

**12 DCCE2006/2347/RM - AMENDMENT TO APPLICATION  
CE2005/3706/RM - REPLACEMENT OF TWO STOREY  
'HEREFORD' HOUSE TYPE WITH THREE STOREY  
'MIDDLEHAM' HOUSE TYPE (RETROSPECTIVE).  
FORMER SAS CAMP, LAND OFF BULLINGHAM LANE,  
HEREFORD, HEREFORDSHIRE**

**For: George Wimpey South West, Copse Walk,  
Pontprennan, Cardiff, CF23 8WH**

**Date Received: 21st July, 2006 Ward: St. Martins & Hinton Grid Ref: 50695, 38095**

**Expiry Date: 15th September, 2006**

Local Members: Councillors ACR Chappell, R. Preece and Mrs WU. Attfield

### **Introduction**

This application was considered by the Central Area Planning Sub-Committee at its meeting on 23rd August 2006 when Members resolved to refuse permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting the Central Area Planning Sub-Committee was recommended to approve this application. The recommendation took into account

- planning policies for residential development including non-statutory design guidance,
- the planning history of the site, in particular the approval for the same house type on two adjacent plots
- the distances between the new house and the objectors' houses
- the fact that, despite the retrospective nature of the application, it accorded with current policies and typical standards of development.

In the debate the members of the Area Sub-Committee gave significant weight to the objections of local Members and local residents who are all very concerned that, having got planning permission for one house type on this plot, the developer proceeded to build a larger house type, albeit one which had been approved on the adjacent two plots. Members were also concerned at the impact on the outlook of the nearest householders on Redhill Avenue, who now have a row of three adjacent three storey houses at the rear of their properties instead of just two at three storeys and one at two storeys. Members also considered the impact of the development on the street scene, which they felt would be made significantly worse by the change in house type on plot 2.

In terms of planning policies and typical design standards in urban areas, the scheme is not unusual. There is over 40 metres between the rear of the new house and the facing elevations of the objectors' houses in Redhill Avenue. This distance is more than adequate to protect their amenities. The new house is on the north side of the objectors' houses and hence there is no question of overshadowing. Above all, this house type has been approved on plots 3 and 4 of the development, and there is no convincing argument why it should not

have been approved on plot 2 as well. The reasons for refusal canvassed by Members seemed to be more concerned with the principle of retrospective applications than the planning merits of the case. Members also raised the issue of the impact of having three three-storey houses together on the street scene and, whilst this argument may have some merit, it is a relatively weak argument on its own. In any event, the Area Sub-Committee was firm in wishing to refuse the application on grounds of overdevelopment and over-intensity. In these circumstances, a refusal of permission would be very difficult to sustain at appeal.

## 1. Site Description and Proposal

1.1 The site is located on the southern side of Bullingham Lane and forms part of the land formerly associated with the SAS Camp known as Bradbury Lines. Immediately south of the site are existing semi-detached properties which front onto Redhill Avenue and land to the north has now been developed with new housing forming part of Phase 1 of the overall development. The southern boundary of the site bordering existing residential properties is largely enclosed by a combination of fencing and mature hedging. Levels within the site are generally flat.

1.2 Reserved matters planning permission was approved on the 8th February, 2006 for this phase of the whole development amounting to 21 units. The majority of these units are now under construction. The approved property to be built on Plot 2 which is the subject of this application is a 'Hereford' house type, this being a two bedroom two storey property with a ridge height 8.2 metres constructed as the end of a terrace of three properties. The property currently being constructed on site is a 'Middleham' house type which is a two-and-a-half storey three/four bedroom property with a ridge height of 10.1 metres. This application is retrospective and seeks planning permission to retain the property now under construction on site.

## 2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H3	-	Design of new residential development
H12	-	Established residential areas – character and amenity
H14	-	Established residential area – site factors

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking

## 3. Planning History

3.1 CE2005/3706/RM - Proposed 2, 3 and 5 bedroom mixed residential development with 21 dwellings with associated accesses and garaging. Reserved Matters Approval 8th February, 2006.

- 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 subject to the provision of the same parking for the adjacent similar house types already approved.

#### **5. Representations**

- 5.1 Hereford City Council: Recommend refusal on the grounds of inappropriate design out of keeping with the approved development.

- 5.2 One letter of objection has been received thus far from 7 Redhill Avenue. The main points raised are:

- When we moved to the property three years ago we had a view across to the Cathedral we now have a row of windows looking straight into our living areas and bedroom.
- We do not object to a two storey house as the windows would not be so intrusive, a three storey house is unacceptable.
- The only privacy currently afforded is by a hedge which is within the ownership of the new properties.
- It is unacceptable that the development has been constructed without planning permission first being obtained.

- 5.3 At the time of writing it is acknowledged that the consultation period has not expired and since it is likely that further representations will be made it is advised that these will form part of a verbal update. The objection letter received to date raises material concerns in respect of the visual impact of the additional floor and the effect on privacy, which are considered to be the main planning issues.

- 5.4 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 property now being constructed on plot 2 the subject of this application is of the same scale, form and design as the adjoining properties approved on Plots 3 and 4. This being two-and-a-half storey three/four bedroom property with the second floor rooms being accommodated within the roof space and light provided by dormer windows on the front and rear elevations. As such the development now proposed will be identical to that, which has been considered and approved by the Central Area Planning Sub-Committee on 8th February 2006 for, plots 3 and 4. Furthermore, there are other two-and-a-half storey properties of the same height in the immediate locality within phase 1.

- 6.2 On the approach into the site off the A49 the new dwelling will be seen alongside the existing two-and-a-half storey property constructed on Plot 1 and only glimpsed views are available due to existing mature vegetation, which exists in the locality. Views from the eastern direction are already shielded by existing approved development. As such the revised design of the dwelling will not appear unduly prominent in the locality or within the street scene given what is already built or approved.
- 6.3 The main issue is therefore whether the revised dwelling design has an unacceptable impact on the amenity of existing residences in the locality and particularly those properties to the south of the site on Redhill Avenue. In this regard, there is a degree of overlooking of the gardens from the rear elevations of existing dwellings in Redhill Avenue from the first floor and particularly roof windows of the dwellings approved on plots 3 and 4. The level of overlooking of the gardens will not, therefore, be materially increased by the additional height of this unit.
- 6.4 A distance of 43 metres exists between the rear elevation of the building currently under construction and the rear elevation of the properties on Redhill Avenue. The minimum standard distance for window-to-window relationships recognised nationally with any new residential development is 21 metres. As such, more than double the required minimum distance is available in this instance. Therefore, it is also not considered that there would not be any increased loss of privacy within the dwellings themselves on Redhill Avenue.
- 6.5 Notwithstanding the above, it is acknowledged that the outlook enjoyed particularly by Nos. 7 and 9 Redhill Avenue has already significantly changed and the approval of this development would further alter the outlook presently enjoyed. The perception of being overlooked can also be a material consideration and there is no doubt that even with the distances concerned from window to window, some of the properties on Redhill Avenue will have the feeling that their privacy is being invaded by existing and proposed dwellings. Ultimately, however, the situation is no different to many residential developments in and around the city particularly with the requirement to now achieve higher densities. Therefore, the combination of the already approved two-and-a-half storey properties to which the proposed dwelling is attached, the difference in levels between the properties and gardens within Redhill Avenue and the application site and the physical distances are sufficient to safeguard a satisfactory level of privacy.
- 6.6 The objector comments on the fact that the application is retrospective. This is clearly an unfortunate and a somewhat embarrassing situation for a national house builder to be in although they have advised that the amended plans were submitted but no record of receipt of the plans was ever received within the Council. The fact that the application is retrospective should not, however, 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

**Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application.**

**INFORMATIVE:**

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

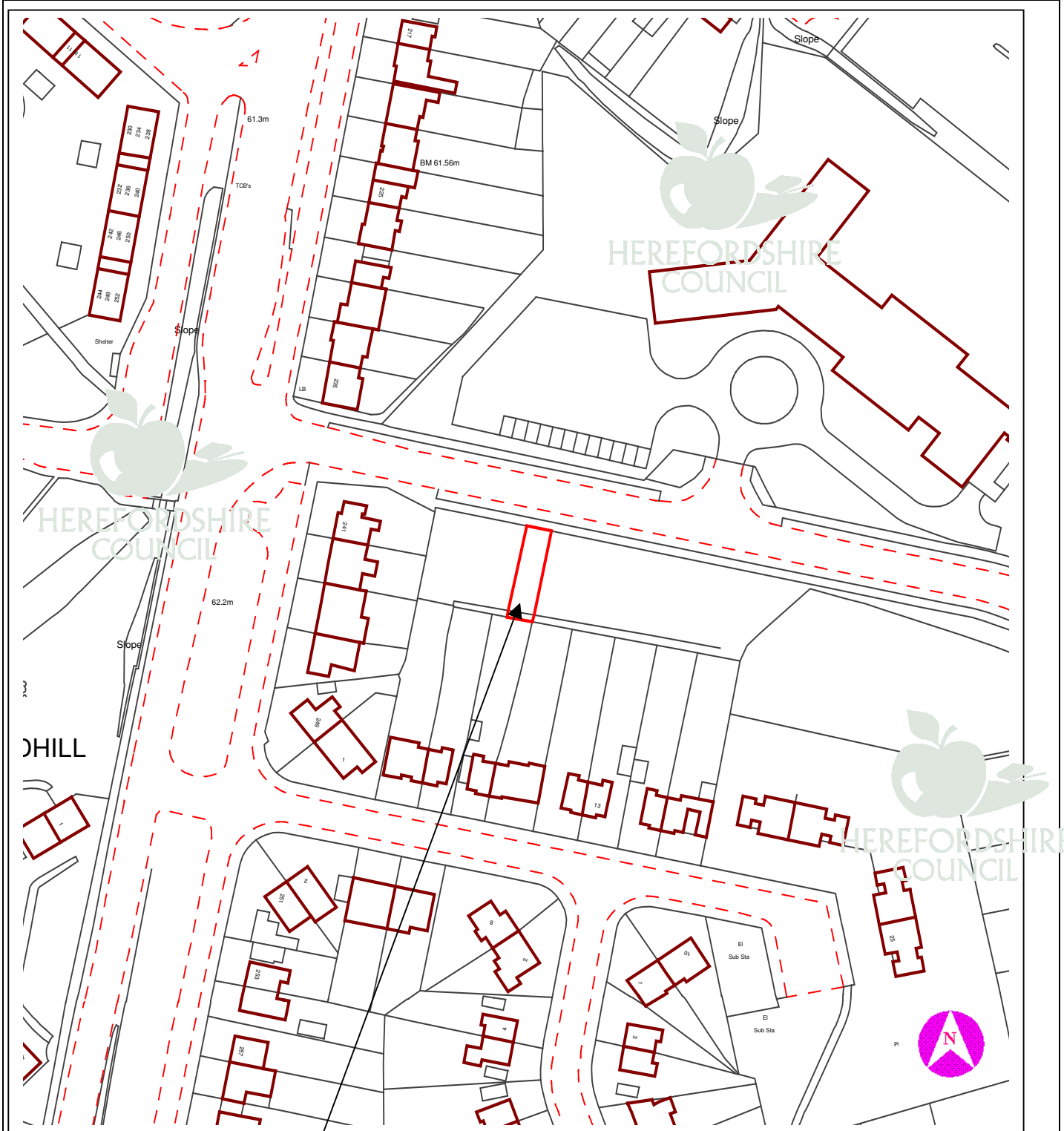
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/2347/RM

**SCALE :** 1 : 1250

**SITE ADDRESS :** Former SAS Camp, Land off Bullingham Lane, Hereford, Herefordshire

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