

**12 DCCE2006/2553/F - RETROSPECTIVE APPLICATION FOR WINDOW TO NORTH FACING ELEVATION WITHIN BEDROOM. PLOT 130, SAXON COURT DEVELOPMENT AT LAND OFF BULLINGHAM LANE, HEREFORD**

**For: George Wimpey South Wales, Unit C Copse Walk, Cardiff Gate Business Park, Pontprennau, Cardiff, CF23 8WH**

**Date Received: 1st August, 2006**

**Ward: St. Martins & Hinton**

**Grid Ref: 50988, 38326**

**Expiry Date: 26th September, 2006**

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

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

- 1.1 The site is located in the north eastern corner of the new residential development currently taking place on the former SAS Camp known as Bradbury Lines. Immediately to the north are existing properties bordering the site along Web Tree Avenue and to the east are properties bordering Hoarwithy Road. Ground levels within the site are around 1.8 metres higher than existing levels within the gardens of properties on Hoarwithy Road and Web Tree Avenue. The boundaries are now enclosed with a 2.8 metre high fence (1.8 metre close boarded fence with a further metre of trellis above). A new native hedge along with mature trees have also been planted along the boundaries of the site but these are yet to mature and therefore with the exception of mature Leylandii trees to rear of number 64 Web Tree Avenue, the north west boundaries remain largely open.
- 1.2 This area of the development site is now largely complete and a two storey 4 bedroom detached property has been constructed on the application site and is now occupied. Following the approval by the Central Area Sub Committee of the Reserved Matters Ref: CE2005/1130/RM on the 9th August, 2005 the layout within this corner of the site was revised including changes in the dwelling types and designs in order to reduce the impact on existing properties bordering the site. Condition 3 of the Reserved Matters Approval prevents the introduction of any new windows or dormer windows within the northern elevation of the dwelling the subject of this application. A window has been installed at first floor serving the bedroom on the northern elevation and therefore this application seeks retrospective consent to retain the window.

## **2. Policies**

### **2.1 Hereford Local Plan:**

ENV14	-	Design
H12	-	Established residential areas – character and amenity
H14	-	Established residential areas – site factors
H16	-	Alterations and extensions

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

DR1	-	Design
H13	-	Sustainable residential design
H18	-	Alterations and extensions

## 3. Planning History

- 3.1 CE2005/1130/RM - Residential development of 2, 3, 4 and 5 bedroom houses, flats, car parking, garages, roads and sewers thereto and landscaping (Phase 2). Reserved Matters Approval 9th August, 2005.
- 3.2 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses at land at Bradbury Lines, Bullingham Lane. Outline planning approved 10th February, 2005.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None required.

### Internal Council Advice

- 4.2 Traffic Manager: No objection.

## 5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Three letters of objection have been received from 62, 64 and 66 Web Tree Avenue the main points raised are:
- The Council have already confirmed in writing that there will be no first floor windows from this property with aspect towards Web Tree Avenue;
  - The window interferes with our privacy to a very high degree, we find the approved scheme acceptable with only one window at first floor with obscure glass serving the bathroom.
  - The property in question is in an elevated position 2 metres higher than those in Web Tree Avenue and the outlook from the window will be directly into the rear bedrooms and bathrooms of existing properties in Web Tree Avenue;
  - The existing planting that has been undertaken is non-existent and the mature Leylandii trees may be removed as they have been damaged by Wimpey;
  - Wimpey have no intention of removing the window as the property is now sold and occupied and it is yet another example of the total disregard for planning regulations and feelings of neighbouring residents.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The window in question is located at first floor on the northern elevation and serves one of the principal bedrooms. The scheme approved at Committee on 9th August 2005 on the site was for the construction of a detached three storey property with windows at ground, first and second floors overlooking Web Tree Avenue. Through negotiations, the dwelling design and type was changed to the property now built - namely a two storey dwelling sited further away from the Web Tree Avenue boundary with the front elevation facing eastwards. However, the approved (amended) scheme was for the window the subject of this application to be located on the western elevation facing away from existing properties within Web Tree Avenue with the only first floor window facing Web Tree Avenue being a small obscure glazed bathroom window. Condition 2 of the Reserved Matters Planning Permission does, however, allow for the insertion of additional windows at first floor on this elevation subject to planning permission being obtained.
- 6.2 The issue is essentially whether the degree of overlooking of the neighbouring properties within Web Tree Avenue and particularly their gardens is significantly or materially greater as a result of the retention of this window. The slab level of the approved dwelling and the associated garden is around 1.8 metres higher than the garden levels within the properties in Web Tree Avenue. Whilst a new fence with trellis above has been installed along with a new hedge and mature tree planting, there is already direct overlooking towards neighbouring properties and their gardens from the approved ground floor windows. The line of sight from the first floor window as opposed to ground floor will enable a slightly greater aspect of the surrounding gardens but ultimately, it will not mean that any more garden would be visible than is presently the case from ground floor windows.
- 6.3 In terms of the properties themselves, a distance of 38 metres exists between the window subject of this application and the rear elevation of the nearest property within Web Tree Avenue. This is considered satisfactory to safeguard amenity within the properties and is well above the minimum standard distance of 21 metres.
- 6.4 Therefore, given the existing situation it is not considered that the retention of the window will ultimately lead to a significant reduction in privacy as a result of overlooking of the adjoining gardens. The fact that the application is retrospective should also not influence Members consideration of the application as it must be considered on its planning merits in accordance with the relevant development plan policies and on this basis, the proposal is considered acceptable.

## RECOMMENDATION

**That planning permission be approved.**

### Informatives:

1. **N15 - Reason(s) for the Grant of PP/LBC/CAC**
2. **N19 - Avoidance of doubt**

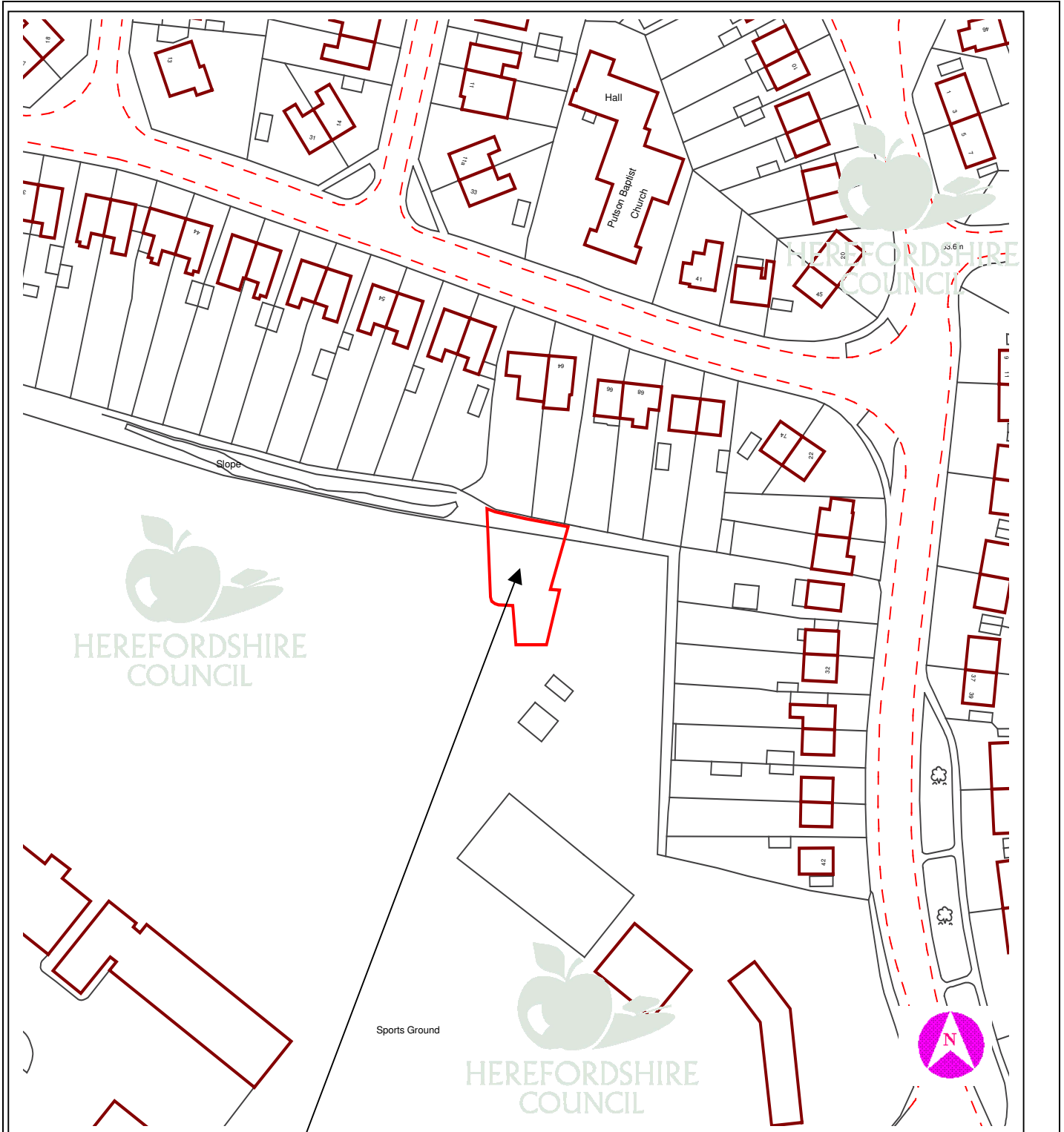
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/2553/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Plot 130, Saxon Court Development at Land off Bullingham Lane, Hereford

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