

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 213806

4 Hagley Orchard, Bartestree, Hereford, HR1 4BU

---

**CASE OFFICER:** Miss Laura Smith

**DATE OF SITE VISIT:** 3 November 2021

**Relevant Development  
Plan Policies:**

**Herefordshire Local Plan – Core Strategy  
Policies:**

**Policy LD1-** Landscape and townscape

**Policy SD1-** Sustainable design and energy efficiency

**Policy SS1 –** Presumption in favour sustainable development

**Bartestree Neighbourhood Development Plan**

Was made 1 December 2016 therefore carries full weight in decision making

**None directly relevant**

**NPPF**

**Relevant Site History:**

**212231/V** - Lawful development certificate for proposed internal alterations to dwelling, existing porch to be replaced with smaller canopy and reinstatement of garage into the dwelling.  
**Certificate issued**

**DCC071813/F** - Proposed conversion of part of existing house into dependant relative's accommodation and small extension to rear. **Approved with conditions**

## CONSULTATIONS

|                    | Consulted | No Response | No objection | Qualified Comment | Object |
|--------------------|-----------|-------------|--------------|-------------------|--------|
| Parish Council     | X         |             | X            |                   |        |
| Press/ Site Notice | X         | X           |              |                   |        |
| Local Member       | X         |             | X            |                   |        |



Surface water adjacent  
SSSI Impact Zone  
Minerals & waste part of site

Appraisal:

*Policy context and Principle of Development*

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’ Bartestree Neighbourhood Development Plan (NDP). At this time the policies in the NDP can be afforded weight as set out in paragraph 48 of the National Planning Policy Framework 2019, which itself 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. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

Policies LD1 and SD1 of the Herefordshire Core Strategy seek to see proposals that will conserve and enhance the landscape, townscape; respond positively to local distinctiveness and ensure proposals create safe, sustainable environments for all of the community. Safeguarding residential amenity for existing and proposed residents, and ensuring that design respects the scale, height, proportions and massing of surrounding development.

The balcony occupies the area to the rear of the dwelling, it is accessed off the master bedroom and to the rear of the dwelling overlooks open fields. As the balcony already exists it is not considered that this replacement would lead to any adverse impacts resulting in overlooking or overbearing to neighbouring dwellings and is therefore compliant to CS SD1.

The proposed replacement balcony has been designed in a manner that is sympathetic to the host dwelling and will sit on a platform with glass balustrade replacing the existing wooden balcony which was sited on brick piers. Therefore allowing natural light into the ground floor.

In summary, the proposal has been designed to match the character of the host dwelling and preserves the character of the locale. Due to its siting and orientation no adverse impact to neighbouring residents is considered to occur and is therefore compliant to CS Policies SD1 and LD1.

RECOMMENDATION:    PERMIT ☒    REFUSE ☐

**CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:**  
*(please note any variations to standard conditions)*


C01  
C07 (3716 P (0) 202)

**Informatives  
IP1**

Signed:  Dated: 21 February 2022

**TEAM LEADER'S COMMENTS:**

DECISION:    PERMIT ☒    REFUSE ☐

Signed:  ..... Dated: 21 February 2022 .....

Is any redaction required before publication?    Yes/No