

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 190646

Croft Orchard, Ashperton, Ledbury, HR8 2RY

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**CASE OFFICER:** Mr Josh Bailey  
**DATE OF SITE VISIT:** 5<sup>th</sup> March 2019

**Relevant Development** Herefordshire Local Plan – Core Strategy  
**Plan Policies:** Policies: SS1; SD1; LD1; MT1; LD4

Ashperton Neighbourhood Development Plan is currently at regulation 14, nominal weight can be afforded

**NPPF**  
Paragraph 11  
Chapter 11, 12 and 15

**Relevant Site History:** 180585 – proposed ancillary garden studio – approved with conditions

### CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Ashperton Parish Council	X		X		
PROW	X		X		
Herefordshire Ramblers	X		X		
Open Spaces	X	X			
Site Notice/Press	X	X			
Local Member	X	X			

### PLANNING OFFICER'S APPRAISAL:

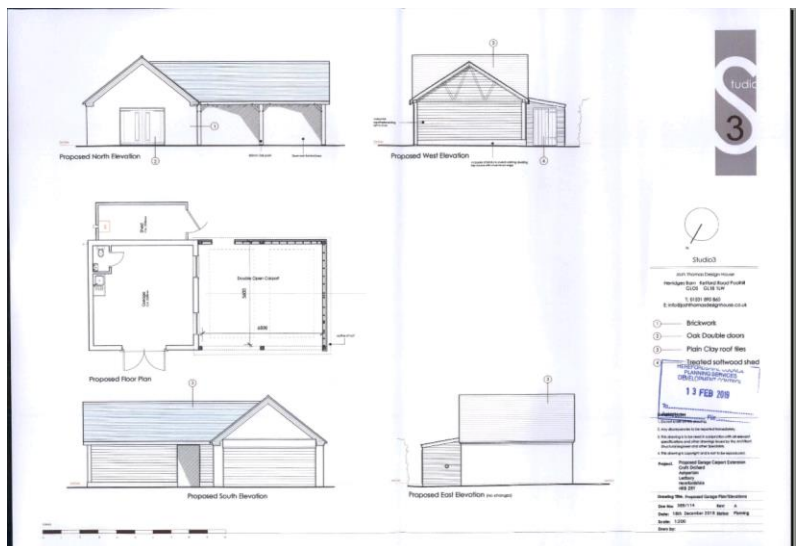
#### Site description and proposal:

The application relates to a dwelling known as Croft Orchard which is located on the edge of Ashperton. The dwelling was approved in 2005, as part of a planning permission for a replacement dwelling. The dwelling borders the open countryside with good views and the site is bisected by a Public Right of Way. A number of listed buildings lie nearby, however the dwellinghouse limits visibility as such. The site is accessed via a private track off the A417. Planning permission was granted in 2018 for an ancillary garden studio to the north-west of the site.

This application considers an extension to the existing garage to form a double bay oak frame carport with plain clay tiles to match the existing garage and is sited at the south-east of the application site. For ease of reference, I refer one below to the proposed plans under consideration below:



Existing garage elevations



Proposed garage and carport elevations

## Representations:

**Ashperton Parish Council** – No objection

**PROW** – No objection

**Herefordshire Ramblers** – No objection: *“The proposed development does not appear to have any impact on PROW AP7. Please ensure the developer is aware that there is a legal requirement to maintain and keep a clear and safe PROW at all times during development”.*

**Open Spaces** – No response

**Site Notice/Press** – No response

**Local Member** – Ward Cllr Lester was updated via email on 10<sup>th</sup> April 2019. To date, the local member has not responded in objecting to either a delegated decision or the officer recommendation.

Pre-application discussion:

None

Constraints:

Off A417

Adjacent to Grade II Listed Buildings although separated by Croft Orchard itself

PROW AP7 runs through site

Protected Species nearby

SSSI Impact Zone

Village Green nearby

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). It is also noted that the site falls within the Ashperton Neighbourhood Area, which published a draft Neighbourhood Development Plan (Ashperton NDP) for Regulation 14 consultation on 1 May 2018. At this time the policies in the Ashperton NDP can be afforded nominal weight as set out in paragraph 48 of the current National Planning Policy Framework, which itself is a significant material consideration.

Assessment

The proposal is considered to be of an acceptable, size, scale and massing for its setting as a car port and would act as an extension to the existing garage and lean-to shed. As such, the principle of a building on this site is considered to be established. The design of the proposal is appropriate for its use as a car port and will ensure it remains ancillary to the host dwelling, noting that two parking spaces would be formed. From visiting the site and when viewed in the wider public domain, particularly at The Ryders cul-de-sac, the proposal is not considered to impact on the amenity of any neighbouring residential dwellings, by means of overlooking, overbearing or overshadowing. Whilst it is felt that a sizeable proportion of massing through the roof would be generated to facilitate the proposal, I feel that a flat roof would give unprepossessing features to the design. It is a modest size in relation to Croft Orchard also ensures that the outbuilding does not dominate on site, allowing Croft Orchard to be retained as the primary structure on site, in accordance with SD1 of the CS.

Furthermore, the proposal will not result in an increase in vehicle movements given the provision of covered parking as it is incidental to the dwelling. Moreover, the additional space

occupied by the proposed carport will not impede on the space available for safe parking and turning within the site. Therefore the proposal is viewed to comply with MT1 of the CS.

The application site is viewed to be 69 metres from the nearest listed buildings (as the crow flies), although given the siting of the car port extension, the proposal is considered to not adversely affect the setting of and so complies with Policy LD4 of the CS.

The proposal is not considered to impact on the public right of way, as noted by the comments from the PROW officer, the PROW will not be affected, as the building will be some distance from the footpath, and as such, the development is viewed not to adversely affect the streetscene or detract from the use of the PROW, in accordance with LD1 of the CS. An informative will be included highlighting the Public Right of Way and its rights during development and hereafter.

The local member has been updated and has not offered any objections. In light of the preceding appraisal the application is recommended for approval subject to conditions.

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

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

C01

C07 (Drawing Numbers: 389/101; 389/110 and 389/114, accepted on 13<sup>th</sup> February 2019).

CBK

C59

## **Informatives**

**1. IP1**

**2. I06**



Signed: ..... Dated: 17/4/19

**TEAM LEADER'S COMMENTS:**

**DECISION:**

**PERMIT**

☒

**REFUSE**

☐

Signed:

AB

..... Dated: 18/4/19