

15 DCCW2005/2550/F - PROPOSED REPLACEMENT DWELLING AT LITTLE HOLME, KENCHESTER, HEREFORD**For: J.N. & S.L. Price per Burton & Co., Lydiatt Place, Brimfield, Ludlow, Shropshire, SY8 4NP****Date Received: 3rd August, 2005****Ward: Credenhill****Grid Ref: 43784, 43264****Expiry Date: 28th September, 2005**

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

- 1.1 The application site comprises a small timber and blockwork dwelling set within its own grounds, situated at the end of a no through road in the hamlet of Kenchester approximately 1 kilometre to the west of Credenhill.
- 1.2 The application seeks planning permission to erect a replacement dwelling comprising a modest two bedoromed single storey property with a ridge height of 6.5 metres.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy SH21 - Replacement Dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy H7 - Housing in the Countryside Outside Settlements

3. Planning History

- 3.1 SH920608/PF Replacement dwelling. Approved 22nd July, 1992.
- 3.2 DCCW2005/1404/F Proposed replacement dwelling. Withdrawn 1st June, 2005.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency: no objection, but suggest the use of conditions requiring flood proof construction and standard drainage conditions.
- 4.2 Welsh Water: no objection, subject to the imposition of standard drainage conditions.

Internal Council Advice

- 4.3 Conservation Manager: no objection, but recommends that the external design be enhanced as the architectural language of the proposal is contradictory.

- 4.4 Head of Environmental Health and Trading Standards: no objection, but the application site is identified as being situated on land previously used as a chemical works, therefore it is recommended that a Phase 1 contamination survey is undertaken.

5. Representations

- 5.1 Kenchester Parish Council: object to the scale of the proposed replacement dwelling, believing that any redevelopment should match the scale of the existing adjoining dwellings.
- 5.2 Brinsop and Wormsley Parish Council (adjoining): no objection.
- 5.3 Mr. Morris, Bridge House, Kenchester objects to the small scale of the proposed replacement dwelling.
- 5.3 Mr. Pritchard, The Mill, Kenchester objects to the proposed development on the grounds that the previous approval was not implemented and the residential use of the property has been abandoned.

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 The existing dwelling is comprised of a timber shed and a small adjoining brick building, which at some point in the past were interconnected by a blockwork extension, and evidence available to the Local Planning Authority suggests that the buildings was first occupied as a dwelling in the mid 1940s by a Mr. Clarke, who remained in occupation until ill health required him be re-housed in a local nursing home in 1999. Since that time the property has remained vacant.
- 6.2 In 1992 planning permission (SH920608P) was approved for the erection of a replacement dwelling. However this application was never implemented and lapsed in 1997.
- 6.3 In April 2005 a further application (DCCW2005/1404/F) was submitted seeking consent for a large two storey replacement dwelling, which by virtue of its scale could not be supported, and negotiations with the applicant have secured the present submission of a more modest revised scheme, which resolved the principle policy objections to the proposal.
- 6.4 Policy SH21 makes provision for replacement dwellings, subject to the existing building being a permanent dwelling, which is not desirable to retain due to its historic interest, and the replacement building is of a size and scale similar to that of the original dwelling, and the development would have safe vehicular access. In this case the proposed replacement dwelling is to be located on the same footprint as the existing dwelling, however it will offer almost a 55% increase in habitable accommodation.
- 6.5 Nevertheless, the bulk massing and design of the proposed building disguise this increase in habitable area, and notwithstanding the increased volume still offer a modestly sized dwelling having a habitable area of less than 100m².

- 6.6 However to comply with Policy SH21 it is considered necessary to impose conditions preventing the conversion of the roof void to provide habitable accommodation, the erection of extensions, and the conversion of the integral garage to habitable accommodation, to ensure that the replacement dwelling remains of a scale similar to the original dwelling.
- 6.7 Objections have been received with regard to the small scale of the proposed replacement dwelling. However the modest scale of the proposal is in accordance with the constraints of Policy SH21 and the provision of a large two-storey dwelling would be contrary to the objectives of that policy.
- 6.8 A letter of objection has also been received claiming that the residential use of the property was abandoned in 1999, following Mr. Clark's re-housing in a residential home. The issue of abandonment has been given very careful consideration in reaching a recommendation in the light of the concerns raised. A number of court judgements have established four tests of abandonment including the physical condition of the building; the length of time it has been unoccupied; evidence of intervening uses and the intentions of the owners.
- 6.9 It is acknowledged that the building is in a poor state of repair but essentially this collection of structures remains intact and potentially capable of upgrading to provide very basic accommodation and as such its physical condition is not an indication of abandonment. The property has been unoccupied since 1999, and this represents a relatively short period of time when related to court cases that have ruled that a period of 20 years or more would not amount to abandonment subject to a consideration of the other tests.
- 6.10 There have been no intervening uses that are evident and the intent of the owner is a highly subjective judgement in all such cases but it should be noted that permission was granted for a replacement dwelling 1992 and Council Tax continued to be paid until 1992, both of which points towards an intention to retain a residential use.
- 6.11 The tests of abandonment are clearly satisfied and therefore whilst the concern of the all objectors is noted, they do not present sufficient grounds to warrant refusal in this case.
- 6.12 Overall, having consideration for the above, and subject to the imposition of conditions the proposal complies with the relevant policies in the Local Plan, and as such, approval is recommended.

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. A07 (Development in accordance with approved plans).**

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

3. C02 (Approval of details) (External elevations and fenestration treatment).

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

4. B01 (Samples of external materials).

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

5. Prior to the commencement of the development, a scheme of flood proof construction shall be agreed with the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the development from flood risk.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargement or other alteration to the dwelling shall take place, including conversion of the roof void to provide habitable accommodation.

Reason: In order to comply with the criteria within Policy SH21 of the South Herefordshire District Local Plan.

7. E09 (No conversion of garage to habitable accommodation).

Reason: In order to comply with the criteria within Policy SH21 of the South Herefordshire District Local Plan.

8. H05 (Access gates) (5 metres).

Reason: In the interests of highway safety.

9. H09 (Driveway gradient).

Reason: In the interests of highway safety.

10. F18 (Scheme of foul drainage disposal).

Reason: In order to ensure that satisfactory drainage arrangements are provided.

11. 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.

12. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

Informative:

1. N15 - Reason(s) for the Grant of PP.

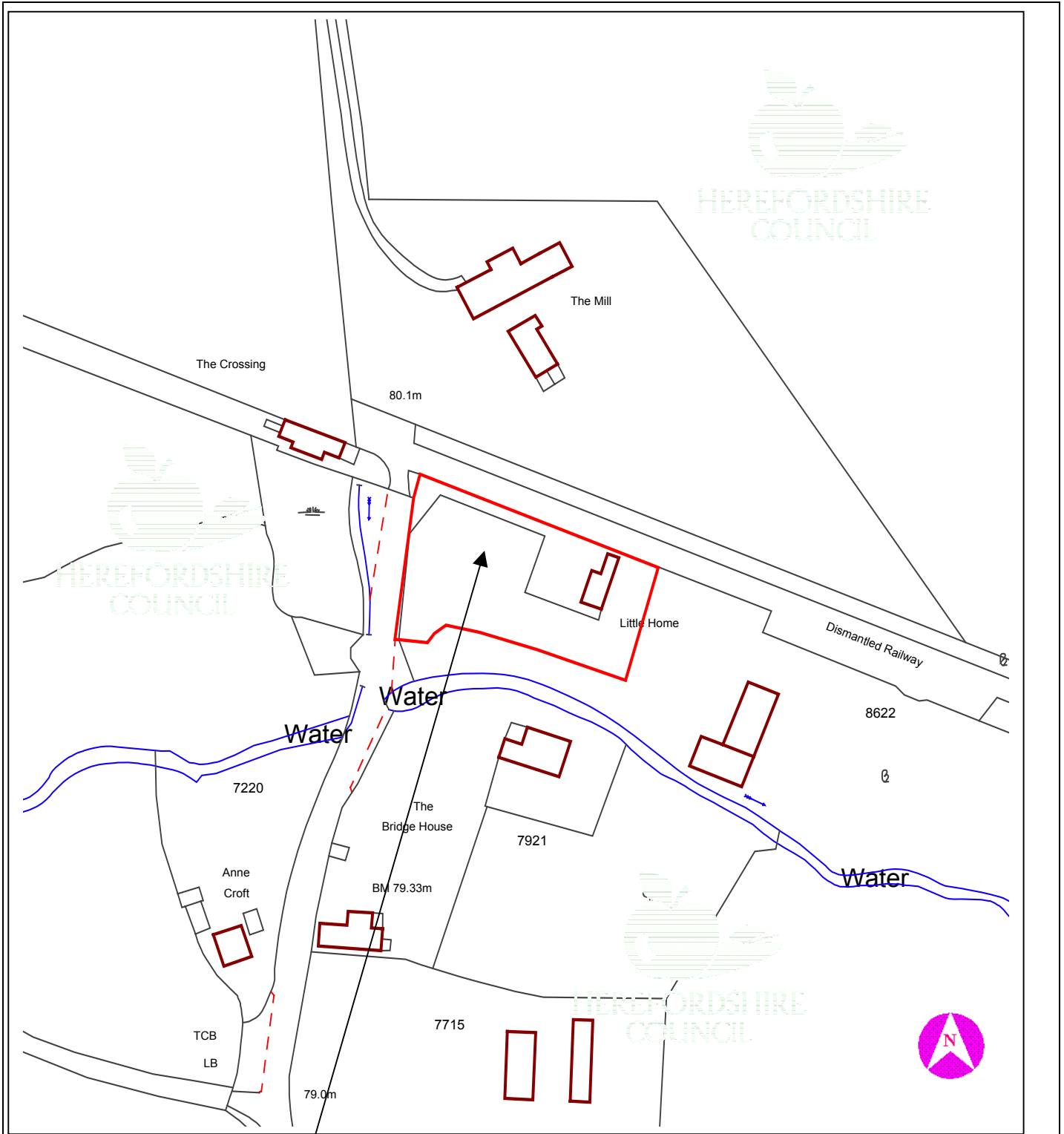
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2005/2550/F

SCALE : 1 : 1250

SITE ADDRESS : Little Holme, Kenchester, Hereford

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