

DELEGATED DECISION REPORT

APPLICATION NUMBER

221689

3 Elm Tree Cottages, Ledbury Road, Wellington Heath, Ledbury, HR8 1NB

CASE OFFICER: Mr Josh Bailey
DATE OF SITE VISIT: 8 June 2022

Relevant Development **Herefordshire Local Plan – Core Strategy**
Plan Policies: Policies: SS1, SS6, MT1, LD1, SD1

Wellington Heath Neighbourhood Development Plan made on 18 October 2018. Wellington Heath Parish Council submitted their modified Neighbourhood Development Plan and Statement of Modifications on 3 February 2021. The changes made to the plan are considered to be of a non-material nature.

Policies: WH5 (Development in Wellington Heath Village within the Settlement Boundary), WH12 (Pollution, Water, Waste and Light Management) and Vehicle Parking and Access Arrangements

NPPF (July 2021)
Sections: 2, 4, 12, 15

Relevant Site History: None

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Wellington Heath Parish Council	X		X		
Site Notice	X			X(1)	
Local Member	X*(updated)		X		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The site comprises the most southerly of three semi-detached properties to the immediate east of Ledbury Road, Wellington Heath, just north of the junction with Horse Road. Further residential properties lie to the immediate south and east. The site lies within the Malvern Hills AONB, albeit right on the edge of the boundary designation. The dwellinghouse itself

comprises three storeys of living accommodation predominately of brick walling under tiled roof with a cavity wall insulated single storey extension to the immediate south. The application before me seeks full planning permission for proposed alterations and extensions to the property. This comprises a first floor rear extension to the east elevation and a single storey replacement extension to the south with balcony area above. Materials for the extensions will be of red brick (to match existing) whilst the south extension will have a GRP flat roof (the rear extension will have roof tiles to match existing).

Representations:

Wellington Heath Parish Council – No objection: “We have no objection to this application. We observe that it is proposed that the fenestration be white uPVC. In the Council’s view it would be preferable if this were coloured so as to match better the general surroundings (eg: brown or green)”.

Site Notice – 1 letter of qualified comment, submitted on behalf of Malvern Hills AONB Unit raising queries over design, colour finish and appearance

Local Member – Ward Cllr Harvey confirmed delegated authority by email return on 13 July 2022 (17:27).

Pre-application discussion:

None

Constraints:

C1172

Contaminated Land adjacent

PROW opposite

SSSI Impact Zone

Natural England Priority Habitat adjacent

TPOs adjacent

SWS nearby

Malvern Hills AONB

Appraisal:

Policy context

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.”* In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the ‘made’ Wellington Heath Neighbourhood Development Plan (NDP). The National Planning Policy Framework 2021 is a significant material consideration. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan – Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the

Council in deciding any application. From reviewing those policies within the CS applicable to determination of the application, they are viewed to be entirely consistent with the guidance contained within the NPPF. As such, significant weighting can continue to be afforded.

Assessment

The application seeks a replacement rendered ground floor kitchen with a kitchen/family room and balcony/terrace above to the south elevation, as well as a first floor rear (east elevation) extension facilitating a bedroom extension with the removal of an existing timber storage outbuilding. In essence, the assessment before me is to consider the impact that the formation of the proposed additional mass created through the proposed extensions would have in terms of impact on the streetscene and residential amenity.

It is noted that one new bi-fold glazed door is proposed to the south elevation which faces Hoopers Lot. It is in relation to a bedroom, which is not a day-to-day social space and will be used normally at night time. As such I do not consider a need to condition the installation of obscured glazing and thus this addresses any issues of loss of privacy. Following the submission of a daylight analysis at the request of myself, I consider residential amenity to now be safeguarded. It needs to be put into context that the rear garden of 3 Elm Tree Cottages abuts the side/ boundary of No 2 and Hoopers Lot and that the site is in a village location.

The extensions will of course increase the massing of the dwelling to a degree, although the ridge of the proposed extension is to be set below the eaves of the principal elevation of the dwelling, and is less perceptible in the public domain and experiences of the streetscene. It is not considered that the nature of the extensions would lead to an enlargement considered overbearing to such an extent which would cause harm to the amenity of No 2 Elm Tree Cottage. The garden of the aforementioned dwellings would continue to benefit from uninterrupted day light and sunlight from the south and east, noting that the extension is to the east of No 3, hence where first light will be present rather than later in the day which is seen as a more appropriate time for enjoyment. There is also an element of dwellings being sited closer together in which an instance of 'tunnelling' is far more apparent particularly hereabouts. Incidentally, it is noted that no local objections/representations have been made in relation to either site notice erected although nevertheless the LPA has considered a long-term view.

Whilst the addition of the terrace on the ground floor extension is noted, this space would not be considered as predominately a continuous day-to-day space, seemingly intended as an occasional social space, which is mainly circulated around a dining area, which would not look directly overlook upon Hoopers Lot. It is also observed that the existing residential relationship within this part of Wellington Heath comprises of rather considerable pre-existing levels of overlooking, due to varying levels of set back from the Ledbury Road, albeit not harmful, but that to be expected in such a residential setting. Therefore, whilst the introduction of the extensions may alter the existing residential relationship between the site and neighbouring dwellings, it is not considered to be such which would alter the existing residential relationship to such an extent which would raise conflict with Policy SD1 of the CS or Policies WH5 and WH12 of the made Wellington Heath NDP and justify a reason for withholding planning permission, in this instance.

Due to the appropriate height, length and width of the proposals, I do not consider there are concerns for appearance and scale that would result in the refusal of planning permission. The proposal is considered to adhere to the requirements of Policies LD1 and SD1 of the CS and Policy WH5 of the NDP, which is consistent with Section 12 of the NPPF. It is considered that the proposal will not

adversely affect the scenic beauty of the Malvern Hills AONB, satisfying Policy LD1 of the CS, which is consistent with Section 15 of the NPPF. The proposal is considered to be of an appropriate scale and using matching materials where possible. As such, I consider the application to accord with Policies SS6, SD1 and LD1 of the Core Strategy, Policy WH5 and WH12 of the Wellington Heath NDP and the NPPF.

The scheme is representative of the presumption in favour of sustainable development and accordingly, planning permission should therefore be granted. The local member has been updated and is content with a delegated decision.

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

CONDITIONS & REASONS:

1. C01
2. C06 (NS-3ETC-K-001, NS-3ETC-K-002 and NS-3ETC-K-003)
3. CBK
4. C13

Informatives

1. IP1

Signed:  Dated: 14/7/2022

TEAM LEADER'S COMMENTS:

DECISION: **PERMIT** ☒ **REFUSE** ☐

Signed:  Dated: 14/7/22

Is any redaction required before publication? No