

DELEGATED DECISION REPORT

APPLICATION NUMBER

214676

Bury Cottage, Richards Castle, Ludlow, SY8 4EL

CASE OFFICER: Planning Contractor
DATE OF SITE VISIT: 11.2.2022

Relevant Development Plan Policies: **Herefordshire Local Plan – Core Strategy Policies:**
SS1 Presumption in favour of sustainable development
SS6 Environmental quality and local distinctiveness
LD1 Landscape and townscape
SD1 Sustainable design and energy efficiency

Orleton and Richards Castle Neighbourhood Development Plan 2017:
ORC1: Promoting Sustainable Development
ORC6: Sustainable Design
ORC9: Housing Development in Richards Castle

National Planning Policy Framework (NPPF)
Chapter 2 Achieving sustainable development
Chapter 12 Achieving well-designed places

Relevant Site History: None relevant

CONSULTATIONS

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

PLANNING OFFICER'S APPRAISAL:

Site description

Bury Cottage is a two storey dwelling located west of the B4361 in the small settlement of Richards Castle. A backland plot, it is accessed off a long private access shared by several neighbouring dwellings. The site is in an established residential area surrounded by conventional urban plots in the main occupied by detached double storey dwellings.

The building is not listed and not in a conservation area. The nearest listed building is on the eastern side of the B4361 (Grade II listed Tan House).

Proposal

The application proposes a single storey western rear extension, two storey eastern front extension, replacement garage, windows and porch.

The rear extension is flat roofed with two west-facing roof terraces incorporated. It is finished in vertical jointed cladding. Roof terrace balustrading is glazed.

The front extension is part single and double storey and incorporates a catslide roof. It is finished in painted render to match existing.

The open sided porch, to the south elevation, is timber framed with a pitched roof.

The replacement garage is sited in the same location as the existing garage, is single bay width, incorporates a pitched roof and is clad in horizontal dark grey timber weatherboarding.

Representations:

Richards Castle Parish Council

Richards Castle PC has possible privacy/ overlooking concerns due to the proximity of neighbouring properties and requests that this is given appropriate consideration and weight by the planning authority.

Site notice:

Three supporting representations received based on the following grounds:

- Impact on neighbours considered in sympathetic and aesthetic way
- Sympathetic extension design
- Design makes most of the site

Ward Member:

Discussed with Cllr Bowen. Confirmed that he is content for the application to be dealt with as a delegated matter

Pre-application discussion:

None sought.

Constraints:

Listed building nearby
Protected species nearby
TPO 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) and the ‘made’ Orleton and Richards Castle Neighbourhood Development Plan 2017. 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

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.

The planning considerations with regard the application relate to the impact of the proposal on the character and appearance of the dwelling and area, residential amenity, highway safety and local biodiversity values.

Built Character

Policy SS6 seeks to conserve and enhance the environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets.

Policy LD1 looks to ensure the preservation of the landscape when considering development proposals, making certain that 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 the settlements and designated areas.

SD1 states that development proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development.

ORCNDP Policy ORC1 requires that a high priority be given to ensuring new development achieves a high standard of architecture, fits sensitively into the landscape and street scene, and reflects local character and features although not to the extent of stifling innovation and diversity.

Owing to the site’s location, set well down a shared accessway, the extensions will not be visible in the public domain. With no street frontage, the proposal will not impact the streetscene.

The side porch is very modest in scale, lightweight in appearance (open sided) and of traditional form and profile. It adds visual interest to the southern elevation, enhancing the appearance of the host dwelling.

Although the rear extension extends almost the width of the rear elevation, it is limited to single storey. The stepping in of the extension from both of the dwelling's principal side elevations offers a discrete degree of visual relief, mitigating visual bulk. The extension's flat roof design, with roof terraces above, combined with a roof level set well below the eaves of the dwelling, ensures an appropriate degree of subordination with the host dwelling. The contemporary design approach, with contrasting vertical joint cladding, is well-executed, relating sympathetically to the dwelling. Although projecting above the eaves of the dwelling, the proposed first floor opening (providing access from the bed/office to the smaller roof terrace) is nicely detailed, integrating well into the overall design of the dwelling. This aspect of the scheme is well-considered.

The frameless glazed first floor rear balustrading is lightweight in its appearance. Although a modern design feature, it does not detract from the dwelling's appearance. The northern privacy screen is modest in size and set below the eaves. It too does not materially detract from the appearance of the dwelling.

The double storey front extension is of considerable scale but is considered to improve the presentation of the east elevation. The current east elevation is largely featureless, plain and architecturally unadorned. The catslide roof offers much needed visual interest, relating well to the proportions of the dwelling and appearing visually comfortable alongside the main roof of the dwelling. The horizontal emphasis to the ground floor window sits well on this elevation, providing a not visually unappealing solid-to void ratio. Painted rendered finishing to this extension helps in providing an in-keeping design response. The angled front façade of the extension is different but not unduly awkward.

The replacement garage is modest, traditional in form and appearance. It raises no built character issues.

The plot is sufficiently generous that the extensions and replacement garage will not overdevelop it.

The scheme of works are sensitively designed. They will enhance the appearance of the dwelling, improve the setting of the plot and contribute positively to the character of the area. The supporting representations and comments from immediate neighbours regarding an improved character outcome are acknowledged in this respect.

The works do not impact the setting of the nearest listed building which is located on the eastern side of the B4361 (Grade II listed Tan House) given the intervening Highbank Cottage. There is no heritage character harm.

The works accord with CS Policy SS6, LD1 and SD1. They also accord with ORCNDP Policy ORC1, fitting sensitively into the landscape and contributing to diversity in housing design.

Residential Amenity

Paragraph 130(f) of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.

Consistent with NPPF paragraph 130, CS Policy SD1 requires development proposals to safeguard residential amenity for existing and proposed residents. It also requires development to not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination or land instability.

ORCNDP Policy ORC9 states that housing development is to not adversely affect the amenity of adjacent properties.

In terms of overlooking from the rear, a privacy screen prevents direct overlooking from the rear northern roof terrace to the northern neighbour. Views from the roof terraces are predominantly over the host rear garden. The rear garden is deep, with no dwellings to the rear. The roof terraces take advantage of this opportunity, an indicator of a site responsive design.

The proposed east facing first floor window offers views in the direction of the adjacent eastern property, Highbank Cottage. However the distance between this window and the rear facing windows of Highbank Cottage is considerable, in excess of 20m, mitigating the effect of direct privacy loss. The proposed window will overlook the very rear-most portion of the rear garden of Highbank Cottage, this is acceptable as this area is significantly less sensitive in amenity terms than the private space directly to the rear of Highbank Cottage, which serves as the principal private open space area for the dwelling. Also noted is the supporting representation received from the occupants of Highbank Cottage.

The concerns of the Parish Council are noted regarding overlooking, however it is the officer's view that for the reasons above the living conditions of neighbouring occupants will not be unreasonably compromised by the proposing siting of windows and roof terraces including the associated screening measure.

The proposal complies with CS Policy SD1 and ORCNDP Policy ORC9.

Highway Safety

The front extension retains sufficient vehicle manoeuvring space to the front of the dwelling. The car space dimensions of the garage are standard complaint. The proposal does not compromise highway safety.

Ecology

CS Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of the district.

Notwithstanding the absence of any vegetation removal, and therefore according with ORCNDP Policy ORC6, to accord with CS Policy LD2 and the Conservation of Habitats and Species Regulations (2017), a condition is recommended to secure biodiversity enhancements in order to deliver biodiversity net gain.

Conclusion

The backland site is visually very well contained, with the dwelling not addressing any street frontage. It is set well back from the road behind the front dwelling, concealed by existing built form. It is surrounded by residential plots. Extending the dwelling can therefore have only very localised character impacts, with no streetscene character considerations to contend with.

The works will result in quite some transformation of the appearance and character of the dwelling. The dwelling however is not of architectural significance; it makes a limited contribution to the character of the area. The site context and well-considered design of the works means the upgrade works will not be unacceptable. Arguably, the works will enhance the architecturally undistinguished dwelling and

improve the wider setting. The modern and more traditional design elements blend harmoniously such that an appropriate design outcome is delivered.

Screening of the rear roof terrace prevents direct overlooking. The front first floor window is set more than 20m from the rear facing windows at Highbank Cottage. There is no significant shadow cast over neighbouring plots. External amenity impacts are within acceptable parameters.

Highway safety is unaffected. Biodiversity net gain can be secured by planning condition.

There is no material conflict with the development plan, including the ORCNDP 2017, and the NPPF and approval is accordingly recommended.

RECOMMENDATION: PERMIT

CONDITIONS

1. Time limit for commencement (full permission)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. Development in accordance with the approved plans

The development shall be carried out strictly in accordance with the approved plans (drawing no's P(0)01, P(0)02, P(0)03, P(0)04, P(0)102B, P(0)103C, P(0)12) except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy ORC1 of the Orleton and Richards Castle Neighbourhood Development Plan 2017 and the National Planning Policy Framework.

3. Biodiversity Net Gain

Within three months of completion of the approved works evidence of the suitably placed installation within the site boundary of at least two bird nesting boxes shall be supplied to the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3, and Policy ORC6 of the Orleton and Richards Castle Neighbourhood Development Plan 2017.

4. Non Standard Condition


Prior to the first use of the balcony area hereby permitted, the privacy screens shown on the approved plans shall be installed and shall be retained in perpetuity, unless otherwise agreed in writing with the local planning authority.

Reason: In order to protect the privacy and amenity of adjoining residential properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy

Informatives

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

Signed:  Dated: 11/05/22

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

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REFUSE

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Signed:  Dated: 12/5/22

Is any redaction required before publication? ~~Yes~~/No