

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 151352

85 Aylestone Hil, Hereford, Herefordshire, HR1 1HX

**CASE OFFICER:** Ms K Gibbons / C Atkins

**DATE OF SITE VISIT:** 28<sup>th</sup> May 2015 and previous application

**Relevant Development  
Plan Policies:** **NPPF**

**Herefordshire Unitary Development Plan**  
**S1, S6, S7, DR1, DR2, DR3, DR5, H1, H13**  
**LA5, LA6, HBA6**

**Herefordshire Local Plan (Pre-submission publication)**  
**LD1, LD2, LD4**

**Relevant Site History:** **142278 - Proposed conversion of existing garage to provide a new dwelling – Approved with conditions.**

### CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Transportation	X		X		
Historic Buildings Officer	X		X		
Neighbour letter/ Site Notice	X				X
Welsh Water	X		X	X	
Local Member	X		X		

Emailed Cllr Round 13/7/2015 – Spoke to Cllr Round – Agreed Delegated approval - with conditions.

### PLANNING OFFICER'S APPRAISAL:

#### Site description and proposal:

The application site comprises an irregular shaped parcel of land that lies immediately to the west of Overbury House and east of Cypress Gardens. The site currently comprises a detached modern garage. The majority of the site is bounded by brick boundary walls of in excess of 3m. Overbury House is a prominent period dwelling that fronts Aylestone Hill. The



site lies within the Conservation Area. Access to the site is via the existing driveway from Overbury Road that also serve Cedar Cottage and Overbury House. To the east lies the new development of detached dwellings known as Cypress Gardens.

The proposal is for the demolition of the existing garage structure and the erection of a two storey contemporary dwelling described within the design and Access Statement as consisting of overlapping rectangular forms orientated to minimise impact upon the adjacent properties. The dwelling will be two storey, with a ridge height of 6m and eaves height of 4.6m.

The flat roofed elements being 3.2m. The upper storey of the dwelling will be pitched roof form finished vertical standing sea, copper cladding. This will be treated to retain the original dark brown colour. The use of powdered coated aluminium windows will be used throughout with large opening to the main living spaces and slot windows elsewhere to maximise internal lights but restrict outward views. The windows to the South west elevation would be obscured glazed to prevent overlooking to Cypress Gardens.

The existing boundary treatments will be retained.

Access to the site is as per the existing driveway. Hard and soft landscaping will be laid out and replanted. The side and rear will have a private garden with the hardsurface for parking to be permeable block paviors to the front (south) of the dwelling.

A tree report has been submitted to support the application but this primarily relates to the trees to the north but does note the presence of the two trees to the rear garden (to be retained). As per the previously approved application the proposal requires the removal of 2 x cypress trees only.

#### Representations:

Hereford City Council – No Objection

6 Letters of representation have been received from local residents raising concerns about scale, size, design, impact on the character of the area, overlooking and loss of privacy.

#### Pre-application discussion:

None

#### Constraints:

Setting of the Listed Building  
Conservation Area

#### Appraisal:

The site is within the Aylestone Hill Conservation Area and currently forms part of the grounds of No. 85 Aylestone Hill, a Grade II listed building. The previous scheme which has planning permission (142278/F) was for a single storey dwelling, designed in a contemporary style. The current proposal is for a two storey dwelling also designed in a contemporary manner, using brick and copper cladding for the external walls. There are existing brick structures on the site and therefore the use of brick is considered to be appropriate. An existing brick wall would be retained within the scheme which would



help to integrate the new dwelling into the site. It will be important that the new bricks match the existing. The dark brown copper cladding which would be treated to retain that colour would be complementary to the brickwork.

As a two storey dwelling, the current proposal will be more visually prominent than the previous scheme; however, the site is well screened by existing trees, that can be protected where appropriate by way of condition.

The new dwelling is also considered to be subservient, by virtue of its size, scale and size to No. 85 Aylestone Hill and provided that the trees are retained, it is considered that the proposal would preserve the existing character and appearance of the conservation area, complying with Policy HBA6. It is also considered that the proposed dwelling would preserve the setting of the Listed Building in accordance with the requirements of policy HBA4 of the UDP. These policies are consistent with the advice contained within the National Planning Policy Framework.

The use of contemporary design is a matter that both policy DR1 of the UDP and the guidance of the NPPF encourage subject to context. The siting, design and scale of this proposal means that this would not be overly prominent or intrusive, and would not result in a harm to the character of the area. As such it is considered to be compliant with the requirements of policy DR1 of the UDP and with the guidance contained within p.17 and chapter

Conditions are therefore suggested to secure materials a sample of the brick and other external materials along with tree protection.

The proposal also attracted concerns from local residents in respect of amenity, privacy and intrusion having particular relevance to the dwellings on Cypress Gardens. This small cul-de-sac of dwellings lie to the west of the site front the highway that lies between the site and the dwellings. The proposed dwelling, by virtue of its siting and height will be substantially lower and subservient. There is a helpful drawing (proposed street scene and 3D perspectives) that shows this relationship.

I note also the concerns of the local residents in respect of the loss of privacy / overbearing impact but am of the opinion that due to the orientation of the building and distance between the dwellings there will be no overbearing impact. The two narrow first floor windows could be obscure glazed to ensure that this issue is addressed and a condition is recommended to ensure this. It is also noted that , there is a tree screen and distance of around 30m between properties. In an urban situation, this is not unusual especially where overlooking a front garden and as such it would be very difficult to defend a reason for refusal on these grounds. The proposal would be compliant with policies Dr1, DR2 and H13 and with the guidance contained within the NPPF.

The end gable wall will be within 1m of the existing brick wall at its closest point and 4.4m away at its furthest. As the building is so close to the boundary wall, we will advise the applicant for the need for a Party Wall Act agreement. These deal with the structural stability issues raised by the objections but are not a matter for planning.

The proposal provides adequate parking and there are no highway objections. As such the proposed development complies with policy DR3 of the UDP

On the basis of the above, the proposed development lies in a sustainable location within the existing Urban Settlement Boundary. The proposal is policy compliant, and subject to conditions is considered to represent an acceptable and sustainable form of development. The proposal is therefore recommended for approval.



RECOMMENDATION: PERMIT ☒

REFUSE ☐

**CONDITION(S) & REASON(S):**

*(please note any variations to standard conditions)*

C01 – 3 years

C06 – Plans – PL304, PL305, PL306

C13 – materials

C65 – Removal of PD rights –

C68 – Obscure glazing to first floor windows in the South West Elevation.

C97 - Implementation - PL305

C90 – Protection of trees

CBK – Hours of Working during construction

CCK- Slab level

**Informatives**

**Positive and Proactive 1  
I48**



Signed:

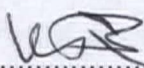
Dated: 17<sup>th</sup> July 2015

**TEAM LEADER'S COMMENTS:**

**DECISION:**

PERMIT ☒

REFUSE ☐

Signed:  Dated: 17/7/15.....