

**7A DCNW2005/3401/F - DEMOLITION OF SUB-STANDARD BUNGALOW & ERECTION OF NEW DWELLING AND GARAGE AT THE BUNGALOW, LEINTHALL STARKES, LUDLOW, HEREFORDSHIRE, SY8 2HP**

**Mr D Perkins, Mundy Construction, 5 Upper Court, Luston, Leominster, Herefordshire HR6 OAP**

**7B DCNW2005/3677/G – APPLICATION TO REMOVE SECTION 52 AGREEMENT DATED JUNE 1972 AT THE BUNGALOW, LEINTHALL STARKES, LUDLOW, HEREFORDSHIRE, SY8 2HP**

**Mr D Perkins, Mundy Construction, 5 Upper Court, Luston, Leominster, Herefordshire, HR6 OAP**

**Date Received:  
21st October 2005**

**Ward: Mortimer**

**Grid Ref:  
43370, 69577**

**Expiry Date:  
16th December 2005**

Local Member: Councillor Mrs O Barnett

**1. Site Description and Proposal**

- 1.1 The location for the proposed development is located in the centre of Leinthall Starkes, a rural hamlet with no recognised development boundary.
- 1.2 Presently on site is a single-storey detached bungalow of external render construction under a slate roof, visually the dwelling appears to be in a poor state of repair.
- 1.3 The dwelling is located within a large domestic curtilage of which part is subject to a Section 52 Agreement dated 5th November 1973. This legal agreement was drawn up with the former Herefordshire County Council to prevent any further residential development on the eastern side of the existing dwelling on site. On part of the land subject to the agreement is a storage shed in relationship to the dwelling proposed for demolition subject to this application. The application site is surrounded on either side and on opposite side of the public highway alongside its frontal evaluation by other residential dwellings.
- 1.4 Application Ref No. NW05/3677/G proposes removal of that agreement.
- 1.5 The proposed new dwelling measures 148 square metres externally and is for a two storey dwelling consisting of a kitchen, living room, dining room and utility on the ground floor and three bedrooms and a bathroom on the first floor.

## **2. Policies**

### **2.1 Leominster District Local Plan**

- A1 – Managing the District's Assets and Resources
- A2(D) – Settlement Hierarchy
- A6 – Sites of Local Importance for Nature Conservation
- A9 – Safeguarding the Rural Landscape
- A23 – Creating Identity and an Attractive Built Environment
- A24 – Scale and Character of Development
- A54 – Protection of Residential Amenity

### **2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

- S1 – Sustainable Development
- S2 – Development Requirements
- S3 – Housing
- DR1 - Design
- DR2 – Land Use and Activity
- DR4 – Environment
- H7 – Housing in the Countryside Outside Settlements
- H13 – Sustainable Residential Design
- H14 – Re-using previously Developed Land and Buildings
- H15 - Density
- H16 – Car Parking
- T11 – Parking Provision
- NC4 – Sites of Local Importance
- LA5 – Protection of Trees, Woodlands and Hedgerows

## **3. Planning History**

- 3.1 None identified.

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 Severn Trent Water - No objections subject to inclusion of a condition with regards to drainage works.

### Internal Council Advice

- 4.2 Highways Manager raises no objections subject to the attachment of conditions to any approval notice issued with regards to access, parking and turning and visibility.

## **5. Representations**

- 5.1 Wigmore Group Parish Council comment that the site plan is misleading in that the proposed entrance to the proposed dwelling overlooks the opposite property. The proposed replacement should be a bungalow and its frontage should be in-line with that of Huntley Lodge, the adjoining property to the west and should be sited to the western side of the site rather than in the centre of the plot as this would avoid the property overlooking the property opposite. The site is slightly elevated and this would cause a lack of privacy to the opposite neighbour. The proposed garage should be

located on the site of the former barn/shed - to the eastern side of the plot and not to the side of the proposed property.

5.2 Letters of comment/objections have been received from

- Sally E Lewis, Sunnyside, Leinthall Starkes
- Colin C Hunt, Huntley Lodge, Leinthall Starkes
- E A & M J Stead, Woodstock, Leinthall Starkes
- Mr. & Mrs. N. Aldridge, Camelot, Leinthall Starkes.

The letters received can be summarised as follows:-

- Concerns about the size and height of the proposed garage/storage/workshop and that it could in the future be converted into a dwelling.
- Concerns as to why it is necessary to remove the Section 52 Agreement.
- Concerns about location of proposed replacement dwelling and impact of proposed garage on property known as 'Sunnyside'.
- Garage would be more appropriate on site of existing outbuilding.
- Replacement dwelling should be in-line with property known as Huntley Lodge, on the same ground level, and a single storey dwelling.

5.3 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 application proposes the demolition of a single-storey dwelling with living accommodation measuring approximately 80 metres floorspace and its replacement with a two-storey dwelling measuring approximately 148 metres floorspace (all measured externally).

6.2 The existing dwelling is visually in a dilapidated condition and in need of extensive refurbishment, in order to bring it up to modern living standards, it has had no extensions added since its original build in the early 1970's. The dwelling is of no historic or architectural value.

6.3 The proposal is for a replacement dwelling and double garage/workshop/storage. It is proposed to site the replacement dwelling immediately to the rear of the existing dwelling's footprint. This location is much more in-line with the neighbouring dwelling known as 'Huntley Lodge' (some 15 metres away), as the existing dwelling proposed to be demolished sits on the front of the plot adjacent to the public highway., to which Huntley Lodge to a certain degree overlooks. Therefore the re-siting adjacent to the existing structure's rear elevation is to be welcomed as an overall visual improvement. The dwelling located alongside the proposed development site's eastern elevation is 25 metres away from the site of the proposed new build. Alongside the front elevation of the application site on opposite side of the adjacent public highway is the property known as 'Sunnyside' this is located approximately 29 metres away from the site of the proposed new build.

6.4 The application also proposes demolition of an existing storage shed and its replacement with a double garage/workshop/storage, the proposed new build covers a similar footprint to that of the existing structure on site.

- 6.5 The section of land immediately to the east of the existing dwelling on site (including the area that the existing storage shed is located upon), is subject to a Section 52 Agreement under the Town and Country Planning Act 1971 dated 5<sup>th</sup> November 1973 prohibiting any development upon its area other than for use as private open space to the existing dwelling on site.

Application Ref No NW/05/3677/G requests the removal of this Agreement in order to re-construct more centrally on the site. The replacement dwelling itself, falls into the area of land outside the control of the Section 52 Agreement, therefore the Section 52 land only refers to the garage/workshop/storage structure, it is proposed to construct this on the site of the existing storage shed. However as the Agreement refers to any form of development its removal is required in order to construct the proposed new build garage/workshop/storage.

The Section 52 Agreement has outlived its usefulness as the location is not within the development limits of a recognised development settlement as indicated in the Leominster District Local Plan, or the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft), therefore no residential development could be supported at Officer level at this specific location, concerns to which are raised in the letters of objections received from members of the public.

The proposed new build garage/workshop/storage is considered acceptable in design, and is of a similar footprint to that of the existing structure on site. If Committee are mindful to approve these applications, it is recommended that appropriate conditions be attached to any approval notice issued in order that the proposal remains for the use as applied for.

- 6.6 Wigmore Parish Councils concerns about the proposed entrance to the proposed dwelling overlooking the opposite property are not shared as the dwelling is located in excess of 28 metres from the proposed development site. Concerns raised about a bungalow being replaced with a house are also considered not to merit refusal to this application, as the proposed new build is a significant improvement in design and scale to the existing dwelling on site and is not significantly detrimentally larger in ground floor area than the existing dwelling on site. Its location is also considered acceptable in relationship to neighbouring dwellings with no significant detrimental impact on the amenity and privacy of these dwellings. The concern raised about the siting of the proposed garage/workshop/storage structure on the site of the existing shed on site, has been addressed, by the applicant, with the submission of amended plans, dated 16<sup>th</sup> November 2005, indicating siting of the garage/workshop/storage on the site of the existing shed on site as requested by the Parish Council.
- 6.7 Concerns raised by members of the public about the size of the proposed garage/storage/workshop and that it could be converted to a dwelling are addressed by condition 7. A siting of all the new build will have no significant detrimental impact on surrounding properties amenity and privacy or any detrimental visual impact. The Section 52 Agreement as mentioned earlier has outgrown its usefulness in respect of residential development.
- 6.8 In conclusion on balance these applications are considered acceptable and comply with all relevant planning policies. The proposed development represents a planning gain in that a rather dilapidated site will be enhanced by a replacement dwelling of improved character and design.

**RECOMMENDATION****DCNW2005/3401/F**

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 - **A06 (Development in accordance with approved plans )**  
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 - **B01 (Samples of external materials )**  
Reason: To ensure that the materials harmonise with the surroundings.
- 4 - **C04 (Details of window sections, eaves, verges and barge boards )**  
Reason: To safeguard the character and appearance of the building.
- 5 - **C05 (Details of external joinery finishes )**  
Reason: To safeguard the character and appearance of the building.
- 6 - **C10 (Details of rooflights )**  
Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of the building.
- 7 - **E08 (Domestic use only of garage )**  
Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.
- 8 - **E16 (Removal of permitted development rights )**  
Reason: In order that the local planning authority can control development at this specific location which is in open countryside.
- 9 - **G04 (Landscaping scheme (general) )**  
Reason: In order to protect the visual amenities of the area.
- 10 - **G05 (Implementation of landscaping scheme (general) )**  
Reason: In order to protect the visual amenities of the area.
- 11 - **H01 (Single access - not footway )**  
Reason: In the interests of highway safety.

**12 - H04 (Visibility over frontage )**

**Reason: In the interests of highway safety.**

**13 - H05 (Access gates )**

**Reason: In the interests of highway safety.**

**14 - 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.**

**15 – The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul drainage have been carried out in accordance with the details to be submitted to and approved by the local planning authority in writing.**

**Reason: There are no public foul/surface water sewers available within the vicinity of the site to serve this development.**

**16 - 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.**

**17 - Notwithstanding the approved plans, the approved garage will be in accordance with the amended plans ref. no. DWG. No. AWM/05/73, AWM/05/72, AWM/05/075.**

**Reason: The local planning authority considers the requested amended location for the proposed garage is acceptable.**

**18 - The existing dwelling on site shall be completely demolished and its resulting debris completely removed from site prior to commencement of construction of the replacement dwelling.**

**Reason: In the interests of amenity and to prevent the retention of the existing dwelling.**

**INFORMATIVES**

**1 - HN01 - Mud on highway**

**2 - HN05 - Works within the highway**

**3 - HN10 - No drainage to discharge to highway**

**4 - HN22 - Works adjoining highway**

**5 - N13 - Control of demolition - Building Act 1984**

**6 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

**NW05/3677/G**

**That the Legal Practice Manager be authorised to complete a deed of discharge of the S52 Agreement.**

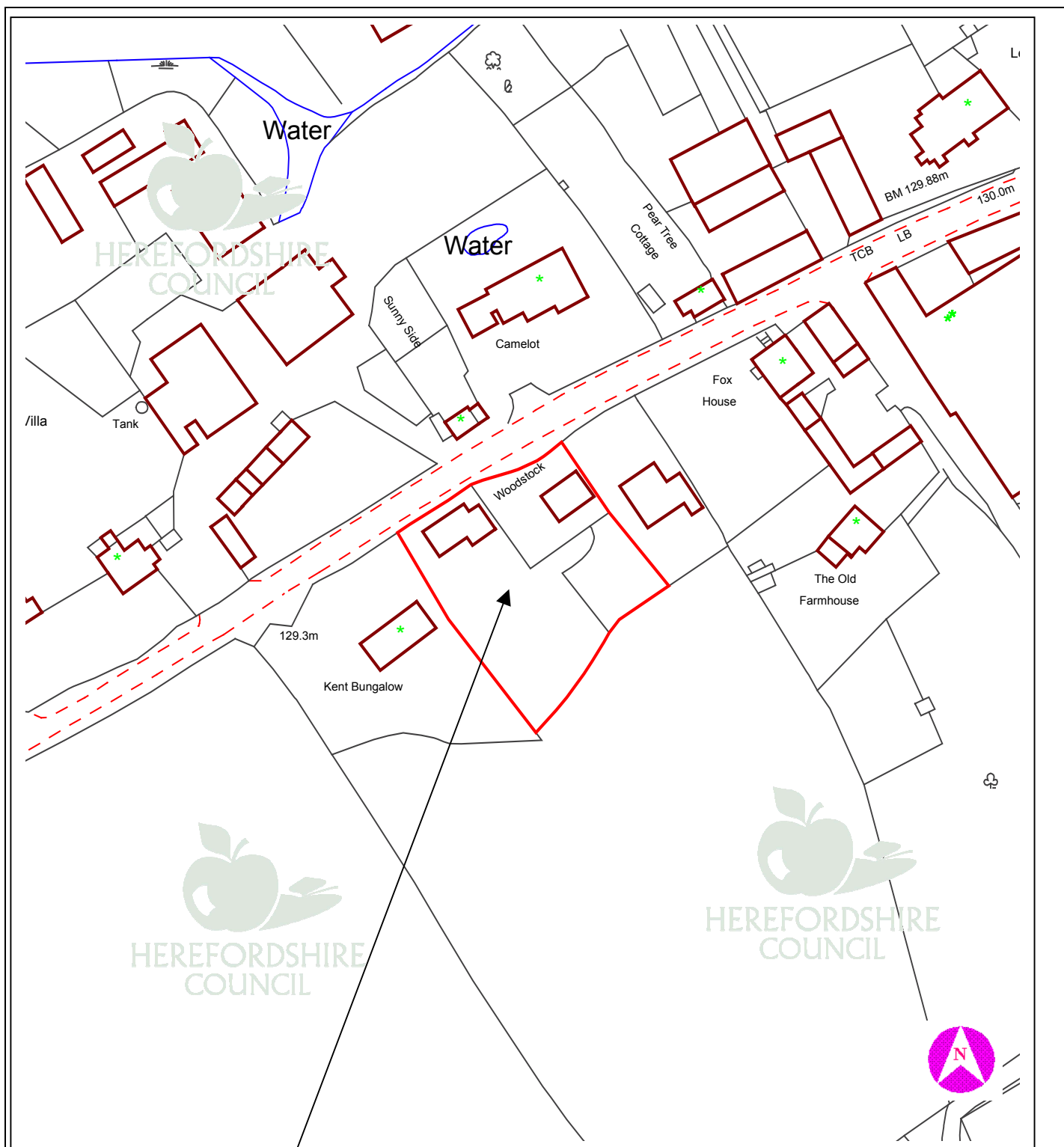
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2005/3401/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Bungalow, Leinthall Starkses, Ludlow, Herefordshire, SY8 2HP

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