

**17 DCNW2005/4158/F - RETROSPECTIVE PLANNING APPLICATION FOR CONSERVATORY TO REAR AT 7 MILLSTREAM GARDENS, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6NR**

**For: Mrs. J. Lawson per Mr. D. Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB**

**Date Received:**  
28th December 2005

**Ward: Castle**

**Grid Ref:**  
31285, 49298

**Expiry Date:**  
22nd February 2006

Local Member: Councillor J.W. Hope MBE

### **1. Site Description and Proposal**

1.1 The application site comprises a detached dwelling sited within a cul-de-sac of modern dwellings within the settlement boundary and Conservation Area of Eardisley.

1.2 The proposal is for the retention of a conservatory (substantially completed) to the rear north facing elevation. The conservatory has a footprint of extending 5.87m to the rear by 3.65m and has an eaves height of 2.4m and ridge height as 3.7m. The conservatory is brick faced would have a glazed roof.

### **2. Policies**

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

A18 – Listed Buildings and their Settings  
A21 – Development within Conservation Areas  
A24 – Scale and Character of Development  
A54 – Protection of Residential Amenity  
A56 – Alterations, Extensions and Improvements to Dwellings

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

Policy S2 – Development Requirements  
Policy S7 – Natural and Historic Heritage  
DR1 - Design  
H18 – Alterations and Extensions  
HBA6 – New Development within Conservation Areas

### **3. Planning History**

3.1 97/0891/N - Mixed residential development (14 dwellings) with new access - Approved 23-06-98

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

##### Statutory Consultations

4.1 None

##### Internal Council Advice

4.2 The Transportation Manager has no objection to the grant of permission.

4.3 The Conservation Manager - The footprint of the conservatory is slightly larger than ideal however the impact on the Conservation Area is reduced by the fact that it is not highly visible. Also in its favour is the fact that the design is acceptable.

#### **5. Representations**

5.1 Eardisley Parish Council makes the following comments:

"The Parish Council feel the structure is larger and higher than necessary. The builders 'Atrium' are at fault for failing to apply for Planning Permission prior to erection, leaving the neighbours unable to lodge any complaints or comments. We feel ACTION should be taken so that future advantage is not taken in a Conservation Area.

5.2 One letter of objection has been received from Dr. D. M. Spencer of Glebeland, 9 Millstream Gardens, Eardisley who raises the following issues:-

- a) Object to this present, retrospective, application on the grounds of the unsuitability of such an oversize structure in a Conservation Area.
- b) Overwhelming appearance of the building over my garden.
- c) The conservatory, due to size and roofline of structure intrudes on our vista and spoils the enjoyment of our garden.
- d) Concern about retrospective nature of development.

5.3 A letter was also received from the applicants agent Mr. David Walters which states:

"My client, Mr Rump of Atrium Conservatories wishes to apologise for his misunderstanding of planning regulations - he believed that 70 cubic metres was the extent in a Conservation Area and not 50 cubic metres."

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 issues for consideration of this application are:-

- Impact of the development on the existing dwelling.
- Impact on the Conservation Area.
- Impact on the neighbouring properties.

- 6.2 The proposed conservatory is a relatively large addition to the modest sized dwelling but nonetheless the proposed extension is single storey, and is subservient to the existing dwelling. As such it accords with Policy A56 – Alterations, Extensions and Improvements to Dwellings of the Leominster District Local Plan.
- 6.3 Having regard to the siting of the conservatory, this is not prominent within the Conservation Area and has a neutral effect on the character and appearance of the Eardisley Conservation Area. As such this complies with Policy A21 of the Leominster District Local Plan.
- 6.4 The neighbour which is most affected by the development in No. 9 Millstream Gardens. Although the conservatory extends for nearly 6 metres. There is a gap of just over 1 metre between the conservatory and 1.8m close board fence, which forms the boundary. The distance from the rear of the conservatory at No. 9 to the boundary at the rear of the garden is approximately 14 metres. The conservatory is not excessive in height and although the roof will be visible the conservatory is not so overbearing or intrusive to refuse this application. The fact that the application is retrospective is not a reason for refusal. The application must be considered on its merits. On this basis the application is considered acceptable and in accordance with local plan policy.

**RECOMMENDATION**

**That planning permission be approved.**

**Informative:**

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

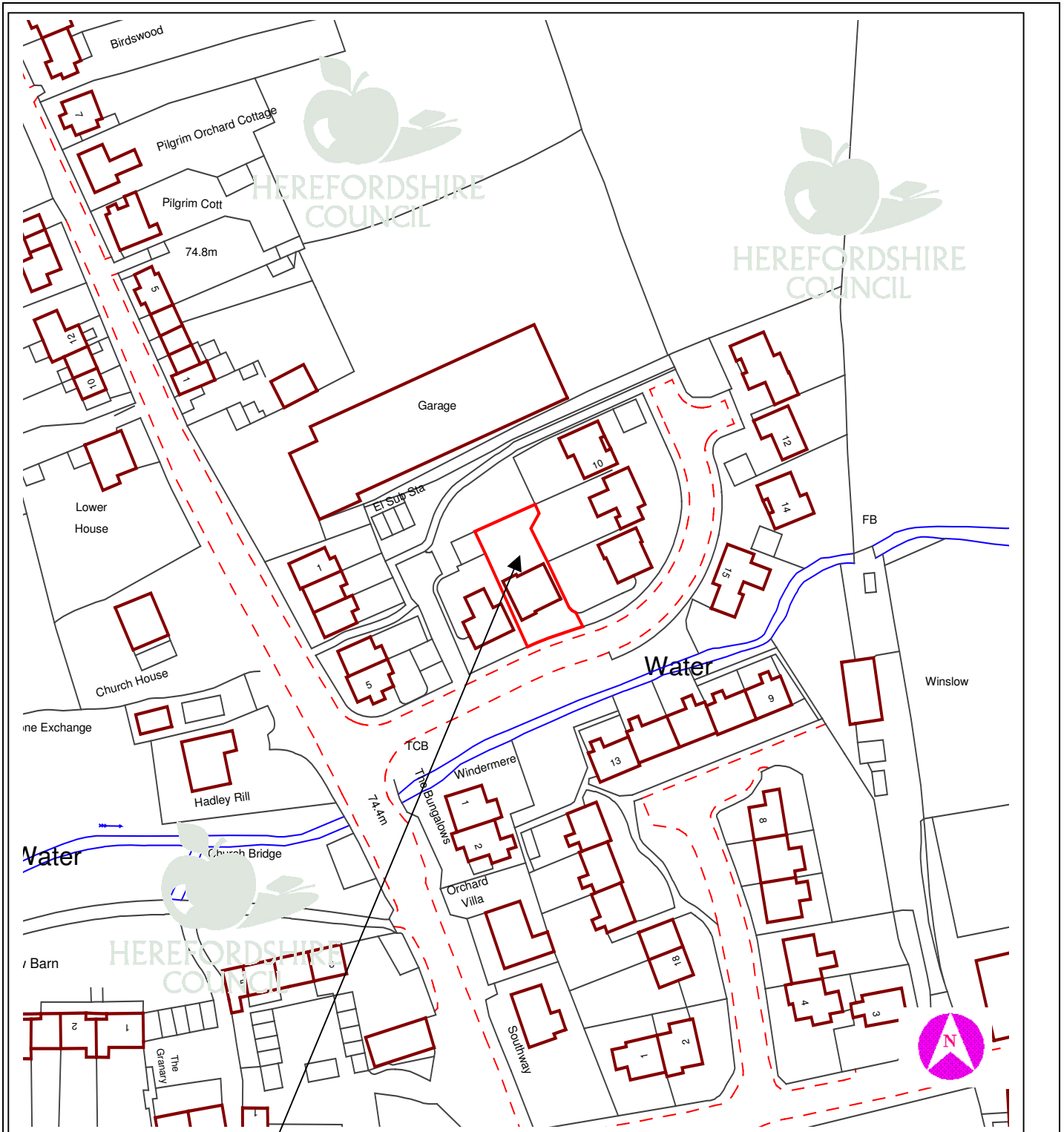
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2005/4158/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 7 Millstream Gardens, Eardisley, Hereford, Herefordshire, HR3 6NR

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