

**9 DCCE2005/1530/F - DEMOLITION OF EXISTING DUTCH BARN ERECTION OF NEW PRIVATE RESIDENCE AND ATTACHED DOUBLE GARAGE. WALNEY BARN, AYLESTONE HILL, HEREFORD HR1 1JJ****For: R.J.C. & P. Skerrett, Warren Benbow Architects,  
21 Mill Street, Kington, Herefordshire, HR5 3AL****Date Received: 9th May, 2005****Ward: Aylestone****Grid Ref: 52356, 41203****Expiry Date: 4th July, 2005**

Local Members: Councillors D.B. Wilcox and A.L. Williams

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the erection of a dwelling house on the existing site of Walney Barn, accessed via a private drive off Aylestone Hill. The site is located to the east of Aylestone Hill and is currently home to a barn constructed out of corrugated sheeting in Dutch barn style. The site has been utilised for the keeping of horses. The area is primarily residential in character and the site falls within the Aylestone Hill/Tupsley Ridge protected landscape area. The site does not fall within the designated Aylestone Hill Conservation Area, however, it is considered appropriate to consider the impact of this scheme upon it.
- 1.2 The proposal involves the demolition of the existing Dutch barn style agricultural building and the erection of a two storey dwelling house with a linked garage. The proposed new dwelling is of a contemporary design and construction though it strongly echoes the character and appearance of the existing built form.

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

- PPS1 - General policy and principles  
PPG3 - Housing

Circular 3/99 – Planning requirements in respect of non-mains sewerage

**2.2 Hereford Local Plan:**

- ENV12 - Private sewerage  
ENV14 - Design  
H3 - Design of new residential development  
H12 - Established residential areas - character and amenity  
CON12 - Conservation areas  
CON13 - Conservation areas - development proposals  
CON19 - Townscape  
CAL1 - Residential development  
CAL2 - Residential infilling  
CAL17 - Aylestone Hill/Tupsley Ridge

T5 - Car parking - designated areas

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development  
S2 - Development requirements  
S3 - Housing  
S6 - Transport  
S7 - Natural and historic heritage  
DR1 - Design  
DR2 - Land use and activity  
DR3 - Movement  
DR4 - Environment  
DR6 - Water resources  
H1 - Hereford and the market towns: settlement boundaries and established residential areas  
H13 - Sustainable residential design  
H16 - Car parking  
T11 - Parking provision

### 3. Planning History

- 3.1 OA/27083 - Site for erection of one bungalow after demolition of existing Dutch barn and storage accommodation. Refused 31st May, 1984.
- 3.2 P/27485 - Site for erection of one bungalow after demolition of existing Dutch barn and storage accommodation. Refused 1st November, 1984. Appeal dismissed 18th September, 1985.
- 3.3 HC/890612/PF - Erection of building to be used as a nesting area for free range egg unit (chicken) and egg sorting room. Approved 21st December, 1989.
- 3.4 HC/960231/PF - Agricultural workers dwelling. Refused 30th September, 1996.
- 3.5 HC/960377/PF - Agricultural workers dwelling. Refused 18th December, 1996.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: No objection.
- 4.2 Water Authority: No response received.

#### Internal Council Advice

- 4.3 Traffic Manager: No objection subject to conditions.
- 4.4 Public Rights of Way Manager: No objection.
- 4.5 Conservation Manager: No objection.
- 4.6 Forward Planning Manager: No objection.

## 5. Representations

- 5.1 Hereford City Council: Object on the grounds that a mains sewer is not available.
- 5.2 Local Residents: Five letters of objection have been received from three sources. The comments raised can be summarised as follows:

- 1 Lack of mains sewer;
- 2 Impact upon trees on site and on neighbouring land;
- 3 Loss of privacy;
- 4 Inappropriate due to location of site within Conservation Area;
- 5 Inappropriate materials.

In relation to point 4 it is advised that the application site in fact falls outside of the designated Aylestone Hill Conservation Area. The potential impact of the proposal upon the Conservation Area is, however, acknowledged as a material planning consideration.

- 5.3 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 principal matters of consideration in this application:

- Principle of development;
- Design and scale;
- Residential amenity;
- Visual amenity and impact upon Conservation Area;
- Drainage;
- Highways.

### Principle of Development

- 6.2 The application site falls outside of the established residential area as identified in the adopted Hereford Local Plan. The proposal would therefore be assessed on the basis of being a new dwelling in the open countryside. In such a location a new dwelling not meeting a rural exception criterion, as is the case here, would be resisted. However, it is considered to be significant that the settlement boundary in the emerging Herefordshire Unitary Development Plan includes the application site within the settlement boundary of Hereford. It has been confirmed by the Forward Planning Manager that no objections have been received to this boundary revision and as such it is not considered premature to submit an application on the basis of this revision. The Forward Planning Manager raises no objection to this application. On balance it is therefore considered most appropriate to assess this application on the basis of the emerging Herefordshire Unitary Development Plan. It is therefore considered that the proposal is acceptable in principle with the acceptability or otherwise of the scheme resting in the specifics of the application.

### Design and Scale

- 6.3 The proposed development is contemporary in its design approach, extensively utilising glass, steel and timber weatherboarding. This design is most notable, however, for its reflection of the existing on site form with the design closely echoing the Dutch barn currently found on site. The scheme is therefore sympathetic in its appearance, acknowledging the sensitive nature of its surroundings, as well as, the adjacent Aylestone Hill Conservation Area. The scale also respects the existing built form and as such is not considered problematic. Overall this scheme is considered to represent a high quality contemporary design that echoes the existing character and setting of the site and is therefore worthy of support.

### Residential Amenity

- 6.4 The property is sited to the rear of the principal row of dwellings running in a linear form along Aylestone Hill. The key issues are therefore the overlooking of the rear garden areas of these properties, together with the interaction of this development with the neighbouring properties to the north and south.
- 6.5 In relation to the impact upon the rear garden areas of the properties on Aylestone Hill it is considered that the resultant overlooking will be within acceptable limits. To the south, the proposal has been revised so that no habitable openings overlook the garden area of this property. The property to the north will be impacted upon to the most significant extent, however, the scheme has been revised to remove a balcony feature and extensive soft landscape screening is found on the boundary, within the control of the neighbour in question. It is therefore considered that the impact upon privacy will not only be within acceptable limits, but will also be within the control of the neighbour in question. A condition requiring the retention of existing trees within the application site is recommended in order to provide an additional safeguard.

### Visual Amenity and Impact upon Conservation Area

- 6.6 The application site is located in a sensitive area falling within the Aylestone Hill/Tupsley Ridge landscape area, as well as being in close proximity to the Aylestone Hill Conservation Area. A contemporary design solution could be queried in such a sensitive location but it is suggested that in this instance this proposal represents the most effective approach. The prominence of this site has already been noted and as such it is important that this development is designed to be no more intrusive than the existing built form. Timber is a visually soft material and this, combined with the use of large areas of glazing, would provide a lightweight appearance appropriate to this context. The shape and size of the building effectively echoes the existing built form and it is considered that a traditional design solution would be unable to integrate into the landscape as effectively as the proposed solution. Turning to the Conservation Area specifically, it is considered that such a designation does not prevent new development, and neither does it prejudice the development of schemes utilising modern architecture. It is considered that where a scheme integrates effectively into the area with high quality design that preserves the character and appearance of the Conservation Area it should be recognised as being acceptable, whether the design approach is contemporary or traditional. In this instance the Conservation Manager raised no objection and the scheme is considered to represent high quality design that will preserve the character and appearance of the adjacent Conservation Area. It is considered that the visual amenities of the locality will be preserved through this development.

Drainage

- 6.7 Circular 3/99 (Planning Requirements in respect of Non-Mains Sewerage) requires applicants to pursue a connection to a mains foul sewer. However, if by taking into account the cost and/or practicality of such a connection the local planning authority is satisfied that such a connection is not feasible, alternatives may be considered. In this instance no objection has been raised by the Environment Agency and information has now been submitted which is considered to demonstrate the lack of availability of a mains connection. Adopted and emerging planning policy echo the position requiring connection to the mains as the first option, but in the absence of such provision it is unreasonable to resist an application when alternative options exist. In this instance it is considered that the application is in accordance with planning policy and can be supported. It can be confirmed that Building Regulations will be required for any drainage installation and this will be required to comply with the relevant specifications. Development may not be undertaken without the required Building Regulations, regardless of securing planning permission for a scheme. Notwithstanding this, appropriate conditions will ensure the acceptability of the proposed drainage arrangements.

Highways

- 6.8 The Traffic Manager has assessed this proposal and raises no objection to it subject to appropriate conditions.

Other Issues

- 6.9 Comment was made regarding the loss of trees on site. It is understood that no trees will be required to be removed as part of this application, however, a condition preventing the removal of trees without written consent from the local planning authority will be attached, together with appropriate landscaping conditions, to ensure that the landscape issues associated with this site are effectively addressed.

Conclusion

- 6.10 On balance it is considered that this application represents a scheme with high quality design that will preserve the sensitive location in which it is found. The proposal is considered to be in accordance with the relevant planning policies and acceptable in all other respects.

**RECOMMENDATION**

**That planning permission be approved 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 A08 (Development in accordance with approved plans and materials)**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.**

- 3 E09 (No conversion of garage to habitable accommodation)**

**Reason: To ensure adequate off street parking arrangements remain available at all times.**
- 4 E16 (Removal of permitted development rights)**

**Reason: Due to the restricted nature of the application site and in the interests of preserving the special architectural design of the development.**
- 5 No balcony shall be introduced without the grant of further specific permission from the local planning authority.**

**Reason: To safeguard the amenities of the locality.**
- 6 E18 (No new windows in specified elevation)**

**Reason: In order to protect the residential amenity of adjacent properties.**
- 7 E19 (Obscure glazing to windows)**

**Reason: In order to protect the residential amenity of adjacent properties.**
- 8 F16 (Restriction of hours during construction)**

**Reason: To protect the amenity of local residents.**
- 9 F18 (Scheme of foul drainage disposal)**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**
- 10 F28 (No discharge of foul/contaminated drainage)**

**Reason: To prevent pollution of the water environment**
- 11 G01 (Details of boundary treatments)**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**
- 12 G04 (Landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**
- 13 G05 (Implementation of landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**
- 14 G10 (Retention of trees)**

**Reason: In order to preserve the character and amenities of the area.**

**15 H05 (Access gates)**

**Reason: In the interests of highway safety.**

**16 H09 (Driveway gradient)**

**Reason: In the interests of highway safety.**

**17 H12 (Parking and turning - single house)**

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

**18 H21 (Wheel washing)**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.**

**Informatives:**

- 1 N01 - Access for all**
- 2 N03 - Adjoining property rights**
- 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 PP/LBC/CAC**

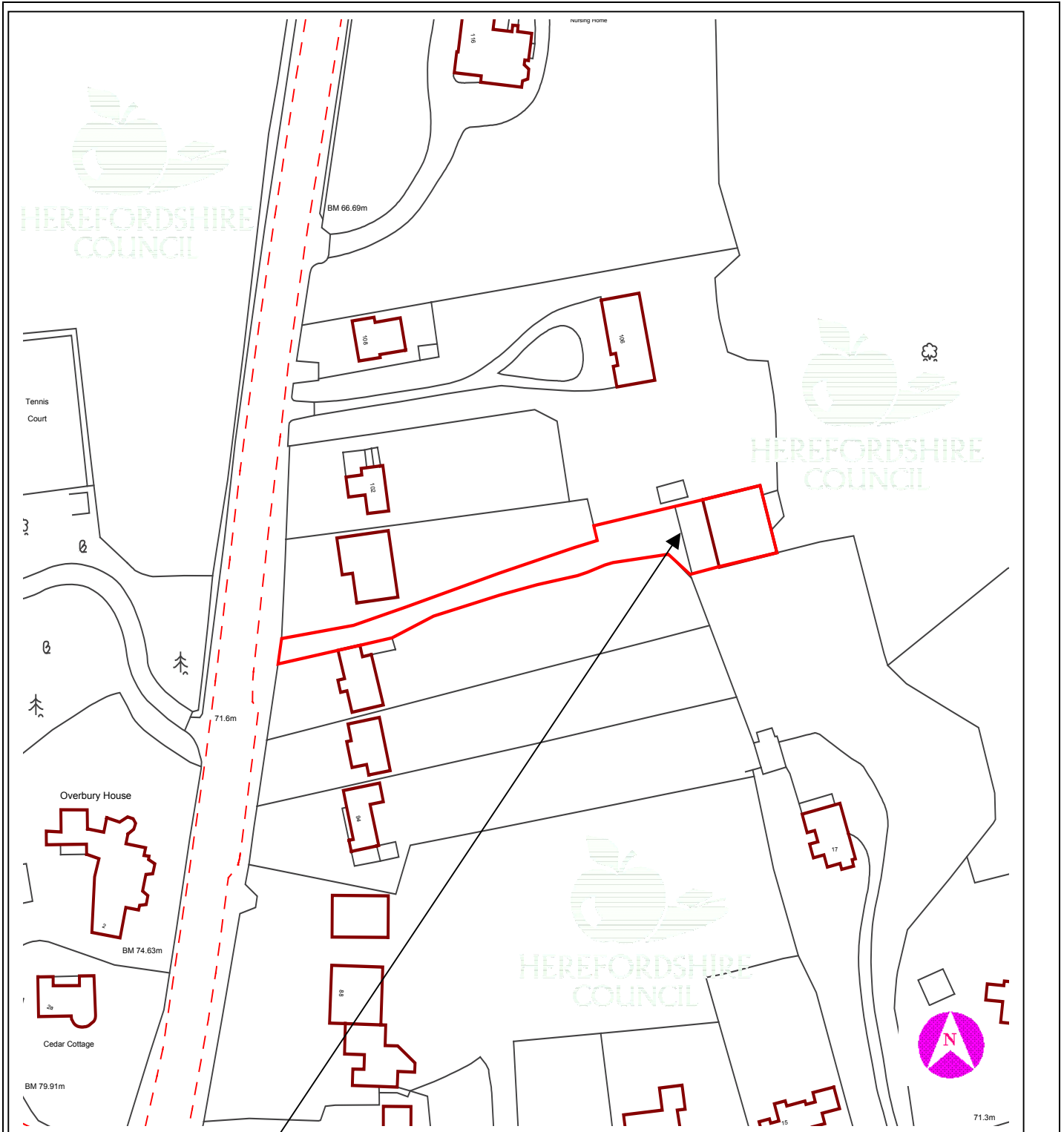
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/1530/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Walney Barn, Aylestone Hill, Hereford HR1 1JJ

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