

**7 DCNC2005/3639/F - DEMOLITION OF EXISTING HOUSE AND ERECTION OF 3 NO. DETACHED HOUSES WITH INTEGRAL GARAGES AT 6 LINTON LANE, BROMYARD, HEREFORDSHIRE, HR7 4DQ****For: Morpheus Construction Ltd, Linton Design Group,  
27 High Street, Bromyard, Herefordshire, HR7 4AA****Date Received:  
11th November 2005****Ward: Bromyard****Grid Ref:  
65545, 54374****Expiry Date:  
6th January 2006**

Local Member: Councillor B Hunt

**Introduction**

This application was reported to the Northern Area Planning Sub Committee on 4<sup>th</sup> January 2006. The Sub Committee resolved to defer the application pending a Committee site inspection which took place on 17<sup>th</sup> January 2006. The comments of the Council's Archaeological Advisor were verbally reported to Committee and have been included in this updated report. Consequently an additional condition relating to a watching brief during development has been included in the recommendation.

**1. Site Description and Proposal**

- 1.1 This site is located within the town boundary of Bromyard. There are existing dwellings on the opposite side of the road and on either side of the site with a mobile home park to the rear. The site itself comprises an existing red brick dwelling set in the middle of a large garden. There is an existing vehicular access in the north-west corner of the site onto Linton Lane. The site slopes down towards the south and east.
- 1.2 This application is for full planning permission to demolish the existing dwelling on site and erect three new dwelling houses with brick and render on the walls with plain tiles on the roof. The existing vehicular access point will remain unchanged. Parking places for three cars will be provided within the site in front of each dwelling plus an integral garage.

**2. Policies****2.1 Planning Policy Guidance:**PPS1 – Delivering Sustainable Development  
PPG3 – Housing**2.2 Hereford and Worcester County Structure Plan:**Policy CTC9 – Development Criteria  
Policy H2B – Location of Housing (General)

**2.3 Malvern Hills District Local Plan:**

Housing Policy 2 – Development in Main Towns  
Housing Policy 3 – Settlement Boundaries  
Housing Policy 17 – Residential Standards  
Bromyard Housing Policy 1

**2.4 Unitary Development Plan (Revised Deposit Draft)**

Policy S2 – Development Requirements  
Policy DR1 – Design  
Policy H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas

**3. Planning History**

3.1 MH96/0471 - New house and garage, Planning Permission 10-07-96

**4. Consultation Summary**Statutory Consultations

4.1 None

Internal Council Advice

4.2 The Transportation Manager has no objection.

4.3 The Conservation Manager has no objection. The site is beyond the Conservation Area. The houses sit well into the site and the building line and boundary wall which contribute to the Conservation Area will be retained. Samples of external materials and details of landscaping should be required to ensure appearance of adjacent Conservation Area is maintained. Also the site is within the medieval urban core of Bromyard and as such the proposal is likely to cause some damage to archaeological deposits and features and needs to be mitigated by the imposition of an archaeological condition allowing the site to be recorded during development.

**5. Representations**

5.1 Town Council: 'My Town Council's Planning Committee resolved not to support this application. The siting of the three houses proposed in the positions shown on the layout plans accompanying this application would result in considerable overlooking of neighbouring mobile homes stationed on adjoining lower land to the east, both from the first floor rear windows and balconies and the short rear gardens of those proposed houses. This in turn would be likely to harm the amenities and privacy presently enjoyed by the occupants of those existing dwellings to an unacceptable degree.'

5.2 To date (i.e. at the time of drafting this report as site notice time period expires on 23 December 2005) two letters of objection have been received from the following:-

Mr & Mrs R Cornwell, 2 Frome View, Bromyard, Herefordshire, HR7 4DQ  
Occupiers of 61 to 65 Linton Park, Linton Lane, Bromyard, Herefordshire, HR7 4DB

The main points being:-

- Planning permission has previously been granted for an additional single storey dwelling on this site. This current application for 3 properties on the site is one too many.
- The existing house on site does not overlook objectors bungalow. The proposed house on plot 1 will be closer to objectors house than the existing single house on site. As a result the proposed dwelling will remove privacy and windows will look into objectors kitchen.
- Grant approval for two houses only and further away from objectors house to afford objector some privacy.
- Ground level of house on plot 1 will be level with objectors roof and will tower over objectors bungalow.
- The proposed construction work will cause the bank at rear to collapse onto objectors mobile homes due to vibration from excavators and other equipment and the nearness of the proposed houses to the boundary.
- Dust and noise from development work will also cause a problem to neighbours.
- Linton Lane is narrow and in poor condition. Heavy construction vehicles will add to damage of lane and cause congestion. Parking by construction workers will also be a problem obstructing accesses to houses in the lane.
- Extra cars from the houses when built will also be a problem. No footpath. Also the cars will have to pass the junction outside the Community Hospital making exit by emergency vehicles, visitors and patients increasingly dangerous.

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 main issues relate to the principle of erecting new dwellings on this site, the number of dwellings, the impact on the visual amenities and character of the area and also the nearby Conservation Area. In addition the effect the proposed development will have on the residential amenities and privacy of neighbouring dwellings and also on road safety. The most relevant policies are Housing Policies 2, 3 and 17 and also Bromyard Policy 1 of the Malvern Hills District Local Plan.

6.2 The site is located within a designated primary residential area within the town boundary where in principle new housing development is acceptable provided it complies with various criteria set out in the housing policies.

6.3 The siting, design and visual appearance of the proposed dwellings are considered to be acceptable and the site is capable of accommodating three dwellings without adverse cramming of the site. Also the proposed dwellings will not be out of keeping with the character and appearance of the immediate area nor the nearby Conservation Area.

6.4 In addition it is considered that the residential amenities and privacy of neighbouring dwellings will not be unreasonably affected by the proposed development. The occupiers of the dwelling by the south west corner of the site have objected to the proposed dwelling on plot 1, mainly for reasons of overlooking and loss of privacy. However it is considered that the residential amenities of that property would not be adversely affected by the proposed development. In any event there is an existing tall

hedgerow (approximately 3 metres high) along that section of the common boundary of the two properties.

- 6.5 The objectors have also raised concerns with respect to the effect the additional traffic generated by the proposed development will have on road safety and the conditions of the road. However the Transportation Manager has no objection to the proposed development and it is considered that there will be no adverse traffic problems generated by the progressed development.
- 6.6 The occupiers of the mobile homes to the rear of the property have expressed concern over the effect the development may have on the stability of the bank especially during construction work. However this is not a material planning considerations/matter and as such cannot be taken into account in the determination/evaluation of the application.
- 6.7 The proposed development is therefore considered to be acceptable and in accordance with the planning policies for the area and in particular those relating to new residential development (see section 6.1) which essentially seek to ensure that new residential development is appropriate for the site and its setting and does not adversely affect the residential amenity of neighbouring dwellings.

## **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 - B01 (Samples of external materials )**

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

- 4 - G04 (Landscaping scheme (general) )**

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

- 5 - G05 (Implementation of landscaping scheme (general) )**

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

- 6 - E18 (No new windows in specified elevation )**

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

- 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 - H13 (Access, turning area and parking )**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

**9 - The whole of the works relating to access and parking shall be completed before the development is first brought into use unless otherwise first agreed in writing by the local planning authority.**

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

**10 - D03 (Site observation – archaeology)**

**Reason: To allow the potential archaeological interest of the site to be investigated and recorded.**

**Informatives**

**1 - N03 - Adjoining property rights**

**2 - The applicants should be aware that this planning permission does not over-ride any civil legal rights enjoyed by adacent property owners. Also the applicants should ensure that no damage is caused to any adjacent property either during building work or as a result of the development. In particular the applicants/developers should ensure that the stability of the land/bank towards the rear of the site i.e. along the south eastern boundary, is not adversely affected.**

**3 - N14 - Party Wall Act 1996**

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

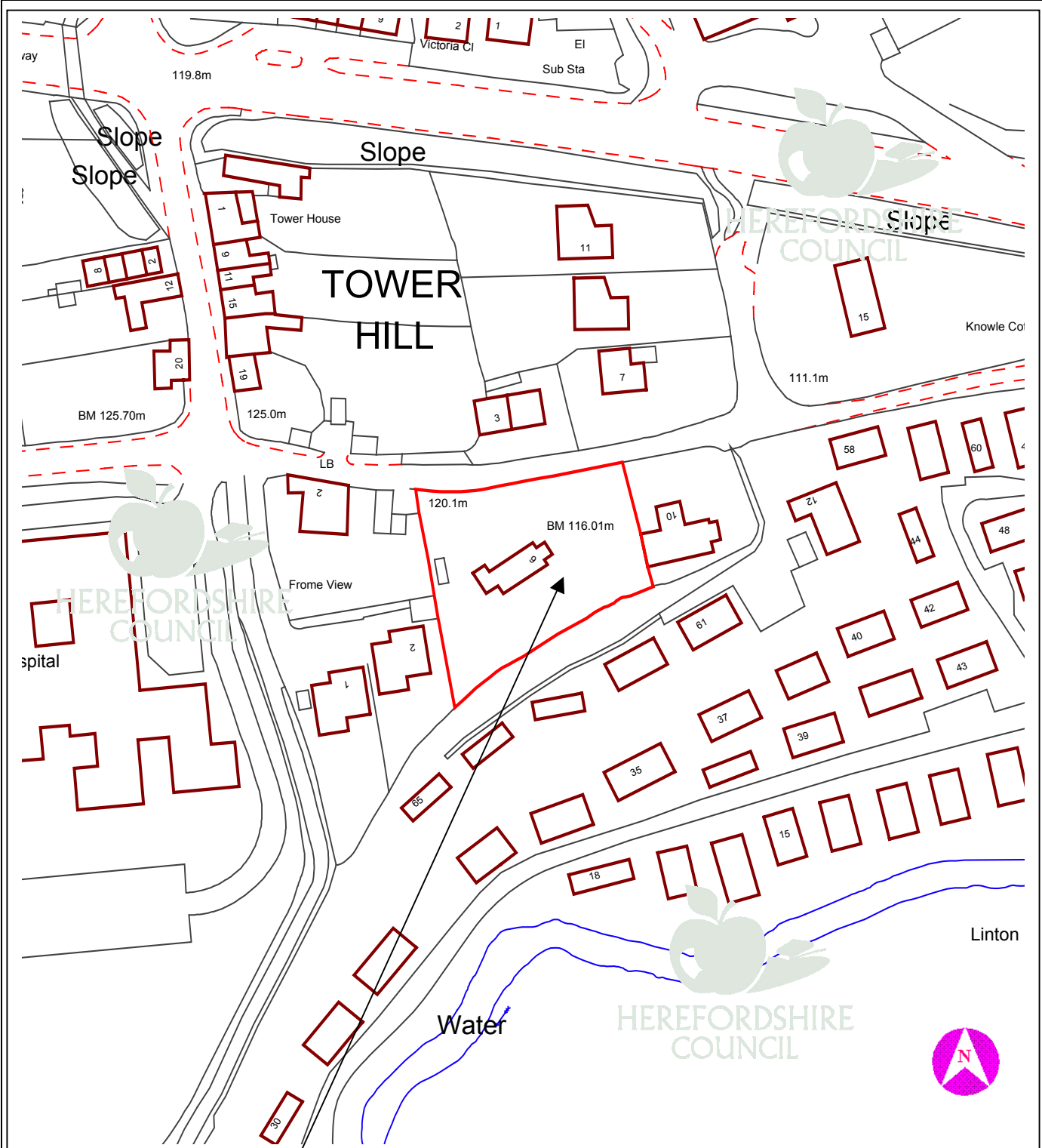
**5 - ND3 - Contact Address**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2005/3639/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 6 Linton Lane, Bromyard, Herefordshire, HR7 4DQ

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