

DELEGATED DECISION REPORT

APPLICATION NUMBER

182974

2 Serampore Villas, Palmerston Road, Ross-On-Wye, Herefordshire, HR9 5PN

CASE OFFICER: Mr C Brace

DATE OF SITE VISIT: 11th September 2018

Relevant Development Plan Policies:

- SS1 – Presumption in favour of sustainable development**
- SS6 – Environmental quality and local distinctiveness**
- RW1 – Development in Ross on Wye**
- LD1 – Landscape and townscape**
- LD4 – Historic environment and heritage assets**
- SD1 – Sustainable design and energy efficiency**
- SD3 – Sustainable water management and water resources**
- SD4 – Waste water treatment and river water quality**

Other Relevant Plans: Wye Valley AONB Management Plan

Relevant Site History: P181885 – Prior Approval of a conservatory – Refused
SH860986PF – Erection of single storey extension

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	√		√		
Site Notice	√				
Local Member	√				√

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The site is located within an established residential area of Ross on Wye, within the Wye Valley AONB and adjacent to a conservation area.

The application is a proposed erection of a two storey side extension and rear conservatory.

Representations:

Ross on Wye Town Council has no objection.

Local Member updated by email on 13th September 2018, delegated refusal agreed.

Pre-application discussion:

None

Constraints:

Impact on the character and appearance of an AONB
Impact on the setting of a conservation area

Appraisal:

Legislation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows *“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* The development plan is the Herefordshire Core Strategy. The National Planning Policy Framework (NPPF) reaffirms this position however is a material consideration.

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty, and sets out responsibilities for their management. In particular relevance to the appeal are the following section –

Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty.

Section 84 confirms the powers of local authorities to take appropriate action to conserve and enhance the natural beauty of AONBs.

Section 85 places a duty on all public bodies and statutory undertakers to ‘have regard’ to the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

With regards to heritage, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:-

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of

State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Herefordshire Core Strategy

Core Strategy policy SS6 describes proposals *should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.*

Policy SS6 then states in its list of criteria states *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.*

Core Strategy policy LD1 criteria requires new development must achieve the following:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area’s character and by enabling appropriate uses, design and management

All development within Ross on Wye should comply with Policy RW1 – *Development in Ross-on-Wye*. As relevant to the proposal, it should:

- maintain and enhance the vitality and viability of the town centre.
- reflect and enhance the characteristic natural and built historic elements of Ross-on-Wye, such as its red sandstone and timber framed Tudor buildings and boundary walls, the medieval plan form, conservation area and natural setting overlooking the River Wye.

National Planning Policy Framework

The NPPF has ‘sustainable development’ central to planning’s remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people’s quality of life. The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving sustainable development
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan

policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 127 outlines Planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies specific to protected landscapes (including AONBs) are detailed at paragraph 172 and states *Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited.*

NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.

The NPPF sets out in paragraph 185 that there should be a positive strategy for the conservation of the historic environment and this should take into account of:

- the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 189 – 192 sets out what and how LPA's should consider in determining planning applications featuring heritage assets. This includes:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 advises that *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Assessment

The dwelling and part of its curtilage is both elevated and prominent within the streetscene. Further to this, the site forms a 'gateway' location to the conservation area and although unlisted, the dwelling, which is one of five commensurate such dwellings with regards size, scale and design, on account of its design, prominence, hierarchy and position makes an important, significant and pleasing contribution to the character and appearance of the immediate and wider conservation area. Aligned to this and it being shown on the 1843 maps it is considered the dwelling, individually and cumulatively, is an unlisted heritage asset.

Whilst there is no doubt an extension could be acceptable in principle, what is proposed by virtue of its design, mass and articulation has a significant detrimental impact on the character and appearance of the dwelling and conservation area and can not be considered either an appropriate response to context or good design. By association this has a detrimental impact on the character and appearance of the location. As such refusal is recommended as the proposal is contrary to Core Strategy policies SS1, SS6, LD1, LD4 and SD1 and the relevant design and heritage policies of the NPPF 2018.

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

REASONS FOR REFUSAL:

The proposal by virtue of its design, mass and articulation has a detrimental impact on the character and appearance of the dwelling, a building considered to be an undesignated heritage asset, and the conservation area and cannot be considered either an appropriate response to context or good design. By association this has a detrimental impact on the character and appearance of the location and setting of adjoining undesignated heritage assets. As such the proposal is contrary to Herefordshire Local Plan Core Strategy policies SS1, SS6, LD1, LD4 and SD1 and the relevant design and heritage policies of the National Planning Policy Framework 2018.

Informatives

1. Refused with way forward

Signed: CB Dated:5/10/2018

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

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REFUSE

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Signed:



..... Dated: 5 October 2018.....