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**Date:** 19 October 2020 at 09:02:34 BST

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**Subject: Planning application for new build adjacent to Coach House and Porch House**

Dear Councillors,

Firstly, I would like to apologise for taking up more of your time on this application, however, we feel that there are so many other issues pertinent to this build and that the planning department have chosen to ignore; having failed to apply policy and in their duty of care to protect a listed building in a conservation area.

Porch House is a Grade II listed building opposite a Grade II\* listed church. It was built and lived in by the Godwins, who owned the brick and tile factory in Lugwardine. They are responsible for bringing prosperity to Lugwardine, as well as providing the distinctive red brick, red stone capped walls that are found all over Lugwardine and the surrounding areas. The planning department have a duty of care to protect such historical legacies such as this. Porch House is also situated in a conservation area.

The garden of Porch House was divided by Mr and Mrs Roach when they applied to build a low impact dwelling, which would not be seen from Porch House, [REDACTED]  
[REDACTED] This was granted under the exceptional circumstances of The Bartestree with Lugwardine neighbourhood development plan, approved by Herefordshire Council and in-line with the NPPF. As it is in a conservation area and policy BL8 states that development is only permitted under exceptional circumstances. The development is also curtilage listed. When Mr and Mrs Roach obtained planning and listed building consent, there was a change of plan and they were moving in. There followed a series of applications where the build grew by between 50-80%. The applicants own heritage statement says that the new building will have an impact on Porch House and its setting, and as it has grown to cover the full length of the boundary wall of Rowberry, this will cut out much of their light and view too. So much so, that during the winter months, they will need the lights on in their kitchen throughout the day. This build has increased in mass so much that the site is now overdeveloped and constitutes a whole new planning application, or

reverting to the original low level dwelling.

The build now fails to meet the following points of the Bartestree with Lugwardine neighbourhood development plan;

Policy BL1, housing design criteria, points 1, 1V, V, V1.

Policy BL3, points 1, 11, 111.

Policy BL8, Conserving historic character.

It also fails to meet the criteria listed on the Herefordshire development plan on the following points;

S1/1 - protecting historic heritage

2 - respecting patterns of local distinctiveness

S2/9 - making use of planning conditions and planning obligations

H18/2 - the proposal is in keeping with the character of the existing dwelling

3 - the proposal will not be cramped in its plot and will not adversely impact on the privacy of neighbouring dwellings.

LA2

HBA2 - demolition of listed buildings

HBA4 - setting of listed buildings

HBA6 - new development within conservation areas. New development shall not be permitted unless it preserves or enhances it's character

Points 1, 2, 4 and 5

HBA8

It also contravenes the following points from the NPPF;

P94 - any harm to or loss of significance to a heritage asset by development within its setting should require clear and convincing justification.

Point 16/193

Point 195

Supplementary planning guidance May 2004 states that design of new buildings in local areas must blend in with local tradition. Traditional styles must be emulated as far as possible.

The NPPF also states very clearly that outbuildings are not permitted within the grounds of a Listed building. This also applies to anything in the curtilage of a Listed building.

The NPPF also states that great weight must be given to the protection of historic buildings.

We have been constantly trying to get a response from the planning department for 18 months. They have not returned telephone calls, replied to emails or been proactive in any way to address the issue of why they have failed to apply policy or uphold the importance of listed building consent. They have either lied to us or just ignored us. They have behaved with none of the professionalism expected of public servants whom the public should be able to trust to implement their own policies. Effective enforcement is necessary to retain public confidence in the planning department. The planning department have continually cited expediency and under staffing as reasons for not applying policy, this is something that was strenuously denied in a reply email from Mr Willimont to Bill Wiggin MP, when he wrote and asked why they were not following policy. I however, have this in writing and his own officers stated this on a site visit in front of Councillor Paul Andrews.

A Grade II listed building is a building of special interest and warrants every effort to

preserve them and their surroundings. ( Historic England ).

It is also Government policy, and stated on the Herefordshire Council website, that it is a criminal offence to erect or take down a structure within a listed building curtilage, without prior listed building consent.

The following have been reported to the planning department but no action has been taken.

1. Pedestrian gateway, already built with no planning permission or listed building consent. A retrospective application and building without listed building consent

2. Removal of original entrance to Porch House without listed building consent.

According to the council's website and Government white paper 1990,

3. A gabian wall built ( wire baskets filled with rubble) no planning permission or listed building consent obtained. A retrospective planning application

4. Foundations for main building already laid at ground level thus the reason for raising the roof height so that it is no longer a low impact dwelling. The applicants were suppose to dig down their foundations and underpin the wall between the new build and Rowberry. Retrospective planning permission, no listed building consent for current foundation level.

5. Plant room foundations laid with no Planning permission or listed building consent. Retrospective planning application.

6. Study/occasional bedroom. Foundations again laid at the wrong level thus a retrospective application for acceptance and thus permission to raise the room height. Government policy states that no outbuildings can be built on listed land. It was never formally referred to in a planning application or listed building consent just drawn on plans in a less than transparent manner. The conservation officer and enforcement officer stated on a site visit, that they had missed it because they were short staffed. It is less than 1 metre from our boundary wall, dominates the garden of Porch House, and is in the sight line of all the front and side windows of Porch House. This contravenes all policies in relation to Listed buildings, conservation areas and protecting historic sites.

7. Garden wall. The applicants were supposed to show the materials they were using before building and it was supposed to match the original walls of Porch House. Red brick capped with red coping stones synonymous with the type of brick produced by the Godwins and which is found all over Lugwardine. The applicants capped it with slate. There are no slate capped walls in Lugwardine. The chief conservation officer informed me that it was unacceptable and not even suitable for capping walls. He informed me that the enforcement officer was going to see that it was changed. The enforcement officer then decided otherwise and stated it was not expedient to do so.

8. The applicants replaced the roof on the Coach house without listed building consent. When we asked why we had to have listed building consent to replace the roof on the garage, when it was not a requirement for the Coach House, both of which are curtilage listed, the conservation officer failed to respond to either phone calls or emails. I spoke to Mr Willimont on Friday 16th October 2020 and asked him for a justification of this and he replied they were perfectly within their rights to choose whom to apply listed building consent to. What rules apply to one, must apply to all. I fail to understand this, as it is [REDACTED] one that the planning department should take seriously.

9. Demolition of the listed glass house without Listed building consent. Every effort should have been made to build it on a like for like basis as stated in the applicants heritage statement. Instead they have used the demolition to build what they wanted and now it bears little resemblance to the original building. They have neither planning permission or listed building consent for their current structure. It is beyond belief that the planning department just call this 'regrettable' and support the current application.

10. The new sleepers/ hedge planting boundary change. There was a wall built here on the line indicated on all planning applications and agreed by us on the purchase of Porch House. The applicants built it without planning permission or listed building consent and capped it with slate even though it was a continuation of an original wall capped in red coping stones. The conservation officer stated in a site visit that this was unacceptable and a further conservation told me it would be changed. Mr Tansley refused to endorse this action. Mr Tansley then gave the applicants permission to remove the wall and move the boundary and put in sleepers so that I arrived home one day to find my flower beds being dug up and the boundary moved. Mr Williamont informed me that It is within Mr Tansley powers to do this. To not have listed building consent, move boundaries and garden grab is unbelievable to be in the remit of Mr Tansley's powers.

Porch House has historically been surrounded by red brick, red stone capped walls and should continue to do so, as the continued conservation of heritage assets is in the public interest. The planning department has a duty of care to the setting of Porch house, sleepers and hedging are not in keeping with this, as Mr Wager stated, they are materials not found elsewhere on site. We have also spoken to the water board and as the sewer pipes run along there, hedges are unsuitable because of the roots. The planning department also need to correct the boundary in line with previous plans, otherwise they are giving permission to change boundaries with planning permission. This is wholly unacceptable and we have waited 8 months for the planning department to reply to this complaint and make good their mistake. If the applicants wish to contest boundaries they need to do so through the courts, not the planning department. [REDACTED].

We deemed this email necessary as there are so many issues that our neighbours and us have raised with the planning department over the last eighteen months, but failed to have our complaints responded to. The planning department have consistently failed to apply policy, failed to protect conservation areas and failed to protect heritage assets. Using the excuse of underfunding and understaffing is woefully

inadequate when they have a duty of care to follow Government guidelines and Herefordshire's own guidelines on protection of listed buildings and their settings.

Finally, I take issue with the fact that Mr Wager says that Historic England support this application. I have spoken to them on several occasions for advice and they inform me that they do not get involved in individual cases, but send a general no objection reply and trust local conservation officers to implement policy's pertaining to conservation and listed buildings. It was their advice to make this political as they do not agree with the failure to protect listed buildings and their settings.

I would like to thank you for taking the time to read this email and hope on your site visit that you will include our garden and that of Rowberry, the other property effected by this build; it's loss of view and light, the close proximity to their house and the build will now be up to the eaves of their house. It will have a devastating impact, particularly so when all the leaves have fallen and there is no screening. As my daughter pointed out to Alistair Wager, the surrounding area's objections comes from homes that people live in and have created, with some having lived in and known to be home for a very long time.

Regards,

Clair Taylor.

Sent from my iPad