

**14 DCSE2006/2609/F - ERECTION OF ONE DWELLING.  
LAND ADJACENT TO MARSH COTTAGE, PONTSHILL,  
ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SZ.****For: Mr F McGough per Paul Smith Associates, 19 St  
Martin Street, Hereford, HR2 7RD.****Date Received: 8th August, 2006 Ward: Penyard****Grid Ref: 63881, 22049****Expiry Date: 3rd October, 2006**

Local Member: Councillor H. Bramer

**1. Site Description and Proposal**

1.1 Planning permission (SE2006/1677/F) for the erection of a house on this site in Pontshill was refused on 20th July, 2006 for the following reasons:

1. The proposed dwelling, because of its size, height and design, would be out of scale with adjoining houses and would detract from the character of the settlement. The proposal would conflict therefore with Policies H16A and H18 of Hereford and Worcester County Structure Plan, Policies SH10, SH14 and GD1 of South Herefordshire District Local Plan and Policy H13 of Herefordshire Unitary Development Plan (Revised Deposit Draft).
2. The proposed dwelling, because of its size, design and position in relation to adjoining dwellings, would be overbearing and result in loss of privacy. As a consequence the proposal would harm the amenities of the occupiers of these dwellings and conflict with Policies H15 and GD1 of South Hereford District Local Plan and Policy H13 of Herefordshire Unitary Development Plan (Revised Deposit Draft).

The current proposal is for a revision to the earlier scheme.

1.2 The design and style of the house would be similar; a rectangular neo-Georgian house with a central gable projecting to rear and at the north-eastern end an attached double garage projecting to the front of the house with a single-storey gabled kitchen and utility room projecting to the rear. The external walls would be rendered blockwork with cast stone lintols, cills and corbelling and a natural slate roof. The main changes would be the omission of the three dormer windows on the front elevation roof, although the same second floor accommodation would be provided (a double bedroom, now to be lit by a rooflight, and bathroom and store with no natural lighting). The footprint and eaves height would be unchanged but the roof pitch would be less steep (about 40° rather than 44°) which would reduce ridge height by about 0.35 m (scaling from drawings) i.e. 8.1 m rather than 8.45 m. Other changes include the omission of a first floor window on the rear elevation.

1.3 The siting of the dwelling would be unchanged from the earlier proposal: set back about 12 m from the highway and between 7.2 m and 11.2 m from the south-eastern boundary with Juniper Cottage.

**2.1 Planning Policy Guidance and Statements**

PPS7	-	Sustainable Development in Rural Areas
PPG25	-	Development and Flood Risk

**2.2 Hereford and Worcester County Structure Plan**

Policy H18	-	Housing in Rural Areas
Policy H20	-	Housing in Rural Areas
Policy H16A	-	Housing in Rural Areas
Policy CTC2	-	Area of Great Landscape Value
Policy CTC9	-	Development Criteria

**2.3 South Hereford District Local Plan**

Policy SH10	-	Housing in smaller settlements
Policy SH14	-	Siting and design of buildings
Policy SH15	-	Criteria for new housing schemes
Policy GD1	-	General development criteria
Policy C43	-	Foul sewerage
Policy C44	-	Flooding
Policy C45	-	Drainage

**2.4 Herefordshire UDP (Deposit Draft)**

Policy H7	-	Housing in the countryside outside settlements
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA3	-	Setting of Settlements
Policy DR4	-	Environment

**3. Planning History**

3.1	SE2002/3287/O	Erection of a cottage.	-	Approved 26.2.03
	SE2004/2901/RM	Erection of a cottage	-	Approved 16.2.05
	DCSE2006/1677/F	Erection of one dwelling	-	Refused 20.7.06

**4. Consultation Summary**Statutory Consultations

- 4.1 Environment Agency advises that part of the site is located within Flood Zone 3 however the dwelling and sewerage treatment plant is located outside of this high risk area, with a 7 m buffer strip from top of bank of watercourse. On basis that no increase in ground levels above existing 1% floodplain and subject to conditions regarding drainage and oil tank no objection to the dwelling.

Internal Council Advice

- 4.1 Traffic Manager recommends conditions be included regarding visibility splays, access, parking and turning.

## 5. Representations

5.1 The applicant's agent has submitted a detailed Planning Statement which, in summary, is as follows:

- (1) My client wishes to respond constructively to Members' concerns and to obviate the need to go to appeal. The enclosed planning application for a smaller dwelling addresses these concerns.
- (2) In relation to the neighbouring Juniper Cottage, the ridge height is reduced by 1.05 metres by employing a shallower roof pitch of around 40° and ensuring that the level of the proposed dwelling would remain 0.55 metres below that of Juniper Cottage.
- (3) The village of Pontshill comprises the full variety of house types, with full two-storey dwellings predominant in the village and permission for a further eight such dwellings. In particular, Pontshill Cottage to the south-west of the site, upon a village edge site similar to my clients, is of comparable scale and design as the proposed dwelling.
- (4) The scale of the dwelling is appreciably less than those recently erected in Weston under Penyard upon much smaller plots.
- (5) The eventual height of the proposed dwelling would be comparable to that of Juniper Cottage and the majority of dwellings in the village. From public vantage points, many views of the proposed dwelling would be ameliorated by a line of trees along the western site boundary. Its scale would appear in proportion to the size of the application site and appropriate to the character and appearance of its host environment.
- (6) The footprint of the proposed dwelling is marginally less than that of the dwelling approved for this site in 2005 except for the proposed garage. The main body of the proposed building would lie 12.4 m west of the main gable of Juniper Cottage and 22 m south-west of Marsh Cottage at the nearest point so that the loss of direct sunlight to these properties would be very modest.
- (7) The plot ratio (proportion of the site occupied by the dwelling) would be less than most nearest properties with the exception of two. In particular, the plot ratio of Juniper Cottage is comparable to that of the proposed development (approximately 1:7.65 compared to approximately 1:7.34). Therefore the plot ratio of the proposed development marries with the settlement pattern.
- (8) In addition, the footprint is also considerably less than almost all of the dwellings approved and recently built in Weston-under-Penyard.
- (9) All dormer roofs in the new proposed scheme have been omitted simplifying the front elevation.
- (10) The village of Pontshill comprises the full variety of house designs. The design of the proposed dwelling is no less legitimate given the size and characteristics of the application site and existing village properties than another house design.

Paragraph 38 of Planning Policy Statement 1 states:

"Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms and styles."

- (11) One of the two rear-facing first floor windows of the refused scheme facing toward the rear garden of Juniper has been omitted. The remaining bedroom window facing this garden will remain glazed in obscure glass. There are no windows proposed to overlook Marsh Cottage.
- (12) Occupants of the dwelling approved on this site will have an uninterrupted view of the rear garden to Juniper Cottage with far more loss of privacy than would occur if the proposed dwelling were erected.
- (13) In addition, the applicant proposed to plant 4 metre high trees on the northern and eastern site boundaries to protect the privacy further.
- (14) The Council has raised no objection to the proposed development in highways, environmental, flooding or sustainable grounds. There has been no change in material circumstances to justify a different conclusion being reached on these issues with the current scheme.
- (15) The design, size and plot ratio of the proposed development would be comparable to existing properties in the locality, proportionate to the size and shape of the application site and appropriate to the character and appearance of the host environment.
- (16) It would not have an overbearing impact upon the adjoining properties by virtue of the distance between it and adjoining properties and it would preserve the privacy of neighbours far greater than the house design previously approved on this site.
- (17) It is for these reasons that I submit that the proposed development accords fully with the development plan and national planning policy which seek the efficient use of development land such as the application site.

5.2 Parish Council's comments are awaited.

5.3 One letter has been received expressing objection because:

- (1) cannot see any difference in size of the building
- (2) site flooded on 18 August 2006 and with water table already at ground height the building will have to be built on stilts
- (3) consequently would be very overpowering, more like a mansion
- (4) much bigger than original plan for a cottage that had been passed
- (5) planting 4.2 m high trees would take light from the surrounding properties.

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. Officer's Appraisal

- 6.1 The site is within the settlement of Pontshill. This is defined as a smaller settlement in the South Herefordshire District Local Plan and in the Herefordshire Draft Unitary Development Plan but was excluded from the list of smaller settlements in the Revised Deposit Draft. The latter has now been considered by the Inspector and significant weight can be given to the policies noted above (paragraph 2.4). On this basis the proposed dwelling would be in open countryside and a new dwelling would conflict with Policy H7. However the extant planning permission is a material consideration and if the proposal is otherwise acceptable (design, siting effect on neighbours' amenities, access etc.) it would be reasonable to grant permission subject to a condition that the permission expired on the same date as the previously approved permission.
- 6.2 The main issues are considered to be whether the dwelling would be in character with the settlement and the effect on neighbours' amenities. The site is quite large (about 0.1 ha) and on the periphery of the settlement. There is a mix of housing types and styles in Pontshill, ranging from traditional cottages to modern bungalows. Generally the houses are modest in size. The current proposal would be about 1.15 m taller than that approved on this site but similar in ground floor area although the garaging would be attached rather than integral to the dwelling. The difference in size with the nearest houses however would not be so great that the proposed house would appear incongruous. It would be set well away from the road boundary and with a row of tall trees along most of the boundaries with the road and the stream. As it would be next to the stream it would be at the lowest part of the settlement and would not be visually over-dominant. The style echoes a traditional farmhouse and the site, on the periphery of a settlement, would be a typical location for such a property.
- 6.3 The Committee was concerned about the erection of a 3-storey dwelling. This revised proposal keeps the second floor accommodation but without the dormer windows. The subsequent installation of such windows would require a further grant of permission, but as dormers would have only a limited effect on the massing of the building it may be difficult to justify refusing such a proposal. Further extension could be controlled by a condition removing permitted development rights. It may not be practicable to build the house of the finished floor level suggested as the site is subject to flooding. Nevertheless the reduction in ridge height and omission of dormers would contribute to reducing the size and visual prominence of the building.
- 6.4 The relationship with Juniper Cottage was also a matter of concern. As proposed the dwelling will be about 7.2 m from the boundary with Juniper Cottage but the central first floor window would be obscurely glazed and the bedroom window would look directly onto the gable end wall of Juniper Cottage and although the garden would be overlooked the intervening distance would be more than 10 m. This compares favourably with the approved scheme. The living accommodation would be further from Marsh Cottage and The Marsh than as approved as the attached garage would be at the north-eastern end of the new house. This is lower than the house and would not be overbearing. There are no windows facing directly towards these neighbouring properties and the privacy of their occupiers would be maintained.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

- 1 A01 (Time limit for commencement (26 February 2008))**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 B01 (Samples of external materials)**

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

**3 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.**

**4 The foul drainage from the proposed development shall be discharged to a treatment plant which meets the requirements of British Standard BS 6297: 1983, and which is provided in accordance with the details submitted dated July 2006 (including drawing no 584:01/02A) unless otherwise agreed in writing by the local planning authority.**

**Reason: To provide a satisfactory method of foul drainage and prevent pollution of the water environment.**

**5 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.**

**Reason: To prevent pollution of the water environment.**

**6 D03 (Site observation - archaeology)**

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

**7 G04 (Landscaping scheme (general))**

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

**8 G05 (Implementation of landscaping scheme (general))**

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

**9 G01 (Details of boundary treatments)**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

**10 E16 (Removal of permitted development rights)**

**Reason: To protect the amenities of neighbours.**

**11 F18 (Scheme of foul drainage disposal )**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

**12 H03 (Visibility splays)**

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

**13 H05 (Access gates)**

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

**14 H06 (Vehicular access construction)**

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

**15 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.**

**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 The Environment Agency recommends that run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS).**

**6 The Environment Agency advises that the proposed dwelling lies at the edge of Flood Zone 3 and recommends that floor levels be set 600 mm above the highest recorded flood level or existing floor level.**

**7 A discharge consent under the Water Resources Act 1991 may be required from the Environment Agency (contact Wye Environment Management Team, 02920 582729).**

**8. Environment Agency advises that pollution prevention measures should be incorporated to protect ground and surface water.**

**9 N19 - Avoidance of doubt**

**10 N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

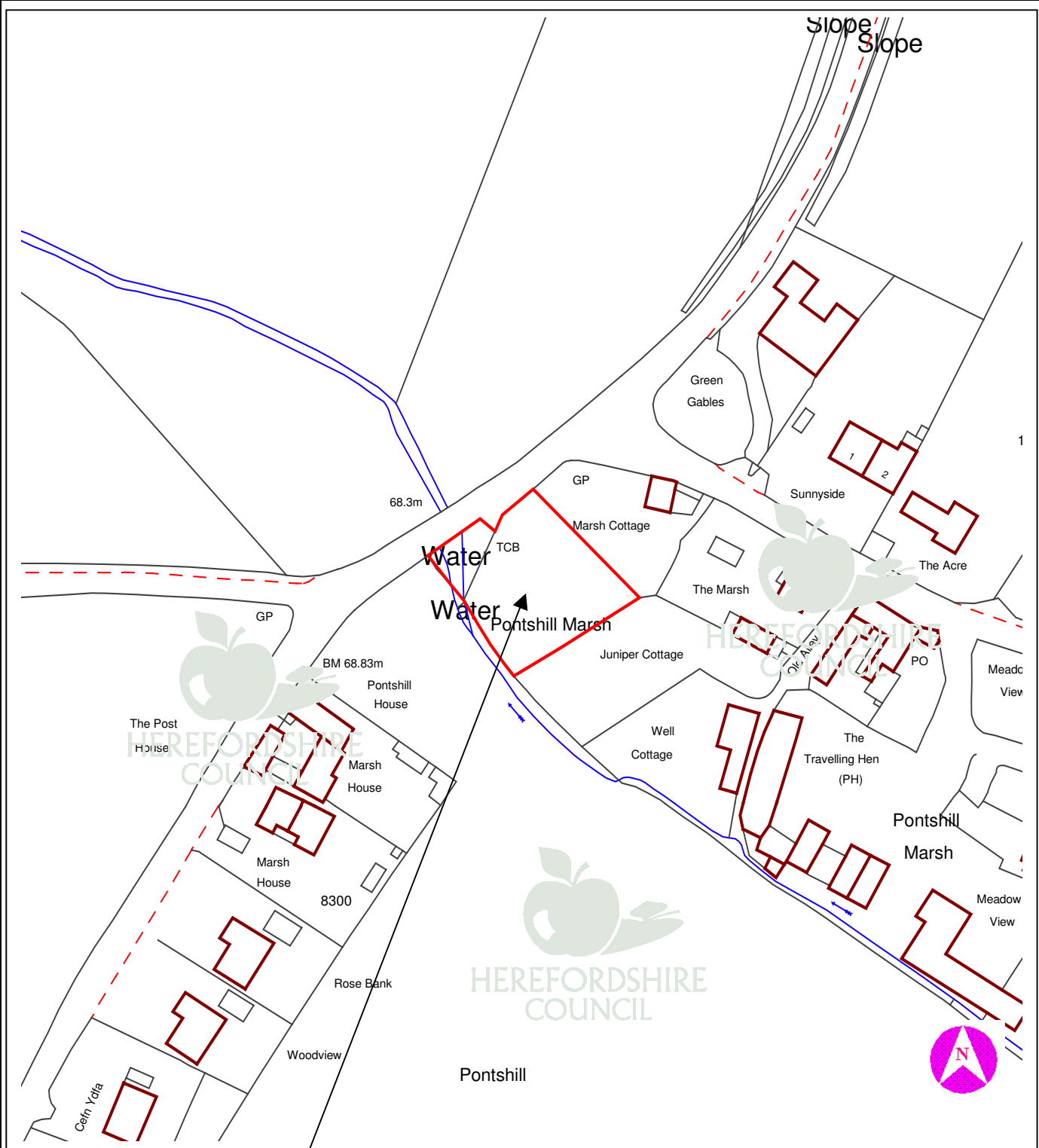
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSE2006/2609/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to Marsh Cottage, Pontshill, Ross-on-Wye, Herefordshire, HR9 5SZ

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