

11 DCSW2005/3890/O - DETACHED DWELLING, LAND ADJACENT TO NO 7, CHERRY ORCHARD, WRIGGLEBROOK, KINGSTHORNE, HEREFORDSHIRE, HR2 8AW**For: Mr. & Mrs. C. Lynn per Mr. A. Powell, Yew Tree Cottage, Brinkley Hill, Brockhampton, Herefordshire, HR1 4SJ****Date Received: 2nd December, 2005****Ward: Pontrilas****Grid Ref: 50265, 31860****Expiry Date: 27th January, 2006**

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

1.1 The proposal site comprises what was part of the garden area for No. 7 Cherry Orchard on the north-eastern side of the Wrigglebrook from which No. 7 Cherry Orchard gains access from either the south-eastern corner of that property or alternatively the north-western corner in front of Glenrosa, a dormer style bungalow that like the proposal site and No. 7 Cherry Orchard are elevated above the level of Wrigglebrook Lane, an unclassified road (u/c 71606) from which access will be gained. No. 7 Cherry Orchard is a brick faced chalet bungalow.

1.2 An illustrative block plan has been provided, it details an access point directly onto the unclassified road, and the blocking-off, of the existing north-western access point. No. 7 Cherry Orchard would have its own access point off the south-eastern corner of the site. The site is between 18/19 metres wide and from the steep bank of over 1.5 metres is 45 metres deep. This excludes a finger of land 3 to 3.5 metres at its narrowest and 7 metres at its widest, that is in front of Glenrosa. At approximate bank level, i.e. 1.5/2 metres above the level of the highway, there is a levelled out area across the frontage of the site. The land then inclines steeply. Three properties on Little Birch Road are sited between 12 - 17 metres from the northern boundary of the delineated plot. All matters are reserved for future consideration, notwithstanding the submission of details for the access as mentioned.

2. Policies**2.1 Hereford and Worcester County Structure Plan**

Policy CTC.2	-	Areas of Great Landscape Value
Policy CTC.9	-	Development Criteria
Policy H.16A	-	Development Criteria

2.2 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy SH.8	-	New Housing Development Criteria in Larger Villages

2.3 Unitary Development Plan (Revised Deposit Draft)

Part 1

- Policy S.1 - Sustainable Development
- Policy S.2 - Development Requirements

Part 2

- Policy DR.1 - Design
- Policy H.6 - Housing in Smaller Settlements

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager states that closing off of existing acute access will be beneficial. Illustrative plans submitted, it is noted, however will require visibility be achieved and at a low gradient.

5. Representations

- 5.1 Much Birch Parish Council make the following observations:

“The Parish Council objects to the above application for the following reasons:

1. Sewage from Cherry Orchard Cottage is at present seeping out on the site and Councillors are aware that there has been a long-term problem with the sewage from this property.
2. The owner of Glenrosa believes that his spreaders extend on to the site.
3. The size of the plot and the severe slope, will limit the effectiveness of the spreaders for the new dwelling. Councillors agree with Mr. A. Davies, the owner of the cottage on the opposite side of the lane, that effluent/water discharge will probably seep out of the bank, into the road and/or come out in his garden, which is below the plot.
4. The current access is better, because the proposed driveway would be very steep.
5. The Parish Council has been informed that the site owner also owns No. 7 Cherry Orchard, the bungalow adjacent to the plot, although this is not shown by a blue boundary line on the plans.

6. Parish Councillors would be happy to support the application if the site were to be enlarged to the proposed new boundaries which they have drawn on the attached map. This would give more room for spreaders, the dwelling could be located further away from the Cherry Tree Cottage/Glenrosa boundary, and the dwelling could be sited further up the plot. The existing entrance should be retained.”

5.2 Three letters of representation have been received from:

Mr. A. Davies, Holly Tree Cottage, Wrigglebrook Lane, King's Thorn, HR2 8AW

Mr. A. Pucill, Glenrosa, Wrigglebrook Lane, King's Thorn, HR2 8AW

Mr. A. & Mrs. M. Nicholls, Cherry Orchard, Wrigglebrook Lane, Kings Thorn, HR2 8AW

The main points raised being:

- no objections to single dwelling (no more) of similar height
- land down slope could be used by Cherry Orchard and Glenrosa to improve access, i.e. visibility
- could share bio-disc systems
- soakaways on the site, precise location unknown
- no mains drainage in Wrigglebrook Valley, need to be satisfied site is of sufficient area given our soakaways are on it
- collected water will drain down slope onto my property, the Wrigglebrook flows through my grounds
- only way drainage from site can go is through my property
- elevated, overlooked, gross intrusion of privacy
- loss of value of property
- my property is Holly Tree Cottage not Makadoo as shown on maps
- should create a public lay-by in order to alleviate parking problems for service vehicles and visitors.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues are considered to be the principle of development, drainage, access and overlooking/loss of privacy.
- 6.2 This site is wholly within the defined settlement boundary for Kingsthorpe. The site chosen is clearly an arbitrary one given that there is further land up slope, i.e. to the north-east and to the south-east, i.e. towards No. 7 Cherry Orchard, that could have been included in the site boundary. The illustrative plan submitted demonstrates that the proposed dwelling is 13 metres away from Glenrosa and 17 metres from No. 7 Cherry Orchard. This is considered to be sufficient distance such that the proposal does not constitute cramming. The style of dwelling will be important given that No. 7 Cherry Orchard is brick built and a chalet bungalow, and Glenrosa is a dormer bungalow. A dwelling with accommodation in the roof space would be anticipated, this would also allow for less land being taken up, i.e. if a single-storey dwelling were envisaged. It should be noted, as the Parish Council state above, that the applicants do also own No. 7 Cherry Orchard, which was not the case at the time of submission of the application. This clearly has implications for drainage and access and visibility for both Glenrosa and the proposal site.

- 6.3 The issue of drainage is a continuing one for residents along the Wrigglebrook Valley. The fact that a site has another property's soakaways on it is not a matter that prohibits the grant of planning permission. This issue has been the subject of a planning appeal elsewhere in Kingsthorpe. It is for the developer of the site to take into account such a matter and develop the site accordingly. It is considered that there is sufficient ground for drainage purposes on the site and if required on adjoining land in the applicant's ownership. This would allow for more land on which to drain if required. The site does slope south-westward to Wrigglebrook Lane, however it is considered that a properly designed drainage system could cope with the foul water produced by the new dwelling.
- 6.4 Access has not been raised directly by local residents. This is notwithstanding the observations of the Parish Council. A public lay-by has been suggested, but no objections to the means of access as illustrated on the block plan submitted. The Parish Council would prefer the existing access to the south-east intended for sole use for No. 7 Cherry Orchard be also used by the new plot. This is given the gradient of the site and the feasibility of meeting the requirements for a greatly reduced gradient for vehicles leaving and entering the site. This is also a matter raised by the Traffic Manager who requires visibility splays of 2 metres set back and 33 metres in each direction. An access point that is to the front of Glenrosa will be closed which is beneficial on this unclassified road with sub-standard access points that serve dwellings reached off steep driveways. It would be preferable if the existing access that serves No. 7 Cherry Orchard were modified such that traffic could also enter this site. This would retain most of the 1.5/2 metres high bank that is partly stone faced and has trees and vegetation on top of it. This would not be the case if a centrally positioned access were created. The retention of trees and the bank would retain the character of this part of Wrigglebrook Lane and may help with matters of foul drainage and water run-off. This would entail the application site being modified to include a strip of land along the frontage to the existing access in the south-eastern corner of land in the applicant's ownership.
- 6.5 The issue of overlooking resulting in a gross intrusion of privacy has been raised. It should be noted that the area identified for development is within the garden area of No. 7 Cherry Orchard from which it is possible to look south-westward across the objector's property. It is considered that a dwelling on this elevated valley side would not materially increase opportunities for overlooking than exist at present. The issue of devaluation of the objector's property is not a matter that could sustain a reason for objection.
- 6.6 Therefore, it is considered that it is possible to build a dwelling on this site, and still allow sufficient space/land for soakaways. This matter would need to be addressed within the remit of a detailed application that would also need to include sections through the site. The access arrangements can be improved upon such that the north-western access is blocked off, and the bank and trees retained as much as practicable or alternatively a centrally splayed access created.

RECOMMENDATION

That subject to the receipt of further plans detailing a splayed entrance and including land across the frontage of No. 7 Cherry Orchard, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

- 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. A05 (Plans and particulars of reserved matters)

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

5. 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.

Informative(s):

1. N15 - Reason(s) for the Grant of Planning Permission

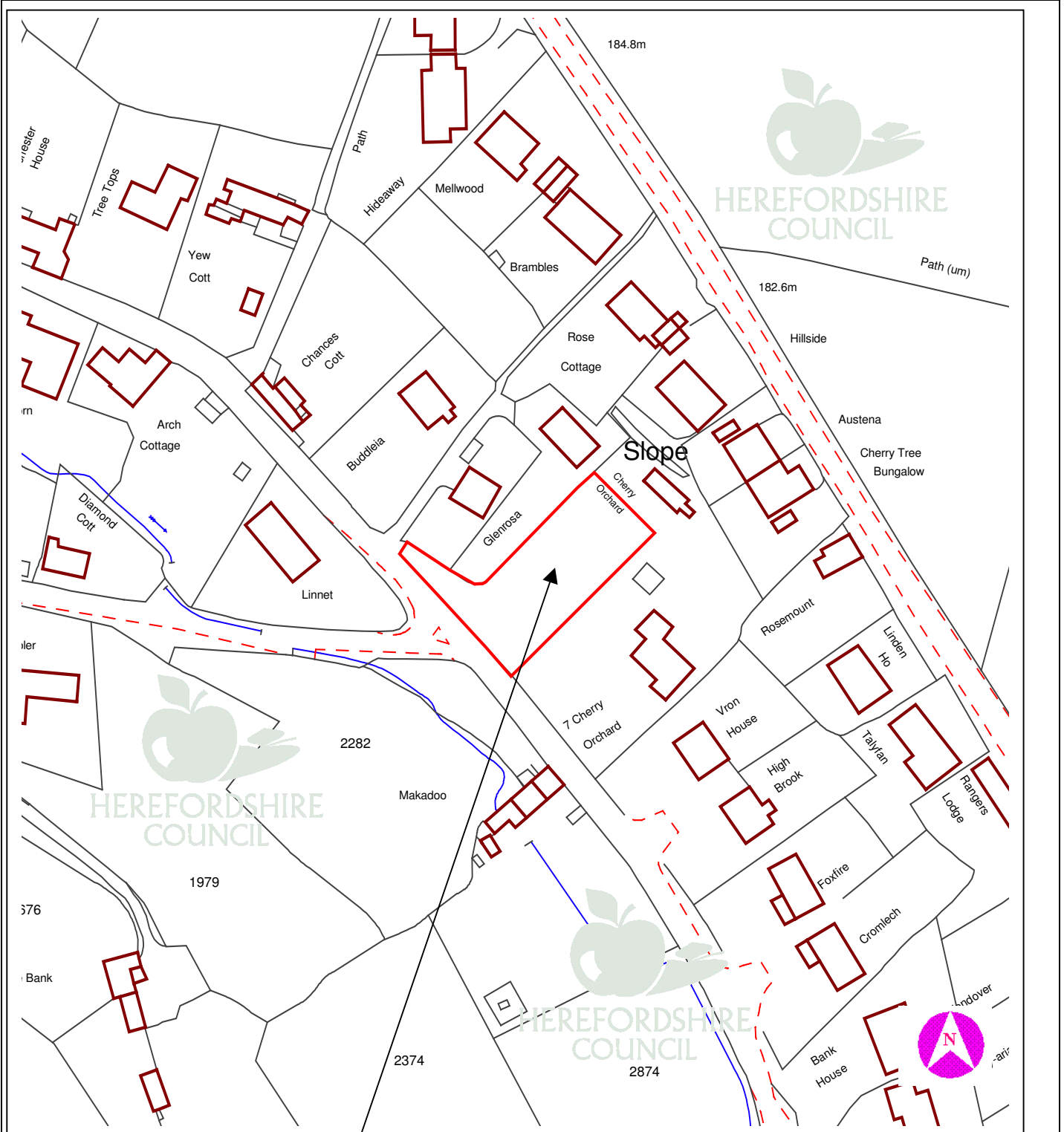
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2005/3890/O

SCALE : 1 : 1250

SITE ADDRESS: Land adjacent to No 7, Cherry Orchard, Wrigglebrook, Kingsthorpe, Herefordshire, HR2 8AW

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