

**23 DCNE2005/3499/F - THREE BEDROOM COTTAGE  
WITH GARAGE AT LAND WEST OF ACCESS TO  
MILLFIELDS, CANON FROME, HEREFORDSHIRE, HR8  
2TG**

**For: Mr & Mrs D E Millington-Jones C A Masefield  
Building Design Services 66-67 Ashperton Road  
Munsley Ledbury Herefordshire HR8 2RY**

**Date Received:  
28th October 2005**

**Ward: Frome**

**Grid Ref:  
64777, 43254**

**Expiry Date:  
23rd December 2005**

Local Member: Councillor R Manning

**1. Site Description and Proposal**

- 1.1 The site is a broadly rectangular parcel of land located to the west of the vehicular access to the residential development known as Millfields, Canon Frome. The land was leftover from the re-development of the former sawmills site.
- 1.2 There is a long and involved planning history at this site, summarised at section 3 – Planning History. Members will note that the residential use of this site was first established by application DCNE04/1160/O, which granted outline permission for the erection of a single dwelling. Amongst other things, this outline permission specified that the submission for Reserved Matters should provide for a single storey dwelling only.
- 1.3 The subsequent application for Reserved Matters was refused and dismissed at appeal on the basis that the building did not comply with the spirit of the condition requiring that the building be single-storey. A further full application seeking permission for a two-storey dwelling (NE05/2219/F) was refused on design grounds.
- 1.4 This application seeks permission for the erection of a two-storey 3-bedroom dwelling. It has a footprint of approximately 130m<sup>2</sup> and a height to its ridge of 7.8m. The application indicates that it will be finished in brick and clay tiles with timber window casements.

**2. Policies**

Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside  
Housing Policy 17 – Residential standards

**3. Planning History**

- 3.1 A summary of the relevant planning history is set out below.

- 3.2 DCNE05/2219/F - Two storey 4 bedroom dwelling with garage. Refused 18<sup>th</sup> August 2005
- 3.3 DCNE05/0007/RM - Single storey dwelling with attached garage. Refused and Dismissed on Appeal 12<sup>th</sup> August 2005
- 3.4 DCNE04/1160/O – Site for the erection of a single dwelling on land west of access to Millfields, Canon Frome. Approved with conditions at the meeting of the Northern Area Planning Sub-Committee (NAPSC) 16<sup>th</sup> June 2004.
- 3.5 DCNE2003/3694/V (CLOPUD) – Use of land for the open storage of motor vehicles (not exceeding 1.5m in height) in class B8, on land to the west of access to Millfields, Canon Frome. Lawful having regard to the existing authorised use for the storage of timber.
- 3.6 DCNE2003/2373/U (CLUED) – Use of land for timber storage on land to the west of access to Millfields, Canon Frome. Lawful.
- 3.7 DCNE2002/3349/F – Erection of two-storey dwelling, The Barn, Canon Frome. Application withdrawn.

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 None required.

##### Internal Council Advice

- 4.2 Transport Manager – Not yet received.
- 4.3 Public Rights of Way Manager – Highlights the existence of the public footpath and the need for it to be diverted before development commences.

#### **5. Representations**

- 5.1 Parish Council representations not yet received.
- 5.2 No representations have been received to date, however the publicity procedure expires on 2<sup>nd</sup> December 2005. Any representations received prior to the meeting will be reported verbally.
- 5.3 Ramblers Association - Highlight the need for the footpath to be diverted.
- 5.4 Open Spaces Society - Highlight the need for the footpath to be diverted.

#### **6. Officers Appraisal**

- 6.1 In granting outline planning permission under application reference DCNE/2004/1160/O committee was minded to include a condition requiring the development was limited to single storey only. An application for reserved matters for the erection of a bungalow with a footprint of 186 sq m was subsequently refused. The

principal reason for refusal was that the scale, mass and height of the proposal represented over-development of the plot.

- 6.2 An appeal was lodged and subsequently dismissed on the same grounds. Shortly afterwards a further application for a two storey dwelling with a footprint of 160 sqm was also refused, again on design grounds. The current proposal has a footprint of 130 sqm and is orientated in a north/south direction. Its eastern gable end faces onto the road and opposes properties on the opposite side. In turn these are separated from the road by a 2 metre high brick wall. This elevation contains a kitchen window at ground floor and is blank at first floor level.
- 6.3 The current proposal would not cause any demonstrable degree of overlooking over and above a development of a single storey dwelling. The north/south orientation ensures that all principal windows face onto open areas and do not directly oppose other dwellings.
- 6.4 The proposal may obscure some early morning daylight from dwellings lying to the west. However, the existence of a 2 metre brick wall in closer proximity to the elevation of these properties will cause a greater degree of overshadowing to ground floor windows than a new two storey dwelling approximately 15 metres distant.
- 6.5 It is therefore considered that to refuse this application on the grounds that it is not a single storey development would be unreasonable. It will not cause any demonstrable overlooking or over-shadowing and similarly such matters do not give grounds to refuse the application.
- 6.6 The requirement for single storey development is also considered to be a contributory factor to the perception of over-development of the site. By their nature bungalows require a larger land area as all accommodation is on one level. The current proposal occupies a smaller footprint than previously refused schemes and consequently gives an improved perception of space within the plot. A further enhancement is the inclusion of a detached garage, whereas previous schemes have seen this building attached to the main dwelling. It is therefore considered that this proposal addresses previous reasons for refusal in respect of over-development and design.
- 6.7 An application to divert the public footpath has been submitted and is to be considered by the Council's Public Rights of Way section. A standard condition precluding the commencement of development until this matter has been determined could be imposed in a similar vein to that imposed on the original outline permission.
- 6.8 It is therefore concluded that the proposal is in accordance with the relevant local plan policies and accordingly it is recommended for approval.

### **RECOMMENDATION**

**Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation of Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.**

- 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 - B01 (Samples of external materials )**

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

**3 - C04 (Details of window sections, eaves, verges and barge boards )**

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

**4 - C05 (Details of external joinery finishes )**

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

**5 - F16 (Restriction of hours during construction )**

**Reason: To protect the amenity of local residents.**

**6 - G01 (Details of boundary treatments )**

**7 - F48 (Details of slab levels)**

**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**

**8 - H28 (Public rights of way)**

**Reason: To ensure the public right of way is not obstructed.**

**9 - E18 (No new windows in specified elevation)(east elevation)**

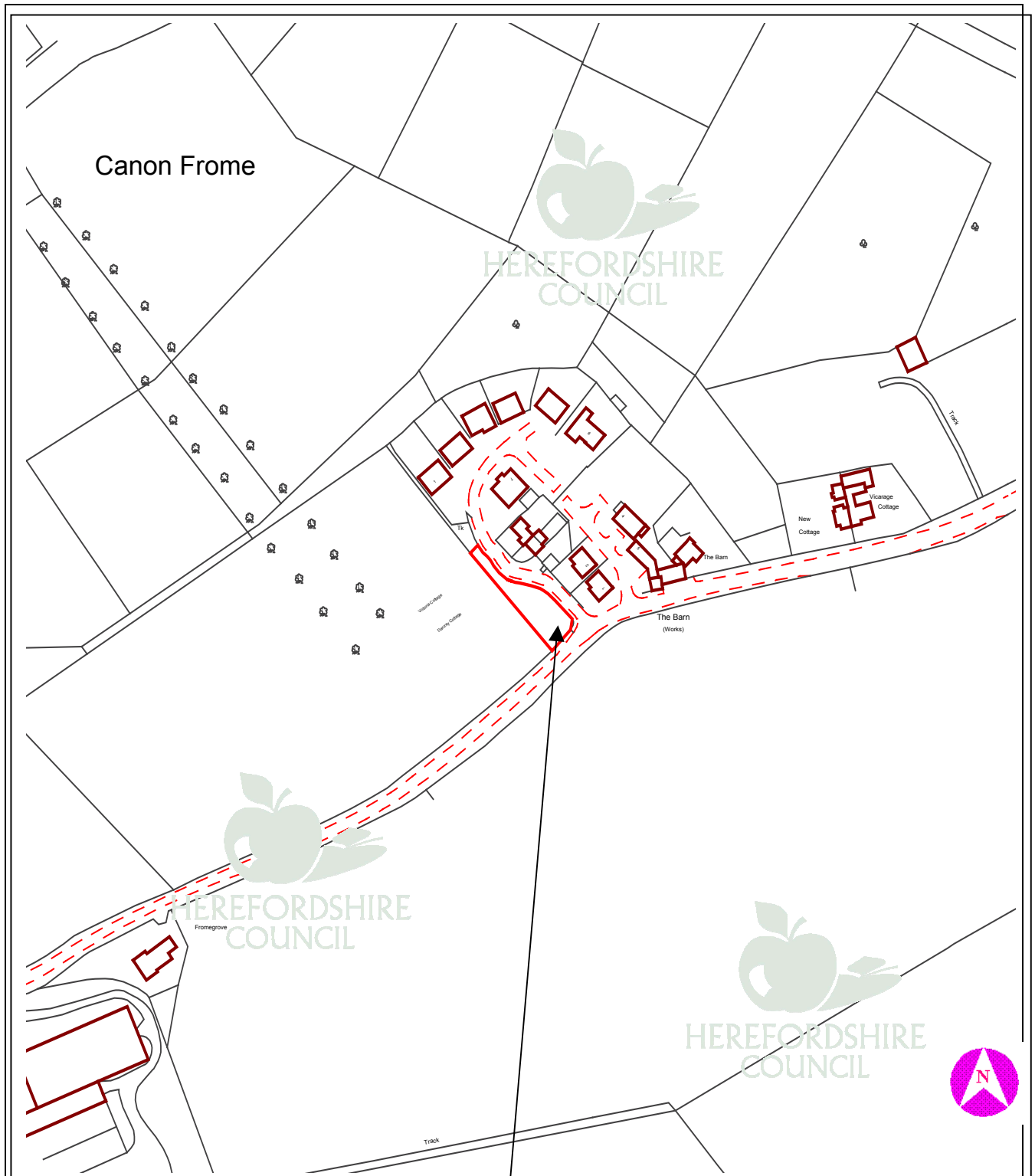
**Reason: In order to protect the residential amenity of adjacent properties.**

Decision .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNE2005/3499/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Land west of access to Millfields, Cannon Frome, Herefordshire, HR8 2TG

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