

16 DCNE2005/1515/F - PROPOSED ERECTION OF DETACHED DWELLING AND FORMATION OF A NEW VEHICULAR ACCESS AT LAND ADJACENT TO GREENBANK, THE COMMON, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LU

For: Mr & Mrs Adams per Border Oak Design & Construction, Kingsland Sawmills, Kingsland, Leominster, Herefordshire, HR6 9SF

Date Received:

6th May 2005

Ward:

Hope End

Grid Ref:

71160, 40375

Expiry Date:

1st July 2005

Local Members: Councillor R Stockton & Councillor R Mills

1. Site Description and Proposal

- 1.1 The application site consists of a small area of permanent pasture in steeply sloping ground to the west of the property known as Greenbank, located centrally within Wellington Heath. It is bounded to the north by a narrow lane known as Oakeys Lane and this offers pedestrian access only. An open meadow lies to the south and this is outside of the Settlement Boundary, however, the site itself falls within.
- 1.2 Wellington Heath is characterised by random pattern of development with no dominant architectural style prevailing. Two dwellings bound Oakeys Lane, the closest being approximately 30 metres away, occupying a significantly elevated position in relation to the site. Other dwellings lie to the south east, some 40 metres away and are significantly lower.
- 1.3 The proposal is for the erection of a single dwelling. The plans show a 1 and a half storey timber framed cottage, incorporating features such as dormer windows and an external chimney stack. The panelling is to be finished with a lime based render, built off a reclaimed brick plinth and under a reclaimed clay tile roof. A secondary element of the dwelling is to be faced with weatherboards.
- 1.4 The plans show a three bed dwelling with a study and utility room. It has a floor area of approximately 130m² and a maximum ridge height of 6.9 metres. It is orientated in a north-west/south-east position with a new vehicular access proposed to the south of the site.

2. Policies

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

CTC1 – Areas of Outstanding Natural Beauty

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Landscape Policy 2 – Areas of Outstanding Natural Beauty

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H6 – Housing in Smaller Settlements
LA1 – Areas of Outstanding Natural Beauty
LA2 – Landscape Areas and Areas Least Resilient to Change

3. Planning History

None identified.

4. Consultation SummaryStatutory Consultations

- 4.1 Severn Trent Water - no objection subject to condition.

Internal Council Advice

- 4.2 Transportation Manager - no objection subject to conditions.
- 4.3 Landscape Officer comments as follows: 'I object in principle to this development because it would entail the loss of a small plot of pasture. This would be detrimental to the landscape character of Wellington Heath as small plots of pasture, particularly on the steeper valley sides, are a key element of the settlement pattern of Forest Smallholdings and Dwellings. many small plots of rough land or pasture have already been developed within Wellington Heath. Infilling this plot would increase the urbanisation of Wellington Heath, and this would also threaten the landscape character of this area. This development would thus conflict with Policy LA2: Landscape character and Areas Least Resilient to Change, in the Herefordshire Unitary Development Plan (Draft 2002). This policy states that: *'Proposals for new development that would adversely affect either the overall character of the landscape, as defined by the Landscape Character Assessment and the Historic Landscape Characterisation or its key attributes or features, will not be permitted.'* I am also concerned that extensive earthworks would be required in order to construct a house and a new access on steeply sloping ground. Such earthworks would be visually intrusive.'
- 4.4 Public Rights of Way Officer - The proposed development would not appear to affect public footpath WH21. The applicants should ensure that they hold lawful authority to drive over the public footpath.

5. Representations

- 5.1 Wellington Heath Parish Council object to the application on the following grounds:

- a) The sewerage system has not been upgraded and cannot cope with further dwellings.
- b) The proposed dwelling is too big on a prominently open site.
- c) The scheme would cause overlooking and a loss of residential amenity to neighbouring dwellings.
- d) Overdevelopment within the Area of Outstanding Natural Beauty.
- e) Inadequate vehicular access over a public footpath.
- f) Loss of garden area.

5.2 Two letters of objection have been received from:

J R Coggins, Bankside, Wellington Heath
Mrs M Andrews, Neida, The Common, Wellington Heath

In summary the points raised are as follows:

- a) Will add to strain on local services; particularly the sewerage system.
- b) The site is prominent and the proposal will be detrimental to the Area of Outstanding Natural Beauty.
- c) Detrimental to the amenity of the footpath.
- d) The scheme will set a precedent for more development in the locality.
- e) Detrimental to residential amenity. The dwelling should be re-sited.

5.3 One letter of support has been submitted by Mr & Mrs Jardine, Heligan, The Common, Wellington Heath. In summary the points raised are as follows:

- a) The house is well designed and will enhance the local environment.
- b) Careful consideration has been given to issues such as drainage and access.
- c) Will not set a precedent as adjoining land is beyond the building line.

5.4 The applicants have also submitted a supporting statement, which makes the following points:

- a) The design sits comfortably in its surroundings and adds to the architectural merit of the area.
- b) The dwelling has been orientated so that the elevation facing Bankside has no windows. It is also angled so as not to look straight at Greenbank.
- c) Designed to address problems of surface water run off including a permeable terrace and drive.

5.5 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 Under the adopted Malvern Hills District Local Plan, the site falls within the villages settlement boundary where the principle of development is considered to be acceptable subject to other material planning considerations. Two areas of land have been purposely omitted from the settlement boundary and the local plan advise that this is to protect open spaces in the village and its attractive valley setting.

- 6.2 The comments of the Landscape Officer are acknowledged. However, it is considered that it would be unreasonable to refuse the application in order to protect open space when other areas have been deliberately omitted from the settlement boundary to maintain the open character of the immediate locality. It is therefore your officer's opinion that a reason for refusal could not be substantiated on these grounds.
- 6.3 As noted earlier, the site occupies a position on steeply sloping land. There are significant changes in levels from north-west to south-east in particular. The proposal if approved, will have to be set into the land and a condition requiring the submission of finished floor levels would be recommended.
- 6.4 Concerns regarding overlooking and loss of privacy have been expressed by two neighbours. The proposal is well spaced from other dwellings not controlled by the applicant with such significant changes in levels; at least 3-4 metres higher to the north-west and the same but lower to the south-east, it is not considered that any demonstrable overlooking will occur. The scheme will not be detrimental to adjacent residential amenity and it accords with local plan policy in this respect.
- 6.5 The proposed dwelling has a total floor area of approximately 130m². Its scale and proportion is less than some of those in the closest proximity. In an area of mixed architectural styles, the use of a timber framed structure is not inappropriate and will sit comfortably within its surroundings. The proposal is considered to be acceptable in terms of its scale, design and proportion and accords with policy in this respect.
- 6.6 A consultation response from Severn Trent Water raises no objection to the proposal subject to a condition requiring details of surface and foul water disposal. The application advises that the dwelling is to be linked to the mains sewer and indicates an intention to use permeable surfaces to reduce run off. Subject to further details, that can be suitably conditioned, this aspect of the proposal is also considered to be acceptable.
- 6.7 Access provision the site is considered to be acceptable subject to conditions and the Public Rights of Way Manager has not objected to the scheme. An unacceptable increase in road traffic and consequent impact on the road network would be difficult to substantiate as a refusal reason for a single dwelling, particularly given the villages current status as a defined settlement.
- 6.8 A small area of garden currently belonging to Greenbank is to provide access, but this does not compromise its available garden area as a whole as it still remains in a reasonable sized curtilage.
- 6.9 In conclusion the scheme is well designed and will not have a demonstrable detrimental impact on the surrounding area, either in terms of residential amenity, or in the wider context of the surrounding Area of Outstanding Natural Beauty. It is therefore accords with adopted development plan policies and the application is consequently recommended for approval.

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 - B01 (Samples of external materials)

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

3 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

6 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

7 - G01 (Details of boundary treatments)

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

8 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

9 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

10 - H01 (Single access - not footway)(new)(5 metres)

Reason: In the interests of highway safety.

11 - H05 (Access gates)(5 metres)

Reason: In the interests of highway safety.

12 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.