

DELEGATED DECISION REPORT

APPLICATION NUMBER

153516

Land at Lyndhurst, Much Birch, Hereford, HR2 8HJ

CASE OFFICER: Mr Matt Tompkins
DATE OF SITE VISIT: 17/12/15

Relevant Development Plan Policies: **Herefordshire Local Plan – Core Strategy**
 Policies SS1, SS4, SS6, RA1, RA2, RA3, MT1

National Planning Policy Framework

Relevant Site History: **SW2002/0013/O** Site for new dwelling after removal of existing chalet bungalow and provide new access: *Refused (Dismissed at appeal)*

DCSW2003/2303/F Replacement garages, improved access, with new hedge and sound, access wall and gates: *Approved*

DCSW2004/3942/F Extend existing noise barrier by 3 panels on each side: *Approved*

SW100154/FH Addition of 2 dormer windows to loft space: *Approved*

P132408/U CLD for an existing use as a dwelling: *Approved*

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Transportation	X		X		
Hyder	X		X		
HNT	X	X			
Waste	X	X			
Neighbour letter/ Site Notice	X		X		
Local Member	X		X		
Highways England	X		X		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application site is presently comprised of a modest 'chalet' style bungalow and associated grounds. Adjacent to and physically undivided from the application site is Lyndhurst, a larger rendered dormer bungalow with full height gable features to the fore. The site is accessed off the A49 sharing an access and drive with Lyndhurst. The existing access is well engineered with splayed brick walls ensuring visibility along the road in both directions. A 4 metre high timber fence to the fore of the site seeks to attenuate acoustic issues associated with the site proximity to the road. A hedgerow is planted and fully established to the fore of the fence as to alleviate the potential landscape impact associated with such a sizable domestic structure. The site is representative of the wider topographic character of the area which steeply slopes from north to south. Thus the application site and existing dwelling sit above the road level with land continuing to fall the other side of the road towards the distant Black Mountains.

The application proposes the replacement of the existing bungalow with a larger dormer bungalow. The proposed dwelling would have an 'L' shaped plan with a modest depth and eaves height. These features in tandem with the well proportioned dormers and elevations fenestration and doors give rise to a tradition cottage vernacular.

Representations:

Three letters of support were submitted which can be summarised as follows:

- Access to the site is now safe;
- The dwelling would be of a better design than the one which it is replacing.

The **Parish Council** support the application.

Welsh Water does not object to the application.

Highways England does not object to the application.

The **local member** was contacted by 'phone on 11th January 2016 and did not object to the application being determined by delegated authority.

Pre-application discussion:

151715/CE Support for the principle of replacing the dwelling though the detail and design would necessarily uphold the character of the locality and better relate to the size of the dwelling which it would replace.

Appraisal:

Preliminary Matters

Application SW2002/0013/O proposed a replacement dwelling in lieu of the same building. The applicant had failed to demonstrate that the building had been used as a dwelling and as

- 8. CCI
- 9. CBM
- 10. CAE
- 11. CAH
- 12. CAI
- 13. CB2
- 14. CAZ
- 15. CBM

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



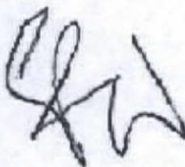
Signed: Dated: 3rd May 2016

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☒

REFUSE ☐



Signed: Dated: 4 May 2016

APPENDIX A

Delegated Report for application 153516/F

such, did not benefit from the Council's replacement dwelling Policy. The application was therefore refused, a decision upheld at appeal, for being a dwelling in open countryside. Importantly, since the date of this decision, a Certificate of Lawful Development has been granted for the use of the building as a dwelling which provides a different basis from which a decision much be reached.

Main Issue

Policy RA2 of the Herefordshire Local Plan – Core Strategy ('HLP' from hereon) directs that residential development will be supported where, amongst other things, it is within a settlement identified at figures 4.14 and 4.15. Much Birch is the closest identified settlement to the site though, in my view, lies 200 metres to the south-east of the site, beginning at the Pilgrim Hotel. Thus, and whilst the site sits in a run of dwellings proximal to Much Birch, in not being within the confines of a settlement identified by the HLP, it is, for planning policy purposes, considered to be isolated. Thus Policy RA3 restricts development in such locations where there would either be no harm arising therefrom, or where the benefits of allowing development outweigh the accepted detriments.

The wording of Policy RA3 is promulgated on the core planning principles identified at paragraph 17 of the NPPF, most notably that development shall:

- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and*
- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.*

This application is promulgated on criterion 4 of HLP Policy RA3, which allows development in an isolated location where it:

involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling.

A recently granted certificate of lawful development confirms the lawfulness of the building in situ and that it benefits from a lawful residential use. Accordingly, the principle of providing a replacement dwelling here is established. Further, the proposed dwelling is on the site of the existing dwelling and is certainly within the lawful domestic curtilage thereof. However the proposed dwelling cannot, in my opinion, be considered of a comparable size and scale with the existing dwelling for the following reasons.

- The existing dwelling has a footprint of c. 85 square metres whilst the proposed dwelling has a footprint of c. 101 square metres – an uplift of 18%.
- The existing dwelling has a floorspace of c. 80 square metres whilst the proposed dwelling has a floorspace of c. 165 square metres – an uplift of 106%.

- The existing dwelling has a height of c. 3.3 metres (measured at ridge level) whilst the proposed dwelling has a height of c. 7 metres (measured at ridge level) – an uplift of 112 %.

On this basis, the dwelling is of a scale and size which in my view could not be considered comparable. Tangibly, a modest and low chalet style bungalow would be replaced with a large dormer bungalow.

This notwithstanding, it is also necessary to assess the harm of associated with the developments failure to satisfy a rather arbitrary policy requirement. In this regard it is pertinent to note that the site is c. 200 metres from Much Birch and also that it benefits from a footpath thereto. Further, the site is within a run of 6 large dwellings which provide a Segway between the village and countryside beyond. Whilst the development is not within Much Birch itself as required by Policy RA2, that it is proximal thereto, that good opportunity is provided to access facilities and services therein and that it is legibly within a run of existing two-storey dwellings, it is my view that in principle, there would be no planning harm in providing a larger dwelling here, having particular regard for the two core planning principle identified above.

In terms of the appropriateness of the design, regard is had for HLP Policy SD1 which requires that development uphold the distinctiveness of the locality. Further, HLP Policy LD1 requires that development uphold the established character and appearance of the landscape.

Views from the public realm are limited by a large bricked entrance and high roadside hedgerow adjacent to the A49. Similarly from the rear, views are limited by undulating topography and dense vegetated boundaries. However, the proposed dwelling would be and existing dwellings are significantly higher than these boundary treatments as to be visible from eaves level. Importantly though, the ridge and eaves height of the proposed dwelling would be comparable with neighbouring dwellings Lyndhurst and Wingfield Lodge as to limit impact on the surrounding area.

The dwelling would sit comfortably on the site having regard for both the area of the application site as to avoid its overdevelopment and for neighbouring dwellings which would retain their comparative primacy. Similarly, the broad design of the proposed dwelling accords with the established vernacular of those two dwellings whose overriding features are their low eaves heights and dormer windows in the roof space. Resultantly and whilst I find the size and scale of the proposed dwelling to be contrary to quantitative requirements of Policy RA3, by virtue its contextually appropriate massing, scale, siting and design, it would meet the qualitative tests of Policy SD1 and LD1 which require landscape character and local distinctiveness to be upheld.

Given the sloping nature of the land and the greater height of the dwelling, it is necessary to ensure that further information is forthcoming prior to development beginning including a full landscaping scheme of the site, existing and proposed site levels and the slab level of the dwelling. Further tree planting should be undertaken to the rear of the site to compensate for and help filter views of the increased height of the dwelling.

To conclude on the headline matter, whilst the site is 'isolated' in planning policy terms, an analysis of its context leads me to the conclusion that there would not be inherent harm

arising from the provision of a dwelling larger than a 'comparable size' to the existing dwelling as arbitrarily required by Policy RA3. As such and that Policy SS1 and the NPPF require that development be approved unless harm is identified, the principle of development is accepted.

Other issues

The proposed dwelling is designed as to alleviate undue impact on the privacy and amenity of Lyndhurst which is also owned by the applicant. The proposed dwellings orientation, profile and glazing ensure that this is the case. Further afield, there are no other dwellings within a radius which would give rise to such concerns. Accordingly, the development would not unduly impact on the privacy and amenity of neighbouring dwellings.

The like for like replacement of a dwelling would be unlikely to give rise to an increase in vehicular movements which would intensify or otherwise detrimentally alter the use of the existing access to the site and subsequently the highway network. In terms of parking and turning, the development proposed would provide sufficient parking and turning for both Lyndhurst and the proposed dwelling as to ensure that occupants of the site would be able to park away from the public highway and enter and leave the site in a forward gear. Highways England and the Council's Transportation Manager do not object to the application. On this basis, the application is not considered to give rise to a severe highway safety concern as required by HLP Policy MT1 and the NPPF.

Conclusion

The application seeks to provide a new dwelling on the same site as an existing dwelling for which there is support at Policy RA3 of the HLP. Whilst the proposed dwelling would not be of a comparable size to the existing dwelling as further required by Policy RA3, it is my view that in representing development which would maintain the distinctiveness of the locality and uphold the intrinsic beauty of the countryside, there is no harm associated with this shortcoming. It is a further benefit that the site provides pedestrian access to Much Birch and the facilities and services therein. I have also failed to find any other harm having particular regard for highway safety, drainage and neighbouring amenity and privacy. Resultantly, the scheme is considered to be representative of sustainable development and as directed by HLP Policy SS1 and the NPPF, planning permission should be granted.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

16.C01 – 1 year

17.C07 – P003 Rev B, P100 Rev C, P200 Rev C, P201 Rev A

18.C13 – samples

19.C59

20.C65 – A, B, E

21.C96 – Soft A, B, C Hard A, D,

22.C97

23.CCI

24.CBM

25.CAE

26.CAH

27.CAI

28.CB2

29.CAZ

30.CBM

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Signed:

..... Dated: 22nd January 2016

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

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Signed:



Dated: 25 January 2016