

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 182185

Stone House, Much Dewchurch, Hereford, HR2 8DL

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**CASE OFFICER:** Abigail Molyneux

**DATE OF SITE VISIT:** 11/7/2018

**Relevant Development**

**Plan Policies:**

**National Planning Policy Framework**

**Core Strategy**

**SS1  
SS6  
SD1  
LD1  
LD4**

**Neighbourhood  
Development Plan**

**Not currently preparing an NDP.**

**Relevant Site History:** P162425/L Proposed extension. Refused 25 October 2016.

### CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Historic Buildings Officer	X		X		
Newspaper Advert/ Site Notice	X	X			
Local Member	X		X		

### PLANNING OFFICER'S APPRAISAL:

#### Site description and proposal:

Stone House is a detached grade II listed dwelling house in Much Dewchurch, the property is accessed off the B4348 which lies to the north of the site.

Listed building consent is sought for the construction of an oak framed double glazed extension at the south end of the kitchen. This will result in the removal of stone wall, window and doorway between kitchen and extension. The external flagstones will also be taken up from the extension area and relaid adjacent.

The application has been slightly amended since it was originally submitted as per the historic buildings officer comments to retain a small section of wall to show the cut through.

Planning permission is not required on the basis the extension would represent development permitted by Class A of the GPDO.

Representations:

Cllr Johnson – confirmed during telephone conversation on 21 August 2018 that the application could be determined under delegated powers.

Historic Buildings Officer (first response) - Recommendations: Recommend approval. No conditions are required due to the detailed nature of the proposals. Subject to minor amendments, the proposals would not harm the significance of the listed building and as such accord with policies within the revised NPPF and adopted HCS. We would request that a small nib of wall is left to indicate the cut through this section please.

Background to recommendations: Stone House is a C16/C17 house with later extensions. The proposals have a high level of transparency which allows the form of the original building to be easily understood. The layout of the building accords with the typical pattern of development of such buildings and would not detract from its character. The morphology of the building would still be easily understood and its visual character is not compromised.

Historic Buildings Officer (second response) - Comments: Based on the revised details we would recommend approval.

Much Dewchurch Parish Council - MDPC has no objection to this modest sized extension.

Pre-application discussion:

None.

Constraints:

Grade II Listed Buildings, Protected Species, Surface Water, SSSI Impact Zone, HSE Gas Transmission (outer zone), Unregistered Historic Park and Garden and Scheduled Monument (nearby).

Appraisal:

S38 (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 Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption

enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. SS1 also imports an equivalent of the NPPF paragraph 14 'test' where relevant policies are out-of-date, stating that permission will be granted unless material considerations indicate otherwise – taking into account whether “any adverse impacts of granting permission would *significantly* and *demonstrably* outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.

Chapter 12 of the NPPF states planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy SD1 of the Core Strategy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

Chapter 15 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The NPPF sets out in paragraph 185 that there should be a positive strategy for the conservation of the historic environment and this should take into account of:

- the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;

- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 189 – 192 sets out what and how LPA's should consider in determining planning applications featuring heritage assets. This includes:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 advises that *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph 194 states *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Where a proposed development will lead to substantial harm to (or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

These extracts from the NPPF of course draw on the primary legislation in the form of the Planning (Listed Buildings & Conservation Areas) Act 1990. Section 72 sets out the general duty in relation to exercising the planning function within Conservation Areas.

The building subject to this application is a Grade II Listed Building. When making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.

The recent Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC* 2014(2) made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1) Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

Policy LD4 states development proposals affecting heritage assets and the wider historic environment should:

- 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'.
- Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;
- Use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;
- Record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publicly accessible and
- Where appropriate, improve the understanding of and public access to the heritage asset.

The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance. Development schemes should emphasise the original form or function of any asset and, where appropriate, improve the understanding of and public access to them.'

Policy LD1 of the Core Strategy seek to see proposals that will conserve and enhance the landscape, townscape and ensure proposals create safe, sustainable environments for all of the community.

Policy SS6 states that development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county's residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant.

It is considered that the proposal will not adversely affect the historic fabric of the existing building and as such it is considered that the special character of the listed building is safeguarded and the wider conservation preserved. Therefore policies LD1 and LD4 have been satisfied in this case.

The proposal complies with national guidance and county planning policy and will be in keeping with properties located nearby. It is considered the proposal will not cause an adverse impact upon historic assets, the surrounding environment or neighbouring amenity

The proposal complies with the provisions of the Development Plan and is therefore recommended for approval.

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

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

C23

C07 Drawing titled Location Plan Stone House Attachment 8 received 12 June 2018

Drawing number 1704.11 Revision B titled Proposed – East and West Elevations dated August 2017

Drawing Number 1704.13 titled Proposed West Frame and Window Details dated January 2018


Drawing Number 1704.12 titled Oak Frame/fixed Glazing/ Windows and Door Frame dated January 2018

Drawing Number 1704.15 titled Proposed South Frame dated January 2018

Drawing Number 1704.14 titled Proposed East Frame and Door Details dated January 2018

Drawing Number 1704.9 Revision A titled Proposed – Ground Floor Plan received 02 August 2017

Drawing Number 1704.10 Revision A titled Proposed - South Elevation (part) dated August 2017

Signed:  ..... Dated: 23/8/2018

**TEAM LEADER'S COMMENTS:**

**DECISION:**

**PERMIT**

☒

**REFUSE**

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Signed: 

..... Dated: 23 August 2018 .....