



T O M P K I N S T H O M A S

Planning, Design, Heritage and Access Statement



The Old Tile Factory, Lugwardine
Therapy pool and garage extensions

May 2023

Client	Mr & Mrs Smith
Project	Erection of pool house and garage extension
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1 Introduction

1.1 Statement brief

1.1.1 This Planning, Design, Heritage and Access Statement is prepared by Tompkins Thomas Planning on behalf of Mr & Mrs Smith ('the applicants') in support of a householder application for the erection of a single-storey extension to house a therapy pool, gym and related floor space and a modest extension to one of the garage bays at The Old Tile Factory, Lumber Lane, Lugwardine, Herefordshire HR1 4AQ.

1.1.2 This Statement should be read in conjunction with the following plans and reports which accompany the application:

- The location plan; Existing block plan; Proposed block plan, floor plans and elevations (KODA Architects);
- Preliminary Heritage Advice Note (Holland Heritage)

1.1.3 The following sub-chapters introduce the site and its context, relevant planning history and constraints.

1.1.4 Chapter 2 introduces the proposal and main issues and Chapter 3 the legislative and planning policy context against which the proposal should be determined. Chapter 4 then assesses the application against the policy context before Chapter 5 draws a conclusion in relation to whether planning permission should be granted.

1.2 The Site and its context

1.2.1 The dwelling is created from the former Tile Works established by William Godwin, where he began the production of encaustic tiles in 1852. It is predominantly 2-storey, detached, and in red brick with single-storey element creating an L-shaped plan.

1.2.2 The dwelling is approached via a private, gravelled driveway; the main two-storey building aligned north/south and the single-storey element east/west creating a south-facing courtyard overlooking the private amenity area. To the building's east there is a small box-hedged garden and to the north a small, gravelled area giving onto the hedged boundary and the adjoining field parcel, where the landform rises. The true is the same of the land-use and landform to

the east.

- 1.2.3 To the south-west and fronting Lumbar Lane is Lugwardine Chapel, a pair of traditional cottages and in between a comparatively modern in-fill.

1.3 Planning history

- 1.3.1 Reference to the Council's on-line planning register indicates there is no relevant planning history on the site itself.

1.4 Site constraints

- 1.4.1 The application site lies within the Lugwardine Conservation Area. The provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990 are relevant to the determination of this application.

- 1.4.2 S.72 of the Act confirms the general duty as respects conservation areas in exercise of planning functions: -


In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. (Our emphasis).

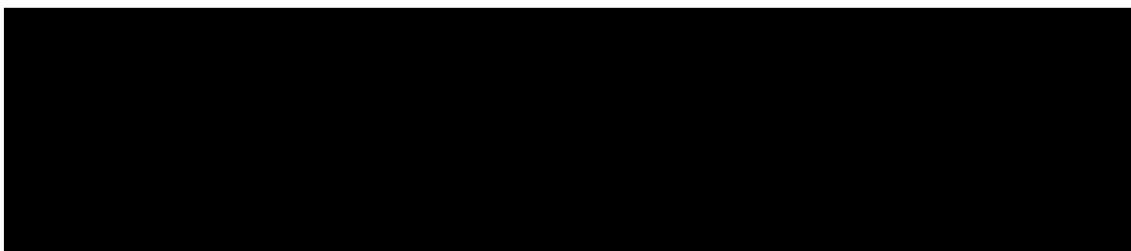
- 1.4.3 Excepting the Conservation Area designation, the site is believed to be free from further designation. The Environment Agency's flood map indicates that the site is within Flood Zone 1, the area with the lowest annual probability of flooding and that preferred by local and national planning policies for new development.

- 1.4.4 An application to re-route public footpath LU7, which crosses the application site, has been made to the Council and the requisite public consultation is underway. The existing and proposed routes are shown on the site plan as existing and site plan as proposed.

2 The application proposal

2.1 The proposal

- 2.1.1 The proposal is for the erection of a single-storey extension against the existing east elevation. The extension would house a swimming (therapy) pool, gym and related changing facilities. The swimming pool is very important to the applicants 



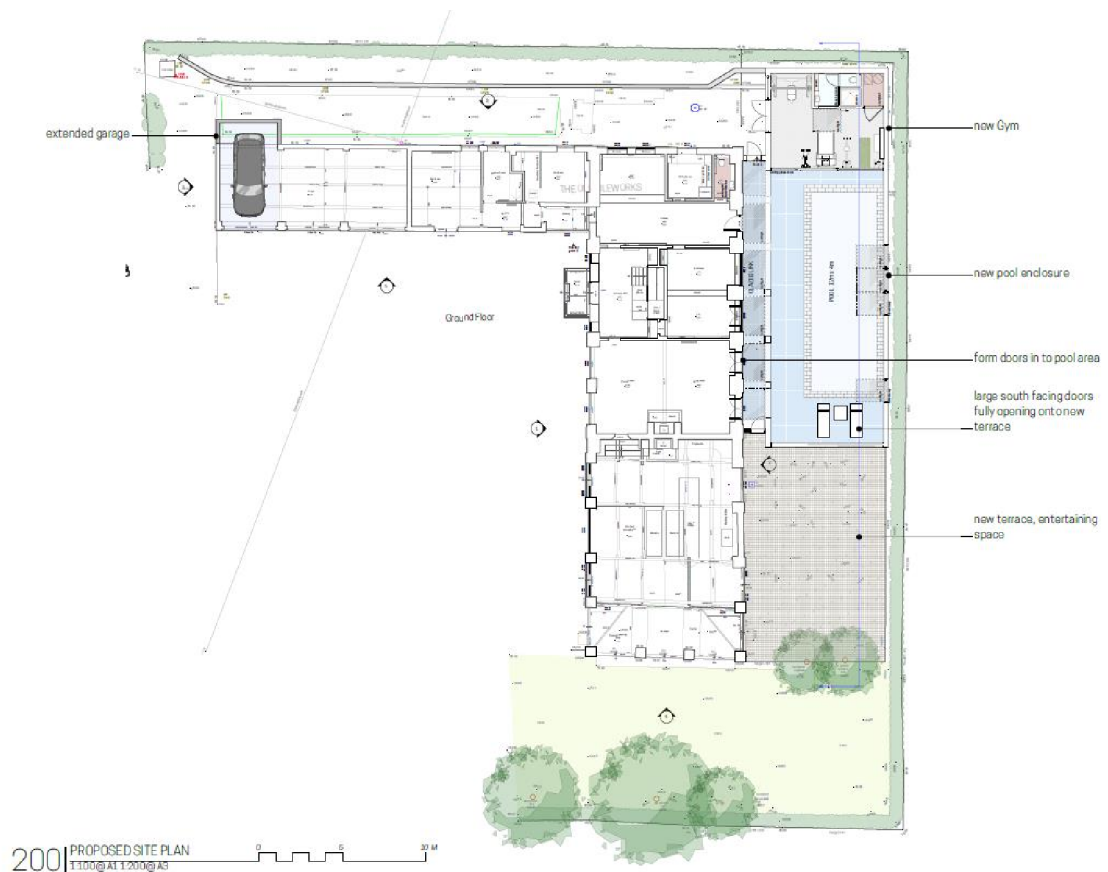
- 2.1.2 The secondary element is the rearward extension of the first bay of the single-storey element of the dwelling such that it is large enough to accommodate the applicants' vehicle.
- 2.1.3 Before instructing architects the applicants first sought the advice of Holland Heritage, specialists in the built historic environment, to provide input to the feasibility of the project in the context of the Conservation Area and building itself. This advice, which is appended to this Statement, included a site visit and concluded that provided certain design cues were respected, a site to the east of the building could be acceptable within the context of the Conservation Area.

2.2 Design

- 2.2.1 In respect of design, the heritage advice recommended keeping the ridge as low as possible and the use of either traditional materials or a high-quality contemporary design with no reliance on UPVc fenestration.
- 2.2.2 The architects have followed this brief in designing a single-storey flat roofed extension attached to the existing building by a glazed link and with existing, modern window openings converted to doorways. The extension would rest discretely and comfortably below the first floor windows, which are beneath the eaves. The east and north elevations (giving onto the adjoining farmland) would be constructed in brickwork and apart from some eaves level windows on the east elevation, devoid of openings.

- 2.2.3 Light penetration and ventilation will be aided by large-scale openings in the south elevation and in the west elevation where the extension projects past the existing building.
- 2.2.4 The garage extension takes the form of a modest, gabled extension projecting northwards from the existing westerly bay. The arrangement is shown at Figure 1, below.

Figure 1: Proposed site plan, showing glazed link to 'pool extension and slight rearward extension of western bay of garage (nts)



- 2.2.5 For the avoidance of doubt, there are no changes to the existing access.
- 2.2.6 Figure 2, overleaf, shows the proposed east and west elevations illustrating the relative height of the swimming pool extension when viewed from the east and the very minor rearward extension of the garage bay at the western end of the single-storey wing.

Figure 2: Proposed east and west elevations (east above, west below)



3 Planning Policy

3.1.1 In this case, the statutory Development Plan for the area comprises the Herefordshire Local Plan – Core Strategy ('Core Strategy') and the Bartestree with Lugwardine Group Neighbourhood Development Plan. The latter has been reviewed and is at referendum stage whereby it can be afforded moderate weight for decision-making. The referendum is scheduled for 22 June 2023. For the purpose of this Statement, we have had regard for the policies of the referendum version on the basis that by the time the application is determined, the referendum will have taken place.

3.1.2 The National Planning Policy Framework ('NPPF' or 'Framework') declares itself an important material consideration for all applications in England. Given its pertinence to the application of Development Plan policies in Herefordshire and its implications for decision taking, the Framework is explained in detail at subchapter 3.4.

3.2 The Herefordshire Local Plan – Core Strategy

- 3.2.1 The Core Strategy sets out a vision for the area for the period 2011 to 2031. The principal role of the Core Strategy is to deliver the spatial planning strategy for Herefordshire based on the needs of the area and its local characteristics. The Core Strategy was adopted in October 2015.
- 3.2.2 There is no policy specific to the principle or design of domestic extensions.
- 3.2.3 Policy H3: Ensuring an appropriate range and mix of housing requires that new development should make provision for those in the community with specific needs.
- 3.2.4 Policy SD1: Sustainable design and energy efficiency relates to development design in general and comprises 11 design criteria. The most relevant criteria to householder development and this application are that development shall:
- *be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;*
 - *safeguard residential amenity for existing and proposed residents.*
- 3.2.5 Policy LD1: Landscape and townscape is also relevant insofar as it requires, at its second limb, that development proposals, *“demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas.”*
- 3.2.6 In the context of the Conservation Area, the protection and enhancement of the setting of settlements and designated areas is relevant in this location. The residual component of LD1 that is relevant is the requirement that the character of the townscape has positively influenced the design, scale and nature of the proposal.
- 3.2.7 Policy LD4: Historic Environment and Heritage Assets requires, at its first limb, that proposals, *“Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible*
- 3.2.8 The second Limb of Policy LD4 requires that proposals, *“contribute to the character and local*

distinctiveness of the townscape or wider environment, especially within conservation areas”.

Again, given the site’s location within the Eardisland Conservation Area, this is relevant to the application scheme.

3.3 The Bartestree with Lugwardine Group NDP – Referendum version March 2023

3.3.1 The NDP review has proceeded to referendum stage. As with the existing ‘made’ version there is a policy addressing domestic extensions – Policy BL2 Extensions to Properties.

3.3.2 This states:

Planning applications will be supported for extensions provided:

1. *The proposal is subservient to the main dwelling in terms of its size, scale, height, massing, design and appearance;*
2. *The extension will not result in significant adverse impact on the amenity of neighbouring properties.*

3.3.3 Policy BL9 Conserving Historic Character requires all applications affecting heritage assets in the Neighbourhood Area to consider the significance of any heritage assets affected, including any contribution made by the setting of heritage assets to their significance. The policy echoes the statutory test by requiring that new development conserves or enhances the character or appearance of the Conservation Area.

3.4 The National Planning Policy Framework (2021)

3.4.1 The NPPF confirms that it does not supplant the statutory Development Plan, but that its policies are a significant material consideration when determining planning applications (paragraphs 2 & 218).

3.4.2 Paragraph 62 within the context of ensuring a sufficient supply of homes, requires that “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, **people with disabilities**, service families, travellers, people who rent their homes and people wishing to commission or

build their own homes).”

3.4.3 Chapter 12 relates to achieving good design. The most pertinent paragraphs of Chapter 12 are:

- **Paragraph 126** – explains that design should be consistent and of a high standard, but that prescription should be tailored to circumstances and variety is often acceptable.
- **Paragraph 130** – sets out criteria for good design including that proposals should be appropriate for local character whilst not preventing change, and to optimise the potential of the stie to accommodate development.
- **Paragraph 134** – requires that planning permission is refused for development of poor design, but that design should not be used as a reason for refusal where the proposal accords with planning policies.
- **Paragraph 203** – states that the effect on an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- **Paragraph 206** – confirms that proposals within Conservation Areas that preserve the setting of the area or make a positive contribution to the asset should be treated favourably.

4 Assessment of the scheme

4.1 Providing housing for disabled persons

4.1.1 Houses suitable for the applicants’ [REDACTED] needs are not readily available on the open market, resulting in the need to adapt and extend existing stock. The application proposals give rise to social benefits insofar as it assists in the delivery of a house that is adapted to the specific needs of the end user who is, [REDACTED]

4.1.2 The application complies with CS Policy H3 and the Framework’s direction at Paragraph 62 as a

consequence.

4.2 Design and townscape: the historic environment

- 4.2.1 As noted above, s.72 of the Planning (Town and Country Planning) Act 1990 confirms the general duty as respects conservation areas in exercise of planning functions whereby **special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.**
- 4.2.2 Case law has translated this duty as the equivalent, in practical terms, of ensuring that development results in no harm to the character or appearance of the area.
- 4.2.3 Policies SD1, LD1 and LD4, together with NDP Policy BL9 are consistent in their requirement for development to be appropriate for the character and appearance of the locality, in this case a Conservation Area, where the statutory requirement is preservation of the character and appearance of the area.
- 4.2.4 Given the modest scale of the development, the zone of impact is limited to the immediate environs of the dwelling. Due to the dwelling's distance from the public highway and the location of the extension to the rear of the existing building the extension would not be visible from Lumber Lane.
- 4.2.5 The development would be visible from the (re-routed) public right of way LU7 which will run parallel with the property's eastern boundary before picking up LU8 a short distance to the north-east and rising with the landform along the field margin in an easterly direction, a route upon which it continues, intersecting with other public footpaths before it terminates at the C1130 at Bartestree.

The suitability of the development proposals

- 4.2.6 Policy SD1 (2) states that new buildings should be designed to maintain local distinctiveness by, inter alia, respecting the scale, height, proportions and massing of surrounding development. The existing dwelling is a part of 'surrounding development'. BL9 requires that the significance of heritage assets is recognised and preserved by development.
- 4.2.7 In this case the only designated heritage that is affected by the proposal is the Conservation Area, which ranges over a significant area both north and south of the A438, and in the vicinity

of the application site, although not experienced from or in concert with it, the Moated Scheduled Monument site south-west of Old Court Farm, Hemhill.

- 4.2.8 Due to the nature of the development proposed and its physical separate from the moated site, it is our view that the application has no effect on the significance of the Scheduled Monument.
- 4.2.9 As recorded above, the location for the swimming pool extension and the detailed design has been driven by the specific intent of minimising the visual impact from the public realm. This has been achieved by limiting the height and massing of the extension via the use of a flat roof and by using a predominantly solid east-facing elevation, redolent of a garden wall.
- 4.2.10 Overall, it is considered that whilst the site does contribute to the character and appearance, and thus significance of the Conservation Area, this does not prevent the site from being able to accommodate sensitively designed and sited development in the manner proposed without affecting the significance of the designated heritage asset. This is due to the degree of visual containment and high-quality design. Overall, it is considered that the proposal will have a neutral impact on the significance of the Conservation Area, whereby no harm is caused and the statutory and policy tests passed.
- 4.2.11 In respect of the effect on the existing dwelling, the scale of each part of the development, both cumulatively and individually, is subservient to the host dwelling. Accordingly, although the dwelling would clearly appear as an extended dwelling, its existing character and essence would continue to prevail; noting as Holland Heritage record, that the building is already much altered.
- 4.2.12 Whilst the proposal would introduce additional scale to the host dwelling, the resultant size and massing of the building would continue to be appropriate and proportionate to the plot.

Section Conclusion

- 4.2.13 The proposed development has been designed with local character and the characteristics of the existing building in mind; with particular attention to siting and design.
- 4.2.14 The sensitive approach in respect of scale, massing and the siting would preserve both the character and appearance of the Conservation Area. Accordingly, the proposed development is appropriate for the character of the area, local distinctiveness and the surrounding village-scape in accordance with the relevant elements of Core Strategy Policies SD1, LD1 and LD4, and

NDP Policies BL2 and BL9.

- 4.2.15 In demonstrating compliance with the relevant policies of the development plan the statutory test at s.72 of the Act is also met.

4.3 Residential amenity

- 4.3.1 Core Strategy Policy SD1 requires development to safeguard residential amenity for existing and proposed residents. NDP review Policy BL2 confirms support for extensions provided “the extension will not result in significant adverse impact on the amenity of neighbouring properties.” NPPF paragraph 130 (f) requires that policies and decisions should create places with a high standard of amenity for existing and future users.
- 4.3.2 The orientation of the dwelling, siting and detailed design of the extensions, and relationship with neighbouring dwellings is such that the proposed window openings will not give rise to unacceptable overlooking or overshadowing.
- 4.3.3 On the eastern side of the building, where the swimming pool extension is situated, there are no neighbours. The glazing in the south-facing elevation will likewise not overlook residential property.
- 4.3.4 The rearward extension of the garage bay likewise would have no effect on privacy or provision of daylight/sunlight to neighbours. This is due to its limited scale and absence of openings. The garaging is ancillary to the ongoing residential use of the land and thus entirely compatible with adjoining residential uses.
- 4.3.5 It follows that the development is entirely consistent with Policies SD1 and BL2 and the guidance of the Framework.

5 Conclusions

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.1.2 The Development Plan in this case is the Core Strategy and the proposal has been explained in the context of its policies.

- 5.1.3 The applicant, architects and heritage consultant have assessed the significance of the site and its contribution to the character and appearance of the Conservation Area. This assessment has informed the scheme design.
- 5.1.4 The proposed swimming pool extension is situated to the rear of the host building where it will be screened from Lumber Lane and when viewed from the re-routed LU7 will appear entirely proportionate, being limited to single storey. It is thus respectful of its setting and of appropriate detailed design that defers to the existing building. Resultantly, the proposal would uphold the character and distinctiveness of the Conservation Area in a manner that preserves the character and appearance of the area. There is no conflict with the development plan's heritage policies.
- 5.1.5 The proposal has also been designed to avoid overlooking opportunities and would not give rise to any of the adverse effects on living conditions at neighbours that policies SD1 and BL2 seek to forestall. The application proposal therefore safeguards the amenity of existing and proposed residents.
- 5.1.6 For these reasons, the proposed development complies with the Development Plan in the round, particularly Core Strategy Policies SD1, LD1 and LD4 and NDP Policies BL2 and BL9. Further, there is no conflict with the NPPF or other material considerations.
- 5.1.7 Accordingly, as the application proposal complies with the Development Plan and without material considerations indicating to the contrary, S38(6) of the Act, supported by paragraph 11. c) of Framework, requires that planning permission is granted without delay.



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