

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	2 December 2020
TITLE OF REPORT:	202406 - PROPOSED EXTENSION AND ALTERATIONS AT 28 MOUNT CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1NQ For: Applicant per Mr Ian Williams, 9 Lyall Close, Hereford, Herefordshire, HR1 1XG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202406&search-term=202406
Reason Application submitted to Committee – Application by member of staff	

Date Received: 24 July 2020

Ward: Aylestone Hill

Grid Ref: 352731,240505

Expiry Date: 18 September 2020

Local Member: Councillor Ange Tyler

1. Site Description and Proposal

- 1.1 This full householder application relates to 28 Mount Crescent, a two-storey semi-detached dwelling situated within an established suburban setting. The dwelling is served by an existing driveway providing off-road parking for two vehicles. The dwelling has a hipped roof, roughcast render finish to the walls with an attached garage to the side; further it is noted to have a visually pleasing design aesthetic which is symmetrical and is reflective of the surrounding dwellings.



Application site edged in red

- 1.2 The proposal is for an extension projecting to both the side and rear of the dwellinghouse, including both a two storey wrap around extension (side and rear) and a single storey lean to rear extension. The proposed extension would project from the rear of the property by 3.5 metres, with

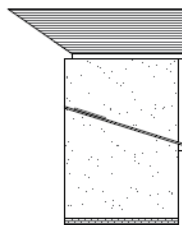
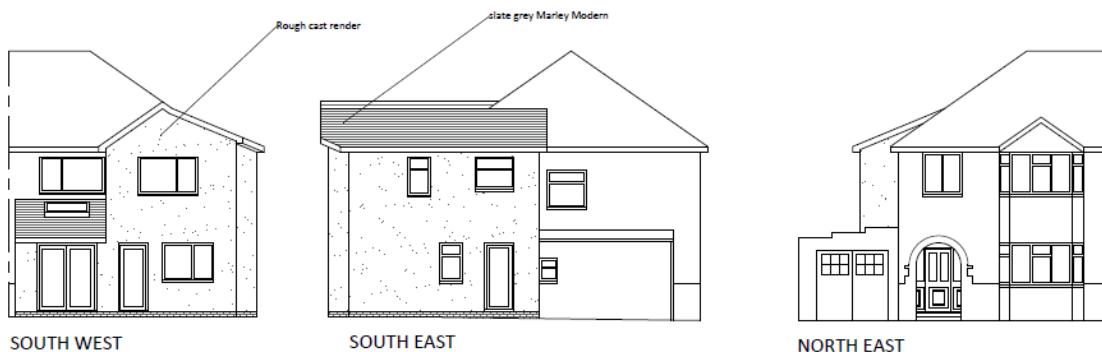
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a height to the eaves of the two storey element being 5 metres and the rear two storey projection including an asymmetric dual-pitch roof. The proposed two storey extension would also project from the south-east elevation of the dwelling by 1.5 metres and would include a number of windows serving an en-suite and bathroom at first floor level respectively. The proposal would provide for an enlarged kitchen/dining room, the provision of a family room within the former kitchen space and a W/C on the ground floor, with the first floor including a bathroom and a fourth bedroom with en-suite.

1.3 The proposed materials would be roughcast render for the walls and slate for the roof, matching the host dwelling. Rather than describe the proposal in extensive detail, I refer one to the plans under consideration, including (but not exclusively) the selection of plans included below for reference.



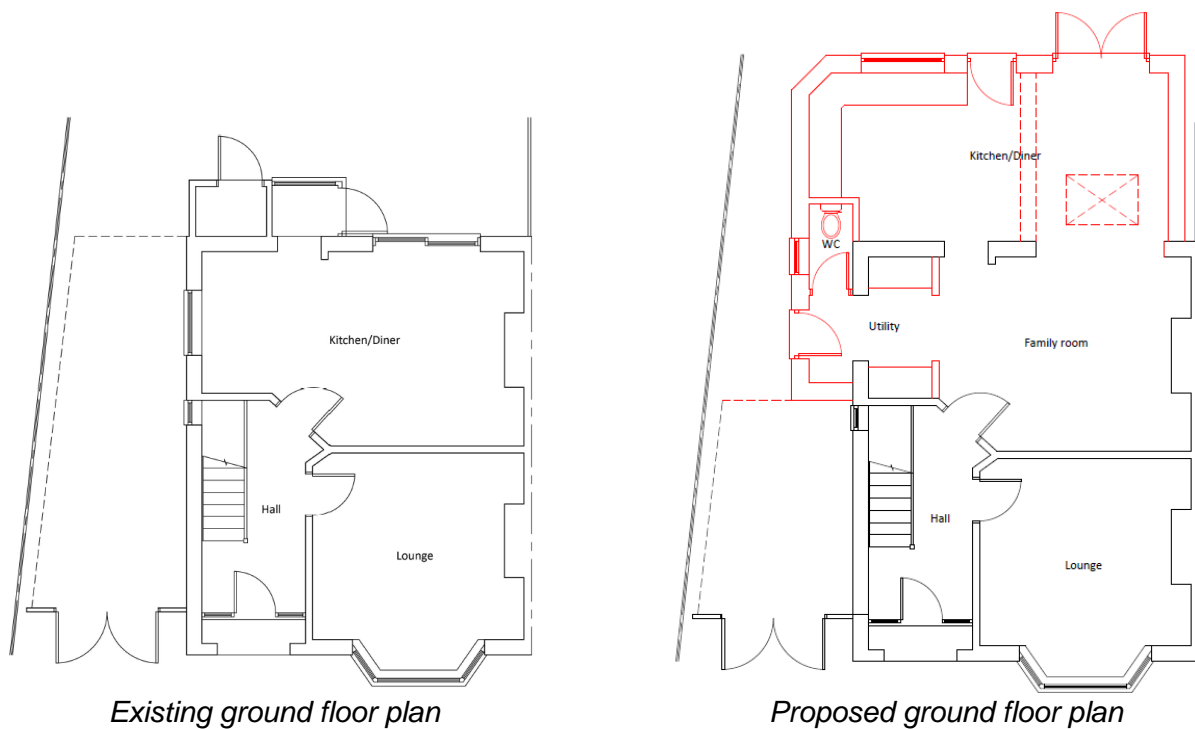
Elevation Plans as existing



NORTH WEST

Elevation plans as proposed

0 MET



2. Policies

Herefordshire Local Plan– Core Strategy

2.1 The following policies are considered to be relevant to this application:

- SS1 - Presumption in Favour of Sustainable Development
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing Climate Change
- MT1 - Traffic Management Highway Safety & Active Travel
- LD1 - Landscape and Townscape
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

2.2 The Hereford Area Plan is at drafting stage and therefore is considered to carry no weight in decision making at this juncture.

National Planning Policy Framework

2.3 The following chapters of the framework are considered to be pertinent to this application:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision Making
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.5 The Planning Practice Guidance published by the Government at the following link is considered to be a material consideration.

<https://www.gov.uk/government/collections/planning-practice-guidance>

2.6 Further the government's published National Design Guide is considered to be a material planning consideration for this application.

<https://www.gov.uk/government/publications/national-design-guide>

3. Planning History

3.1 No site history

4. Consultation Summary

4.1 No statutory or internal technical consultations

5. Representations

5.1 Hereford City Council have not provided a response to the consultation

5.2 One letter of objection and one further objection have been received. The main points raised are summarised as follows:

- The proposal will cause a loss of light and natural daylight through the [objectors] kitchen window.
- The proposal is dominant and overbearing.
- There is the suggestion that the proposal extends no further than the rear elevation and not to the side or extends to the rear and not to the side. The current proposal extends to both the side and rear creating unnecessary impact.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202406&search-term=202406

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context and Principle of Development

6.1 The proposal is considered in line with the statutory requirements of Section 70 (2) of the Town and Country Planning Act 1990 (as amended) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. Following this requirement, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states the following:

"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."

- 6.2 In this instance the adopted development plan (taken as a whole) is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework ('NPPF' or 'the framework' henceforth) is also a significant material consideration, but does not constitute a statutory presumption, unlike the development plan which carries the statutory presumption as set out above. The area is not covered by a Neighbourhood Development Plan; with the Hereford Area Plan currently being at the drafting stage and thus cannot be afforded any weight in planning considerations at present.
- 6.3 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 has been 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.
- 6.4 The principle of an extension is not objectionable, however a number of detailed site specific considerations are determinative as to the overall acceptability of the proposed extension scheme and these are considered below.

Design / Amenity

- 6.5 In regards to the design of proposed developments, the decision maker has a statutory duty under Section 39 of the Planning and Compulsory Purchase Act 2004 to have regard to the desirability of achieving good design.
- 6.6 When considering the design and visual impact of a proposed development, Policy SD1 of the Core Strategy is significant as it requires that development proposals to create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. Specifically regarding landscape matters,
- 6.7 Policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, policy SS6 sets out that development proposals should conserve and enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.

- 6.8 The framework is a key material consideration for the proposal , it includes a chapter focused on achieving well-designed places (chapter 12), which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, as good design is a key aspect of sustainable development. Decision-making (as directed at paragraph 127 of the framework) should ensure developments will: function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character including the surrounding built form and landscape setting (whilst not preventing innovation or change); establish or maintain a strong sense of place creating attractive and distinct places to live and visit; with a high standard of amenity for existing and future users that doesn't undermine quality of life or community cohesion and resilience.
- 6.9 The framework is clear at paragraph 130 that *"planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides."* The government has confirmed by way of a Written Ministerial Statement (on 1st October 2019) that *"in the absence of local design guidance, local planning authorities will be expected to defer to the illustrated National Design Guide"*; the National Design Guide is therefore considered to be a material consideration for considering what achieves good design in proposed developments. However design shouldn't be concocted as a reason for refusal when proposals accord with the design expectations of the framework, material considerations and development plan.
- 6.10 The National Design Guide's chapters on identity and built form state that development should be visually attractive; strengthen the local character of place; create a positive identity; a coherent pattern of development; sited and designed demonstrating an understanding of the existing situation. Additionally, paragraph 40 states that well designed new development should have an understanding of the wider context and the concerns and perceptions of local communities.
- 6.11 The proposed development is considered to be a poor design due to its ungainly roofline given the manner in which the side extension projects from the existing hipped roof, this issue is typified by the unprepossessing dual pitched asymmetric roof to the rear. The host dwelling is noted to be well proportioned, of a considered designed aesthetic and offers a balanced built form in the streetscene. The proposed development is considered to fail to respect the design characteristics of the existing building and the characteristic built form of the locale and adds an awkward form and massing to the side of the dwelling which appears contrived in the streetscene. This issue is exacerbated by the manner in which the proposal wraps around part of the rear and part of the side of the host dwelling, something that is alien to this suburban context. Officers consider the proposal would have a detrimental effect on the streetscene in the locale, as it does not reflect a sensitive addition to the dwelling given its context. It follows that the proposal is considered to represent poor design and so is in conflict with paragraph 130 of the framework.
- 6.12 The adjoining dwelling to the east is No. 30 Mount Crescent, which would adjoin the projecting two storey side extension. The adjoining dwelling has its kitchen with modest dining space at the rear of the property with a single window on the side elevation providing light to this space. The proposed side extension would lie approximately 3.8 metres from the kitchen window of the adjoining dwelling. Given the scale of the extension with an eaves height of 5 metres, projecting to both the rear and side of the dwelling and being sited to the west of the adjoining dwelling, the proposal is considered to impact upon the natural light reaching the window and habitable ground floor space of the neighbouring dwelling, thus having an overshadowing effect. Further the proposal is considered to give rise to an overbearing effect due to its height and proximity to the boundary. Officers conclude the proposed two storey rear and side extension, to the west of the neighbouring window, would detrimentally impact the amenity of the neighbouring property by virtue of blocking natural light, having an overshadowing and overbearing effect.



Site photo of rear of No. 28 (host dwelling)



Site photo of rear of No. 30 (adjoining dwelling)



Site photos from within the kitchen of the adjoining dwelling No. 30, looking towards No. 28

- 6.13 It follows that officers consider the proposal to be in conflict with the provisions of the development plan due to its poor design and detrimental impact on the internal natural light enjoyed by the adjoining dwelling, thus failing to accord with CS policies SD1, LD1 and SS6. Further the proposal fails to adhere to the well-designed new development principles set out in the framework, as well as the National Design Guide.

Habitat Regulations Assessment (HRA)

- 6.14 The application site lies within the catchment for the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017 ('Habitats Regs.' henceforth). The foul water drainage from the existing dwelling is managed via a connection to the main sewer network and is treated at Welsh Water's Eign treatment works. As the foul water is managed by the Eign treatment works and discharged to the River Wye, there is not considered to be the possibility of a likely significant effect on the Special Area of Conservation, thus the development is considered to be screened out of the Habitat Regulations Assessment and is not in conflict with CS policies LD2 and SD4.

Climate Change / Sustainable Design

- 6.15 Policy SS7 of the CS sets the strategic objective for all development proposals to include measures which help mitigate the impact upon climate change. This includes locating development in the most sustainable locations; reducing the need to travel; and designing development to reduce carbon production and promote the efficient use of resources. Policy SD1

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also states that development will be supported where it utilises physical sustainability features such as orientation of buildings, water conservation measures; cycle storage and renewable energy generation. In this case, the proposal is considered to adhere to the principles of SS7 in the sense that the site is sustainably located within a settlement that offers a range of services, facilities and public transport links given the close proximity to Hereford City Centre. Thus the proposal is not considered to give rise to significant conflict with policy SS7 of the CS.

Highways

- 6.16 CS Policy MT1 addresses traffic management and highway safety. The policy states that where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. They should also ensure that developments are designed and laid out to achieve safe entrance and exit and accommodate safe access. In support of this, Policy SS4 states that new developments should be designed and located to minimise the impacts on the transport network. The proposal is not considered to diminish the availability of off road parking in the area and any harm from construction traffic could be mitigated via condition, thus officers consider the proposal to accord with Policies MT1 and SS4 of the Core Strategy.

Conclusion

- 6.17 The National Planning Policy Framework has at its heart a presumption in-favour of sustainable development, this is detailed at Chapter Two of the framework. Sustainable development is considered to consist of three key elements, those being the Economic, Social and Environmental objectives. Development proposals that are considered to meet these objectives (when taken as a whole) meet the first test and are considered to be sustainable development, thus benefiting from a presumption in favour of the development. The second half of Paragraph 11 of the NPPF applies the presumption in-favour of sustainable development for decision-making; 11 c) outlines that development proposals in accordance with an up-to-date development plan should be approved without delay. Or 11 d) outlines that where the development plan is silent or the policies most relevant for the determination of the application are out-of-date, permission should be granted unless either of the following criteria are met.
- i. the proposed development will impact on protected areas or assets and the policies of the framework give a clear reason for refusal as set out at 11 d) i.
 - ii. any adverse impact of granting permission would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole, as set out at 11 d) ii.
- 6.18 To conclude, the development plan has a statutory presumption in its favour and determination must be made in accordance with the plan unless material considerations indicate otherwise, in this case the Core Strategy review has not been initiated nor completed, with the policies most important for determining the application being out of date (as per paragraph 11 d of the framework). However policies are not disregarded and due weight should be given to them according to their degree of consistency with the framework, in this case the most important policies SD1, LD1 & SS6 of the Core Strategy are considered to be wholly consistent with the provisions of the framework and officers consider them to attract substantial weight in decision-making.
- 6.19 The public benefits from the proposal are considered to be limited, Hereford city already benefits from a diverse housing stock including larger dwellings and additional habitable space in the dwelling could be provided without causing the levels of harm identified above, making any harm avoidable. The harm identified is considered to be significant, impacting the amenity of current and future occupants of the adjoining dwelling and as a result of poor design which is contrary to paragraph 130 of the framework. It follows that the harm identified is considered to significantly and demonstrably outweigh the benefits of the proposal and the application should be refused, as it is contrary to the development plan, the framework and the National Design Guide.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal would have an overbearing / overshadowing effect on neighbouring properties and would diminish the natural light to their habitable rooms; thus detrimentally impacting the amenity of adjoining dwellings. As such the proposal is wholly contrary to the intent of Herefordshire Local Plan Core Strategy Policy SD1, LD1 and SS6 and the relevant design policies of the National Planning Policy Framework.
- 2. The proposal by virtue of its form, size, scale, siting and design would present an incongruous addition which would have an unacceptable impact on the character and appearance of the host dwelling and local built form. Thus it would have a detrimental impact on the character and appearance of the street-scene, at odds with the sense of place that is experienced in the locale; thus being contrary to Policies SD1, SS6 and LD1 of the Herefordshire Local Plan – Core Strategy, the design guidance set out within Paragraphs 124, 127 and 130 of the National Planning Policy Framework, as well as the expectations of the National Design Guide.

INFORMATIVES:

- 1. 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 by identifying matters of concern with the proposal and discussing those with the Agent. Unfortunately, it has not been possible to negotiate a way forward for the current proposal. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

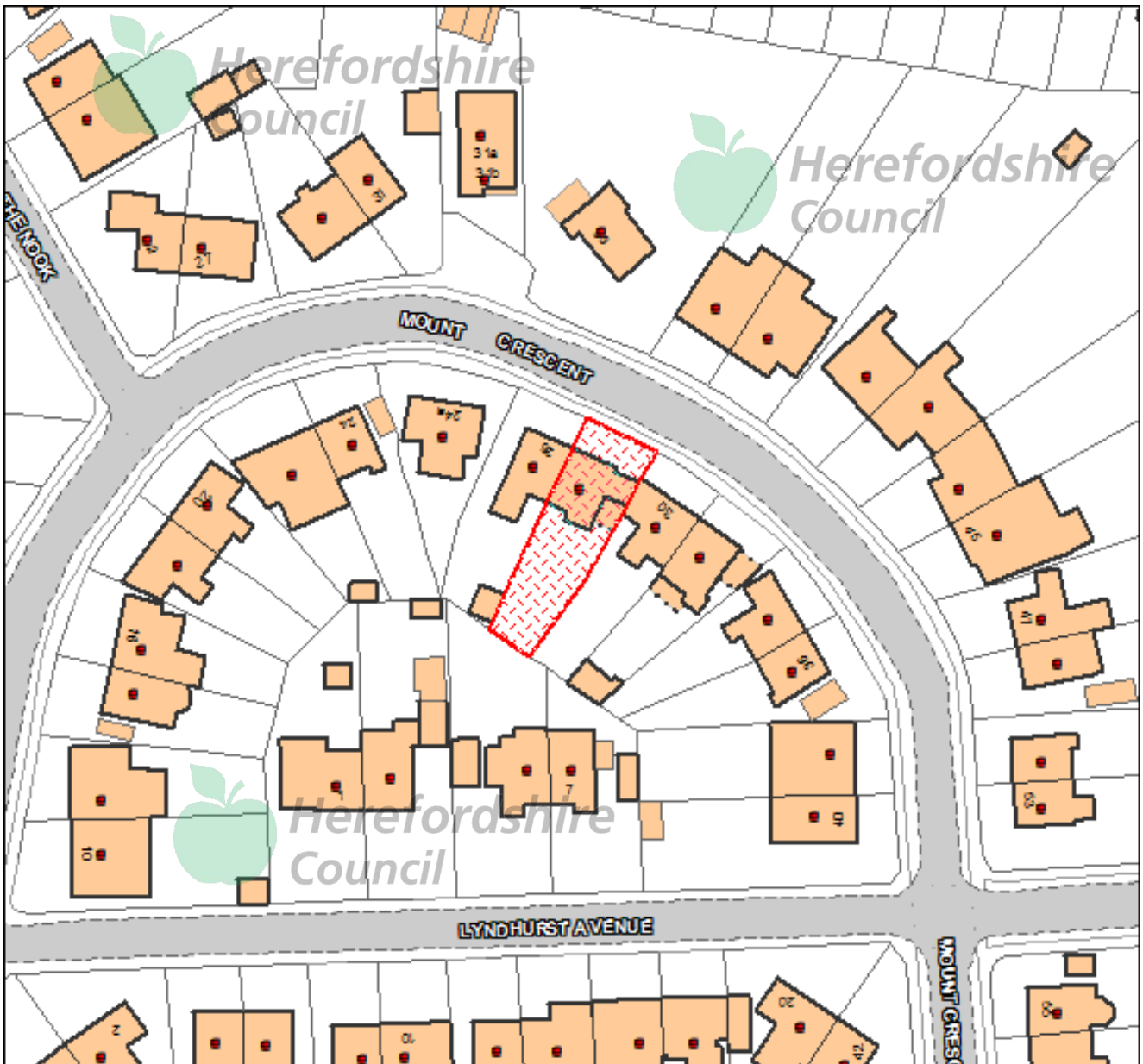
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 202406

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