



Appeal Decision

Site visit made on 12 October 2004

by **David Grace** BSc DipTP MRTPI

an Inspector appointed by the First Secretary of State

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Date **26 OCT 2004**

Appeal Ref: APP/W1850/A/04/1147793

Land adjoining Falcon, Birch Hill Road, Clehonger, Hereford, HR2 9RF

- 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 T Mussell against the decision of Herefordshire Council.
- The application (Ref. DCSW2003/3582/O), dated 30 November 2003, was refused by notice dated 24 January 2004.
- The development proposed is one new dwelling and access.

Summary of Decision:

The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. The application is in outline with all matters other than the means of access reserved for future consideration.

Planning Policy

2. The development plan includes the South Herefordshire District Local Plan of 1999. Local Plan Policy SH.8 requires that housing proposals within large villages should be, amongst other things, of a scale to complement the size, scale and character of the location, not be visually intrusive or adversely affect the setting or lead to cramming in the settlement. Local Plan Policy GD.1, as it relates to this appeal, includes requirements that development is in keeping with the character of the area and should have regard and be appropriate to the setting of neighbouring buildings. Local Plan Policy SH.15 indicates, amongst other things, that the relationship between new dwellings and existing dwellings should normally provide and maintain adequate levels of privacy. Local Plan Policy T.3 includes requirements that safe access and adequate arrangements for parking and on-site turning are provided. Local Plan Policy SH.8 requires that traffic resulting from the development can be accommodated on the road system without undue safety consequences.

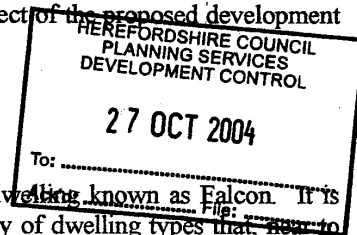
Main Issues

3. I consider there are three main issues in this appeal. The first main issue is the effect of the proposed development on the character and appearance of the surrounding area. The second is the effect of the proposed development on the living conditions of the occupiers of Falcon in terms of privacy and private garden space. The third is the effect of the proposed development on road safety in School Lane.

Reasons

Character and appearance

4. The appeal site forms part of the rear garden of a detached dwelling known as Falcon. It is situated within a residential area within which there is a variety of dwelling types that, ~~near to~~



the appeal site, are mainly relatively low in height. The dwelling in the plot to the east, Windrush, is substantially set back from School Lane and is positioned beyond the northern boundary of the appeal site. As a consequence, there is space to the side of the appeal site and I consider a dwelling on the site would not appear unacceptably cramped in relation to Windrush.

5. The illustrative layout drawing that accompanied the application, shows the proposed dwelling would be set back from the side elevation of Falcon that faces towards School Lane. The part of Falcon that is nearest to the proposed plot is single storey and the higher part of the dwelling is a significant distance from the proposed boundary. For these reasons, I consider, if the dwelling were sited broadly as shown on the illustrative drawing, it would not appear cramped in relation to Falcon and overall would not appear cramped in the street scene.
6. The illustrative elevation drawings show a two-storey house. In my view, a dwelling of such height would not relate well to the scale and height of nearby dwellings and would consequently appear unacceptably dominant in the street scene. However, the design of the dwelling is reserved for future consideration. Provided the design incorporates a roof height more akin to others in the immediate area, I am of the view that the scale would not be to the detriment of the street scene.
7. Subject to the above matters, which can be dealt with in the reserved matters, I conclude that the proposed development would not unacceptably affect the character and appearance of the surrounding area. It would not therefore conflict with Local Plan Policies SH.8 or GD.1 in that respect.

Living conditions

8. If the proposed dwelling were sited broadly as indicated on the illustrative layout drawing and if the garage were sited on its west side, I consider the nearest windows to habitable rooms in Falcon would be at sufficient distance and at a sufficiently oblique angle from the development for them not to be unacceptably overlooked. For the same reasons, the southernmost part of the retained garden area of Falcon would have an acceptable degree of privacy. Privacy for the rear garden area could be further protected by the provision of screen fencing. This could be required as part of the reserved matter in respect of landscaping.
9. The appeal scheme would result in a large part of the existing garden area no longer being available to the occupiers of Falcon. However, I consider the remaining area of garden would provide an acceptable amount of private space, particularly as the southernmost part is screened from School Lane. Furthermore, the wide existing front garden would continue to contribute to the space around the house.
10. Overall, I conclude on the second main issue that the proposed development would not unacceptably affect the living conditions of the occupiers of Falcon in terms of privacy and private garden space. It would not therefore conflict with Local Plan Policy SH.15 in those respects.

Road safety

11. The proposed access for the development would be from School Lane. This is an unclassified road that serves in the order of eleven dwellings. Adjacent to the appeal site it is of single-track width. The proposal is for a splayed entrance that, in my view, would provide satisfactory visibility from and of the access. It would also allow a vehicle to pull off the carriageway to enable a gate to be opened or closed.
12. I consider the access would be sufficiently far from the junction of School Lane with Birch Hill Road for movements into and from it not to result in an unacceptable increase in road safety

hazards. Whilst School Lane is narrow and does not have a separate footway, I consider that provided vehicles enter and leave the site in a forward gear, an unacceptable additional hazard would not be created for users of the lane, including pedestrians. Subject to the position of a garage and parking spaces on the site and notwithstanding the change of level from the road, I consider it would be possible to make provision for two vehicles to be turned on the site to facilitate access and egress in a forward gear. The position of the garage could be determined under the reserved matter in respect of design of the dwelling. Manoeuvring arrangements could be dealt with by means of a condition.

13. The Council says the layout of the access is at variance with its Design Guide and Road Specification. However, I have not been provided with details of this. In my judgement the detailed design of the access layout could be dealt with by condition.
14. Subject to the conditions and design details I refer to above, I conclude on the third main issue that the proposed development would not unacceptably affect road safety on School Lane. It would not therefore conflict with Local Plan Policies T.3 or SH.8 in that respect.

Other Matters

15. The appellants have drawn my attention to a number of other developments that have been undertaken in the area. However, I am not aware of the circumstances relating to those developments and, in my view, they are not directly comparable to the appeal scheme. In any event the appeal proposal falls to be considered on its own planning merits and that is how I have dealt with this appeal.

Conditions

16. In addition to conditions in respect of the submission and approval of the reserved matters and the time limit for commencement of the development, the Council proposes a condition relating to the provision of two car parking spaces. I agree that this is necessary but modify the wording, in the interests of road safety, to include requirements for the submission, approval and implementation of the detailed design of the access and the on-site manoeuvring arrangements.

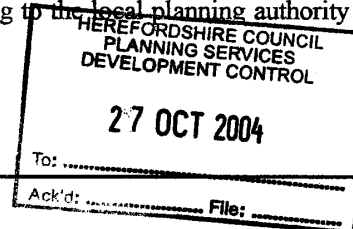
Conclusions

17. For the reasons given above and having regard to all other matters raised, including those at the application stage, I conclude that the appeal should succeed.

Formal Decision

18. I allow the appeal and grant planning permission for one new dwelling and access at land adjoining Falcon, Birch Hill Road, Clehonger, Hereford, HR2 9RF in accordance with the terms of the application [Ref. DCSW2003/3582/O] dated 30 November 2003, and the plans submitted therewith, subject to the following conditions:

- 1) Approval of the details of the siting, design and external appearance of the dwelling, 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 any buildings to be erected 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 three years from the date of this permission.
- 4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 5) No development shall take place until a scheme for the detailed design of the access, two car parking spaces, the on-site manoeuvring arrangements and for the surfacing and drainage of those areas has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before first occupation of the dwelling hereby permitted.

D. A. Wallace

INSPECTOR