

21 DCNE2005/3213/O - SITE FOR THE ERECTION OF TWO DWELLINGS AT 1 RAILWAY TERRACE, WALWYN ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EG**For: Mr & Mrs D Fox Wall, James and Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW****Date Received:
5th October 2005****Ward: Hope End****Grid Ref:
75122, 41940****Expiry Date:
30th November 2005**

Local Members: Councillor R Mills and Councillor R Stockton

1. Site Description and Proposal

- 1.1 The application site forms part of the large domestic curtilage associated with no. 1 Railway Terrace, Colwall. It is triangular in shape and measures approximately 0.1 hectares in area. The south-eastern boundary is formed by the railway line and to the north-west the rear gardens of dwellings on Martins Orchard. These are at a lower level to the application site and are also screened by a combination of a mature hedgerow and a large oak tree which is the subject of a Tree Preservation Order (TPO).
- 1.2 The application is in outline form and seeks to erect two detached dwellings. Both siting and means of access are to be determined at this stage, whilst external appearance, design and landscaping are reserved for future consideration.
- 1.3 The dwellings are sited in the rear corner of the plot, the closest being 38 metres from the rear elevation of those dwellings forming Railway Terrace and fronting onto Walwyn Road. They are orientated in such a manner that their front elevations look across the rear portion of neighbouring gardens. The plans indicate some form of landscaping and the erection of a 2 metre fence to mitigate against any overlooking.
- 1.4 The dwellings are to be served by a private drive. This runs parallel with the north-western boundary before skirting around the TPO oak tree to provide separate parking areas for both dwellings. The scheme also shows the provision of a new parking area served by the drive for the applicants who reside at no. 1 Railway Terrace.

2. PoliciesMalvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries

Landscape Policy 2 – Areas of Outstanding Natural Beauty

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H4 – Main Villages: Settlement Boundaries
H13 – Sustainable Residential Design
LA1 – Areas of Outstanding Natural Beauty
LA5 – Protection of Trees, Woodlands and Hedgerows

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.

5. Representations

5.1 Colwall Parish Council - No objections.

5.2 One letter of objection has been received from Mr and Mrs Wiggett, 2 Railway Terrace, Colwall. In summary the points raised are as follows:

- a) The proposal will be detrimental to privacy.
- b) It will cause noise, disturbance and smells due to proximity.
- c) It represents over-development.
- d) It is detrimental to the character of the area.
- e) It is out of scale with its location.
- f) It will set a precedent.

The letter also makes reference to legal rights of access. Whilst noted these are not material to the determination of the application.

5.3 A second letter has also been received from Mr Brace who owns 5 Martins Orchard. She does not object provided that the dwellings are sited as shown and that there are no windows in the north elevation.

5.4 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 The site falls within the identified settlement boundary for Colwall and therefore the basic principle of development is accepted. It therefore fails to be determined whether other material considerations are so significant that the application should be refused. In this case the relevant issues appear to be as follows:

- 1) Siting
- 2) Means of Access
- 3) Residential Amenity
- 4) Density

Siting

- 6.2 The two proposed dwellings are sited towards the rear of the plot. The narrowness of other parts, combined with the constraint provided by the large oak tree effectively means that the location of the dwellings is limited to that shown on the submitted plan. The route of the private drive and position of parking area is similarly governed by the shape of the plot. Taking account for the factors, the siting as proposed is considered to be acceptable.

Means of Access

- 6.3 As stated above, this is pre-determined by the constraints of the site. It has a limited road frontage in a position adjacent to no. 1 Railway Terrace. This has raised no objection for the Transportation Manager and, subject to conditions, is deemed to be acceptable.

Residential Amenity

- 6.4 The front elevation of the closest of the two dwellings is some 38 metres away from no. 2 Railway Terrace and 12 metres from the boundary to its garden. The distance between opposing elevations is such that there will not be any direct overlooking between dwellings. Any overlooking of the rear portion of gardens could be mitigated by a combination of planting and boundary treatments, as indicated on the submitted plan. Therefore the proposal is acceptable in terms of its impact on residential amenity.

Density

- 6.5 The proposal equates to 20 dwellings per hectare. As members will be very aware this falls well below the prescribed residential densities as outlined by PPG3 – Housing. In terms of the context in which the site is set, the scheme allows for a relatively spacious development, well spaced from other dwellings. This reflects the character and layout of the surroundings and therefore a lower density is acceptable. Martins Orchard represents development in depth and the proposal continues this form.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A02 (Time limit for submission of reserved matters (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2 - A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3 - A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4 - G01 (Details of boundary treatments)

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

5 - G04 (Landscaping scheme (general))

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

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

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

7 - G16 (Protection of trees covered by a Tree Preservation Order)

Reason: To ensure the proper care and maintenance of the trees.

8 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

9 - H03 (Visibility splays)

Reason: In the interests of highway safety.

10 - 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.

11 - F17 (Scheme of foul drainage disposal)

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

Informatives:

- 1 - HN04 - Private apparatus within highway
- 2 - HN05 - Works within the highway
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC

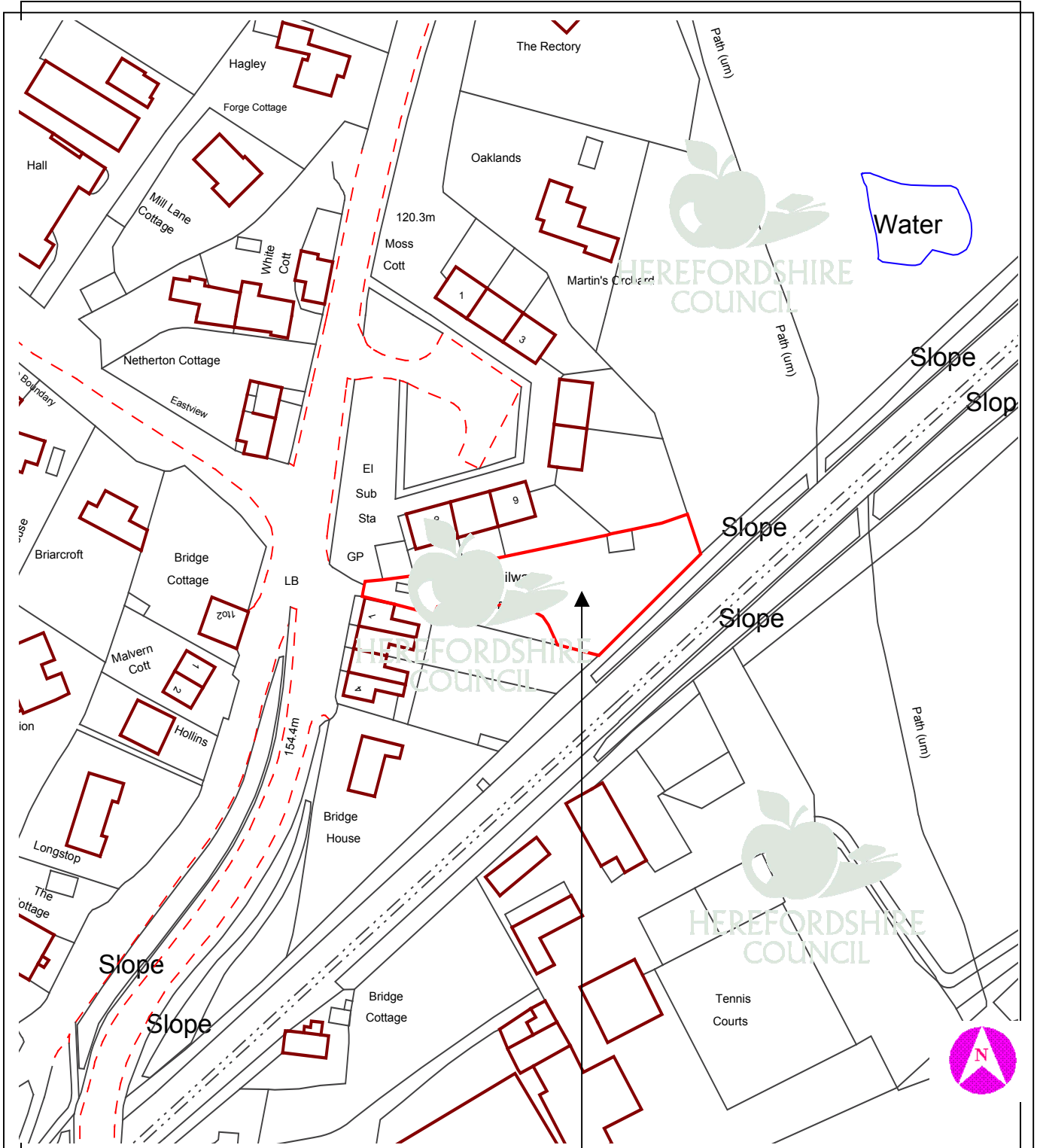
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/3213/O **SCALE :** 1 : 1250

SITE ADDRESS : 1 Railway Terrace, Walwyn Road, Colwall, Malvern, Herefordshire, WR13 6EG

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