

APPENDIX

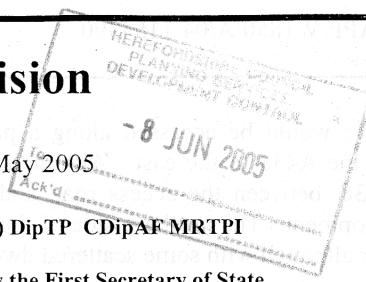


Appeal Decision

Site visit made on 12 May 2005

by **K Nield** BSc(Econ) DipTP CDipAF MRTPI

an Inspector appointed by the First Secretary of State



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Date

07 JUN 2005

Appeal Ref: APP/W1850/A/04/1154390

Land adjacent to Fourth Milestone House, Swainshill, Hereford, HR4 7QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs C A Thomson against the decision of Herefordshire Council.
- The application ref: DCCW2004/1256/O, dated 1 April 2004, was refused by notice dated 28 May 2004.
- The development proposed is described as new private dwelling.

Summary of Decision: The appeal is allowed subject to conditions set out in the Formal Decision below.

Preliminary Matters

1. The application is in outline with only the means of access to be considered at this stage. External appearance, siting, design and landscaping are reserved for future consideration.

Main Issue

2. I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of the locality.

Planning Policy

3. The development plan includes the Hereford and Worcester County Structure Plan and the South Herefordshire District Local Plan (SHDLP).
4. Consistent with the framework of the Structure Plan, SHDLP policy SH.10 states that planning permission will be granted for small scale housing development within the smaller settlements provided that a number of specified criteria are met. Amongst other matters the criteria require that the scale and character of proposed development should be appropriate to the location and would not adversely alter the character of the location or encourage additional development to take place where this would lead to undesirable changes. Criterion vii) requires development to be contained within existing physical boundaries without significant loss of trees or open space of amenity value. It is also a requirement of the policy that it can be demonstrated that the proposed development would help satisfy local housing requirements and would be sustainable in terms of reducing the need to travel by car.

Reasons

5. The appeal site comprises part of the rear garden area to Fourth Milestone House. The parties agree that the site lies within the settlement of Swainshill and that the settlement forms one of the smaller settlements to which SHDLP policy SH.10 applies.

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6. The appeal site would be accessed along a partly unmade private road leading from its junction with the A438 to the east. Although Swainshill is essentially a linear settlement along the A438, between the access road and the A438 there is a significant degree of housing development. The northern side of the access road, however, has a more open and rural character although with some scattered dwellings.
7. The boundaries of the plot are reasonably well defined. There is a mature hedgerow along the common boundary with West View to the east and ranch style fencing along the southern boundary with Fourth Milestone House. The existing screening restricts public views into the site and in my opinion the visual impact of the proposed development would be limited. It is indicated that the appellants would retain a strip of land along the west side of the plot and introduce additional tree planting as a further screen.
8. The appeal site is part of the garden area to Fourth Milestone House and has residential development to the south and east and there is a residential property sited on the northern side of the access road opposite the appeal plot. To the west of the appeal plot the land has a more rural quality and forms more of a transition of the settlement with the countryside than does the appeal site. I consider, in consequence, that the character of the plot relates well to the remainder of the settlement and I do not consider that there is conflict with criterion i) of SHDLP policy SH.10. In addition I do not consider that the proposal would conflict with criterion v) of SHDLP policy SH.10 in that it would not adversely affect the character of the location or encourage undesirable further development to take place having regard to the particular circumstances of the site.
9. I conclude on the main issue that the proposed development would not have an unacceptable effect on the character and appearance of the rural locality and would not conflict with relevant aspects of SHDLP policy SH.10.

Other Matters

10. Although no information was provided at the time of the application in respect of local housing need, the appellants have redressed that within the appeal documentation to an extent with the provision of a letter from a local estate agent indicating the reasonably high level of demand from purchasers for plots and dwellings in the locality. The evidence provided is sufficient, in my view, to meet the requirement of the policy in this case.
11. I noted that Swainshill was on a public transport route from Hereford to Brecon with a bus service. Although I am not provided with evidence as to the frequency of bus services I am satisfied that the development of only one unit within this designated settlement would not in itself be unsustainable or conflict with SHDLP policy SH.10 on this matter.
12. I have noted the objection of the Parish Council and several local residents in respect of the junction of the access road with the A438 and the standard of the access lane. I do not, however, consider that the development of an additional dwelling having access from the lane would have a significantly harmful effect on highway safety and I note in this respect that no objections to the proposed development were received from the local highway authority.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that

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the appeal should be allowed.

Conditions

15. In addition to the statutory time condition the Council has suggested conditions to secure details of the reserved matters and for those to be approved in writing before any development is commenced. I accept that such conditions are necessary to ensure proper planning control over the development and I shall impose them.

Formal Decision

16. I allow the appeal and grant planning permission for a new private dwelling at land adjacent to Fourth Milestone House, Swainshill, Hereford, Herefordshire, HR4 7QE in accordance with the terms of the application (Ref DCCW2004/1256/O) dated 1 April 2004 and plans submitted therewith subject to the following conditions:

1. Approval of the details of the siting, design and external appearance of the building, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of the building, and the landscaping of the site shall be submitted in writing to the local planning authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matters to be approved, whichever is the later.

Kerin Baird

INSPECTOR