the scheme would be over-intensive and appear cramped. While the proposed density of accommodation would be high, in this sustainable location I do not consider that it would be unacceptable if it could be achieved without harm to these other important interests. In that respect the Council refers to the

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proximity of the blocks to the site boundaries, the space or lack of space between the blocks and the depth of the blocks when compared to the existing properties in the vicinity and their layout. The concern is that the site and its frontage would be filled with new buildings to a degree which is out of character with the established, more spacious and characteristic pattern of development. Whether or not that would be the case, the effect would not be significantly different in these respects to the scheme which has been approved nor would the potential for landscaping to soften the car park areas, which the Council also criticises.

5. The remaining factor on this issue is the height of the blocks as part of the street scene. Block 1, alongside Rowancroft, while much bulkier would be appropriate and has been approved in the more recent scheme. Block 2, although a storey higher, would be set lower because of the levels of the site and, being set back from the road, would not appear out of place. Block 3, similar in height to Block 2, would be close to the footway and more prominent as a result. Much of the 2<sup>nd</sup> floor accommodation however would be in the roofspace and that part nearest to the Ashburton Inn effectively steps down to a similar height and scale. I do not consider that it would not appear out of scale or over-dominant as part of this frontage. I do not therefore share the Council's concerns on these matters, particularly bearing in mind the scheme which has now been approved.
6. On the effect of the scheme on the residents of adjoining properties. The site is not only flanked by a house and flats but it also backs onto the gardens of houses fronting Weston Grove. Because of a dense evergreen hedge with the boundary of Rowancroft and since Block 1 would be of a domestic 2-storey height, I do not consider that the amenity that it provides would be unacceptably reduced. The possible conflict between opposing windows in Block 3 and the Asburton Inn conversion, and the consequent mutual overlooking, has been addressed by the approved scheme. It is possible that a similar solution, or perhaps high level windows or obscure glazing to improve the living environment in the new apartments, could have been secured for this scheme to overcome this objection.
7. In respect of Weston Grove, all 3 blocks incorporate principal bedroom and living room windows which would face directly towards those houses and their gardens. Block 3, at the front of the site, would be separated to the extent that overlooking would not be a significant threat to the enjoyment of those properties. Plots 1 and 2 would be much closer, about 10m. from the boundary. The Weston Grove houses have long rear gardens and I do not consider that the living conditions within the houses themselves would be significantly less private as a result. Their gardens however would be overlooked and the amenity they provide impaired. From what I saw these are well used and no doubt are an important facility to those residents. The separation distance from the new apartments to these areas would be acceptable at 2-storey (as, indeed the recently approved scheme allows) but in my opinion the additional level of accommodation proposed for Block 2 would increase the potential for overlooking to an unacceptable extent. In my opinion, this is the only substantive objection to the proposal.
8. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.



Inspector