

THE RIGHT WORSHIPFUL THE MAYOR OF HEREFORD COUNCILLOR KEVIN TILLET AND ALL MEMBERS OF THE PLANNING & HIGHWAYS COMMITTEE: Cllrs Andrews, Boulter, Carwardine, Foxton, Hobbs and Milln.

You are hereby summoned to the meeting of the Planning and Highways Committee to be held the Town Hall, Hereford at 6pm on THURSDAY 19 SEPTEMBER 2024. The agenda for which is set out below.

Rebecca O'Reilly
Deputy Town Clerk



HEREFORD CITY COUNCIL

MEETING OF THE PLANNING & HIGHWAYS COMMITTEE

Committee Room, Town Hall, Hereford
THURSDAY 19 SEPTEMBER 2024 at 6pm

AGENDA

At the start of the meeting the chair will remind all present of the fire evacuation procedure.

1. APOLOGIES FOR ABSENCE

To receive and consider apologies for absence from Members.

2. APPOINTMENT OF SUBSTITUTES

To note the appointment of substitute members.

3. DECLARATIONS OF INTEREST AND DISPENSATIONS

To receive declarations of interest and consider requests for dispensation in respect of items on the agenda made by Members under the Herefordshire Code of Conduct.

4. PUBLIC PARTICIPATION

To receive any questions that may be put to the meeting by members of the public present.

5. MINUTES OF PREVIOUS MEETING OF THE COMMITTEE

APPENDIX ONE

To confirm the minutes of the meeting of 25 July 2024 as an accurate record.

6. POLICY UPDATES

APPENDIX TWO

To consider whether Members wish to respond to the Government's consultation on the National Planning Policy Framework and other changes to the planning system.

7. APPLICATIONS FOR PLANNING PERMISSION

APPENDIX THREE

To consider applications for planning permission, listed building consent, advertisement consent, notifications of proposals to carry out works to trees, licensing applications including any delegated decisions, for determination by Herefordshire Council and agree comments to be submitted to the Planning Authority.

8. CORRESPONDENCE

APPENDIX FOUR

TPO 692 at 83 Broomy Hill, Hereford

4.a

TPO 688 at 22 Walney Lane, Hereford

4.b

Appeal Decision 223653 - 10 Aylestone Hill, Hereford

4.c

9. NEXT MEETING

The date of the next meeting after this will be 17 October 2024 at 6pm.

Further information – If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Becci O’Reilly on becci.oreilly@herefordcitycouncil.gov.uk



HEREFORD CITY COUNCIL

PLANNING & HIGHWAYS COMMITTEE – 25 JULY 2024

MINUTES OF MEETING

PRESENT: Cllrs Polly Andrews, Jacqui Carwardine, Elizabeth Foxton, Debbie Hobbs, Jeremy Milln and Sue Boulter.

ATTENDING: Connor Powell, Communications and Tourism Manager

The meeting took place at Hinton Community Centre due to an I.T. issue.

P2024/25.19 APOLOGIES FOR ABSENCE

None at this time.

RESOLVED To accept the apologies.

P2024/25.20 APPOINTMENT OF SUBSTITUTES

None.

P2024/25.21 DECLARATIONS OF INTEREST AND DISPENSATIONS

None.

P2024/25.22 MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Andrews, seconded by Councillor Carwardine and with 3 in favour and 1 abstention

RESOLVED That the Minutes and Draft Responses of the Meeting of 27 June 2024 were an accurate record.

P2024/25.23 POLICY UPDATES

None.

P2024/25.24 APPLICATIONS FOR PLANNING PERMISSION

For further information on the outcome of planning application decisions, please see the 'Draft Responses' item corresponding to this meeting. It was

RESOLVED to submit planning application decisions to Herefordshire Council.

P2024/25.25 CORRESPONDENCE

None.

P2024/25.26

DATE OF NEXT MEETING

Thursday 22 August 2024 at 6pm.

There being no other business the Chair declared the meeting closed at 6.42pm

Signed

Date

DRAFT

HEREFORD CITY COUNCIL

PLANNING & HIGHWAYS COMMITTEE 25 July 2024

DRAFT RESPONSES TO PLANNING APPLICATIONS AND OTHER ITEMS FOR CONSIDERATION

Draft Verdicts:

Planning Applications:

Number	Address	Verdict
241504	20 Barton Road, Hereford, HR4 0AY	No objection in principle, though Councillors agreed to comment that we should encourage informed conservation and repair over replacements. Though efforts have clearly been taken to maintain the overall aesthetic, Councillors would have preferred to see secondary double glazing and appropriate repairs to the existing sash windows.
241471	Unit 22, Mortimer Trading Centre, Mortimer Road, Hereford, HR4 9SP	Objection! Councillors disagreed with the location of this temporary fire station as they could clearly see issues with the access/egress of the site. Access from Perseverance Road was deemed inappropriate as the road is too small for emergency vehicles, making it difficult for drivers to navigate, and the road often gets easily congested as it is surrounded by a number of commercial outlets. Councillors strongly suggest using another site, such as one located in Rotherwas.

Tree Works Applications:

241667	47a Huntsmans Drive, Hereford, Herefordshire, HR4 0PN	No objection.
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Licensing:

	Pink Monkey Salon, 5a St Owen Street, Hereford, HR1 2JB	No objection.
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Consultations:

School Streets Trial at Trinity Primary School	Councillors support the changes outlined in general, but were concerned with the use of human barriers on the road as this could provide a risk to road users. Councillors would ask for clarification on the nature of the human barriers and instead suggest the use of other removal barriers such as traffic cones.
Traffic Regulation Order for parking in Eign Hill Ward	No objection.

Becci O'Reilly

Subject: FW: National Planning Policy (NPPF) consultation.

From: ldf <ldf@herefordshire.gov.uk>
Sent: 02 September 2024 09:25
Subject: National Planning Policy (NPPF) consultation.

Dear Clerk,

The UK Government published a [consultation](#) on the **National Planning Policy Framework** and other changes to the planning system on 30th July 2024. This consultation has come from the Ministry of Housing, Communities and Local Government (MHCLG).

This press release explains broadly what this consultation is about: [Our plan to build more homes - GOV.UK \(www.gov.uk\)](#)

The Government have set out proposed mandatory housing targets which takes a new approach based on a revised formula and data. This means the housing target for Herefordshire has increased from 773 dwellings per annum to 1,375 dwellings per annum. This would mean 27,500 dwellings over a 20 year plan period. The recent [Draft Local Plan March 2024](#) consultation set out a target for 16,100 homes over the plan period so this is a proposed significant increase that we would like to make you aware of.

The consultation closes at 11:45pm Tuesday **24 September 2024** and there is no provision for late responses.

Herefordshire Council will be responding to this consultation once we have taken stock of all the proposals. However, it is possible for your Parish Council to also submit your views to MHCLG [via the links and emails address provided](#) on the consultation page if you wish to do so.

Yours sincerely

Siobhan Riddle

Herefordshire.gov.uk

Siobhan Riddle
Principal Strategic Planning Officer
01432 260142
siobhan.riddle@herefordshire.gov.uk

Economy and Environment Directorate
Strategic & Neighbourhood Planning Team
Plough Lane
Hereford
HR4 0LE



Main Council Switchboard:
01432 260000
General Planning Enquiries:
planningenquiries@herefordshire.gov.uk
Planning Registration Enquiries:
planningregistration@herefordshire.gov.uk



APPENDIX THREE

PLANNING COMMITTEE 19 September 2024
PLANNING APPLICATIONS AND OTHER ITEMS FOR CONSIDERATION
 (All applications on the list have been 'called in' by Councillors)

Planning Applications:

Number	Address	Ward	Description	Link to Application info
241536	The Choughs, 68 Penn Grove Road, Hereford, HR1 1BT	College	Proposed demolition of existing dwelling and erection of a replacement two storey self build/custom build dwelling with garage	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241536&search-term=241536
242050	Three Counties Hotel, Belmont, Hereford, HR2 7BP	Belmont Rural	Application for variation of condition 2 following grant of planning permission 231703 (Demolition of existing hotel and associated structures and erection of Class E foodstore with associated access, parking, servicing, drainage and landscaping)- To increase the store size in order to reflect the current and updated store format of Lidl GB Ltd.	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242050&search-term=242050
242066	97-98 East Street, Hereford, HR1 2LW	Central	Proposed erection of self build dwelling (as per approved application 220541/F), with rebuilding of 97-98 East Street to provide annex accommodation associated with the dwelling.	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242066&search-term=242066
204394	Booth Passage, 16 High Town, Hereford	Central	Proposed installation of a new Air Conditioning condensing unit to the side elevation. Retrospective. See attached email correspondence	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204394&search-term=204394

Licensing:

En Steak, Unit P2, (The Old Market), Widemarsh Street, Hereford. HR4 9HR	See attached licence consultation
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Becci O'Reilly

Subject: FW: Fwd: City Council Planning

Dear Becci,

Could I also add a request for 19th September that our Planning Committee revisit 204394 which was the retrospective application for the air con unit which obstructs Booth Passage at 16 High Town. We objected at the time but it was consented in 2021 in spite of the fact Herefordshire Council Planning has no authority to consent development in a public highway. Since when HC Planning have given us the run around.

So eventually, after much badgering from me (and Paul Stevens), Bruce Evans confirmed to Karen that Balfour Beatty would serve an enforcement notice under section 130A-D of the Highways Act 1980. That was on 5th July and we made a note that this would be chased after a couple of months if no progress.

So could I ask if our Planning Committee would agree to the City Council giving formal warning to the Chief Executive that unless progress was seen say in another couple of months, we would apply to the Magistrates to force Herefordshire Council to have the obstruction removed.

Kind regards,

Jeremy

City Cllr J. Milln Central

TalkCommunityEnquiries
Cllr Polly Andrews
Via Email

Dear Sir/Madam

An application has been received on 12 September for a grant of a premises licence at:

En Steak, Unit P2, (The Old Market), Widemarsh Street, Hereford. HR4 9HR

Applied for:

Licensable Activities

**Plays (indoors/outdoors), Films (Indoors), Live Music (Indoors), Recorded Music (Indoors),
Sale/Supply of Alcohol (consumption on and off the premises)
Monday – Sunday 08:00 – 24:00**

**Late Night Refreshment (Indoors)
Monday – Sunday 08:00 – 24:00**

Consultation dates are as follows: Begins **12 September 2024** and ends **10 October 2024**

Any representation should address one of the four licensing objectives:

- Prevention Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

A copy of the application can be found at the below website within 24hrs (working days only) of the date on this memo.

<https://www.herefordshire.gov.uk/business-1/current-licensing-applications>

Details on how to make a representation can be found at the below website address

<https://www.herefordshire.gov.uk/business-1/current-licensing-applications/2>

Any representations need to have name/address and contact details and should be emailed to licensing@herefordshire.gov.uk no later than **10 October 2024** addressing the four licensing objectives above.

Yours faithfully

**EMMA BOWELL
SENIOR LICENSING TECHNICAL OFFICER**

Town and Country Planning Act 1990

83 BROOMY HILL – HEREFORD 2024 (NO.692)

Tree Preservation Order

The County of Herefordshire District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

This Order may be cited as **83 Broomy Hill – Hereford (2024) (NO.692) Tree Preservation Order**

Interpretation

1.— (1) In this Order “the authority” means the County of Herefordshire District Council

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

2.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

3. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 19th day of July 2024.

Signed on behalf of the County of Herefordshire District Council



.....

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the County of Herefordshire District Council without modification on the ... day of

OR

This Order was confirmed by the County of Herefordshire District Council, subject to the modifications indicated by....

on the ... day of

Signed on behalf of the County of Herefordshire District Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by The County of Herefordshire District Council on the ... day of

Signed on behalf of the County of Herefordshire District Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Herefordshire Council on the ... day of by a variation order under reference number a copy of which is attached

Signed on behalf of the Herefordshire Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Herefordshire Council on the ... day of

Signed on behalf of the Herefordshire Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
T1	Tulip tree/ <i>Liriodendron tulipifera</i>	Tree located approx. 5m south of 83 Broomy Hill Grid ref 349556 239352

Trees specified by reference to an area (within a dotted black line on the map)

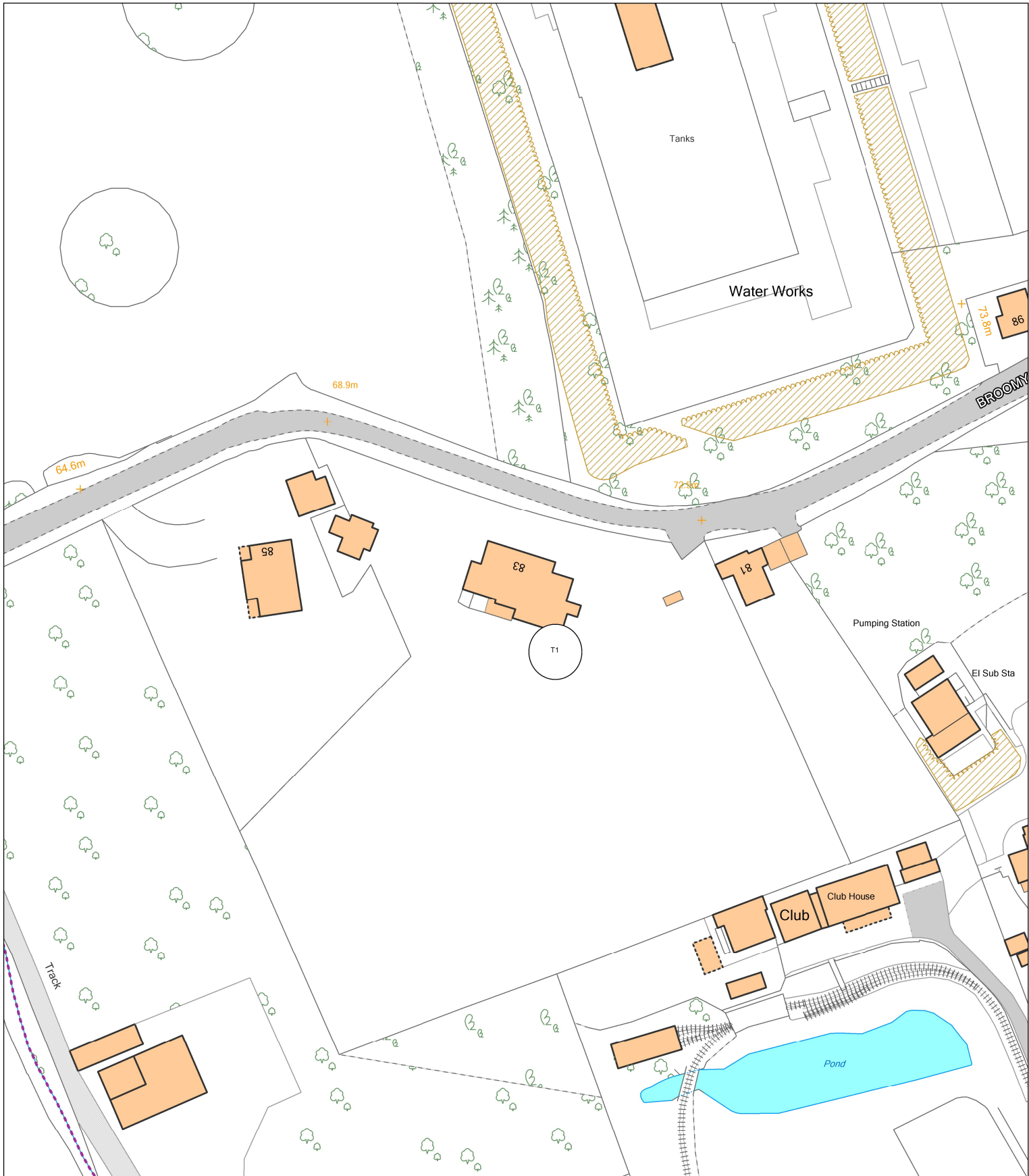
<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
None		

Groups of trees (within a broken black line on the map)

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
None		

Woodlands (within a continuous black line on the map)

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
None		





TREE PRESERVATION ORDER

GRID REFERENCE: 349556 239352

TPO NUMBER: TPO_692

LOCATION DESCRIPTION:
83 Broomy Hill - Hereford

 Herefordshire Council	SCALE 1:250	 NORTH
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Town and Country Planning Act 1990

22 WALNEY LANE – HEREFORD 2024 (NO.688)

Tree Preservation Order

The County of Herefordshire District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

This Order may be cited as **22 Walney Lane - Hereford (2024) (NO.688) Tree Preservation Order**

Interpretation

1.— (1) In this Order “the authority” means the County of Herefordshire District Council

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

2.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

3. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 30th day of April 2024

Signed on behalf of the County of Herefordshire District Council



.....

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the County of Herefordshire District Council without modification on the 21st day of August 2024

Signed on behalf of the County of Herefordshire District Council



Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by The County of Herefordshire District Council on the ... day of

Signed on behalf of the County of Herefordshire District Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Herefordshire Council on the ... day of by a variation order under reference number a copy of which is attached

Signed on behalf of the Herefordshire Council

.....

Authorised by the Council to sign in that behalf

REVOCAION OF ORDER

This Order was revoked by the Herefordshire Council on the ... day of

Signed on behalf of the Herefordshire Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
T1	Scots Pine/ <i>Pinus sylvestris</i>	Located near east garden boundary. Grid ref – 352487 241022
T2	Western Red Cedar/ <i>Thuja plicata</i>	Located near east garden boundary. Grid ref – 352475 241009
T3	Holm Oak/ <i>Quercus ilex</i>	Located near south garden boundary. Grid ref – 352485 240982

Trees specified by reference to an area (within a dotted black line on the map)

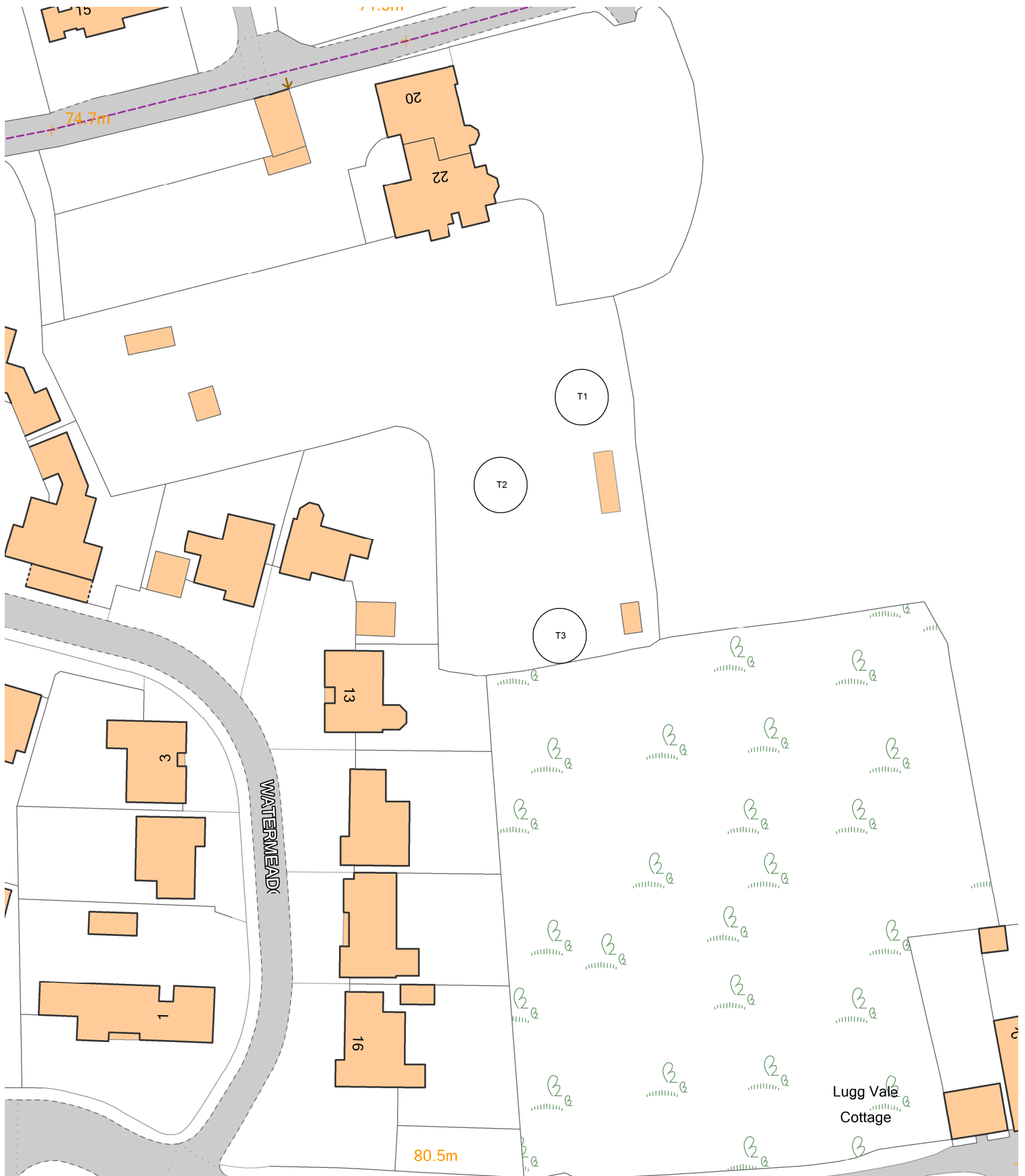
<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
None		

Groups of trees (within a broken black line on the map)

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
None		

Woodlands (within a continuous black line on the map)

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
None		



TREE PRESERVATION ORDER

GRID REFERENCE: 352,487, 241,022

OS REFERENCE:

TPO NUMBER: TPO_688

LOCATION DESCRIPTION:
22 Walney Lane,
Hereford

	Herefordshire Council	SCALE 1:700	
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Appeal Decision

Site visit made on 26 June 2024

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 August 2024

Appeal Ref: APP/W1850/W/23/3327517

10 Aylestone Hill, Hereford HR1 1HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M Mohan against the decision of Herefordshire Council.
 - The application Ref is 223653.
 - The development proposed is a single storey dwelling in rear wall garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second refusal reason sets out its concern that, in the absence of adequate information relating to the disposal of surface water from the site, it could not be certain that a policy compliant surface water drainage strategy was achievable or that the proposed development would not adversely affect the integrity of the River Wye Special Area of Conservation. Since the Council's decision the parties have reached an agreement that a satisfactory solution could be achieved. Consequently, the Council has confirmed that its objection to the development in this respect has been resolved.

Main Issues

3. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Aylestone Hill Conservation Area; and
 - whether the proposed development would preserve the setting of nearby listed buildings and structures.

Reasons

Conservation Area

4. The appeal site is part of the garden of Aylestone House, a Grade II listed building, comprising a pair of semi-detached dwellings, 8 Aylestone Hill (No 8) and 10 Aylestone Hill (No 10). The site lies within the Aylestone Hill Conservation Area (CA) and adjoins the boundary of the Bodenham Road Conservation Area.
5. The significance of the CA is derived from its range of historic buildings of varying ages and architectural interest, predominantly set within spacious,

verdant plots. There are front gardens and parking areas between the residential properties and the highway to the front, enclosed by hedges, boundary walls and fences. The spacious grassed garden area around No 10, which is characteristic of the historic urban grain of the area, makes a positive contribution to the significance of the CA.

6. The proposal would see the construction of a detached single storey dwelling of a contemporary design towards the rear of the appeal site behind No 10, within the rear garden which is enclosed by a brick boundary wall. The new dwelling would be served by the existing vehicular access from Aylestone Hill, via a new driveway to be formed within the site which would necessitate the removal of part of the existing outbuilding and the formation of a gap within the existing brick wall.
7. By virtue of the siting of the proposed dwelling, set back to the rear of the existing properties in the row, and its limited height above ground level, while it would be seen in short range views from neighbouring properties, it would not be readily visible or appear unduly prominent in views towards the site either from Aylestone Hill or Southbank Road. Consequently, it would not have a tangible effect on the appearance of the CA.
8. Nonetheless, the introduction of a new residential unit as proposed would encroach into the otherwise open space to the rear of No 10. Built form of the scale proposed and, in the position shown, would diminish the general sense of spaciousness to the rear of the property. Moreover, the development would be at odds with the established layout of the surrounding residential development and would undermine the prevailing character of the area as influenced by the urban grain.
9. The Council allege the proposed development would fail to preserve the setting of the Bodenham Road Conservation Area, which adjoins the rear boundary of the site. However, it has not been shown how the significance of the conservation area, derived from its setting, would be affected by the development.
10. For the foregoing reasons I conclude the proposal would fail to preserve or enhance the character of the CA. Accordingly, it would conflict with Policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031 adopted October 2015 (CS) which requires the character of the townscape to positively influence design, scale, nature and site selection, and the protection and enhancement of designated areas. It would also fail to accord with the aims of Policy SD1 of the CS which sets out, among other things, that proposals should make efficient use of land, having regard to the local context and site characteristics, and CS Policy LD4 which seeks to protect, conserve, and where possible enhance heritage assets and their settings.

Setting of the listed buildings

11. The significance of Aylestone House, which dates back to the late 18th century, is informed by its architectural and historic interest. The setting of the listed building has evolved over time and includes new development which has taken place to the rear of No 8, including the construction of a pair of semi-detached dwellings on land that previously formed part of the plot, within which the setting of the listed building is experienced. The spacious setting to the side and rear of the building provided by the generous garden to No 10, also

contributes to the significance of the listed building. The contribution the rear garden space makes to the setting of the listed building is not undermined by the limited number of window openings in the rear elevation of No 10 which directly face the open space.

12. The set-back position of the dwelling would enable the side elevation of No 10 to be read in views along Aylestone Hill similar to the existing arrangement and would not encroach on the frontage of the listed building. Despite the siting, single-storey nature and simple design, the proposed dwelling would be within part of the garden area which is currently free from built development. While the remaining area of garden to serve No 10 would be greater than that to the rear of No 8, the proposal would nevertheless create a cramped feel to the setting of the listed building, due to the introduction of a large building to its rear and the associated parking and use of the land, which currently has an open, and spacious feel. In addition, the loss of a significant area of formal garden space associated with a house of some stature, would undermine the status of the listed building that contributes to its significance.
13. Consequently, by virtue of the scale and siting of the proposed dwelling, and the subsequent loss of spaciousness, the proposal would fail to preserve the setting of the listed building and its significance as a heritage asset. While I acknowledge the Horse Chestnut tree and boundary wall, in the main, are to be retained, this would not overcome the harm I have identified.
14. At the entrance to the site from Aylestone Hill is a pair of Grade II listed gates, piers and railings. The significance of these structures appears to be derived from their historic interest and functional association, together with the entrance gates that serve No 8, with the listed building. Although the original internal configuration of the site, including the relationship between the access and egress points that historically served the listed building, has been somewhat eroded by the internal subdivision of the front gardens of No 8 and No 10, the listed structures, which are clearly perceptible from Aylestone Hill, serve to unify the listed building within the street scene and inform its significance.
15. The appeal submissions indicate that the gates and railings would remain in situ. However, despite any physical demarcation to separate the new driveway from the existing open gravel parking and turning space, the proposed alterations to the internal configuration of the area of hardstanding to provide a route to the new dwelling, would nevertheless diminish the setting of the gateway at No 10. This would undermine the legibility of the gateways as a pair and impede their historic relationship. Consequently, the proposal would harm the setting of the listed structures and the contribution that makes to their significance.
16. The neighbouring property, 14 Aylestone Hill, which adjoins the side boundary of the site, is an attractive Grade II listed building. Its significance is informed by its historic interest and the spacious plot in which it sits. Whilst there is a degree of intervisibility between the appeal site and No 14, they are physically separated by the intervening boundary wall. Moreover, the proposal would not encroach into the open space immediately surrounding No 14. I therefore find that the significance of No 14 would not be harmed and that its setting would be preserved.

17. Furthermore, the introduction of a new dwelling in the position shown would be no more disruptive than the surrounding residential uses in the immediate vicinity of the site. As such, there would be no tangible effect in terms of additional noise or activity upon the existing garden area.
18. For the foregoing reasons the proposal would fail to preserve the setting of Aylestone House and the associated gates, piers and railings and their significance as heritage assets. In that regard the proposal would conflict with Policy LD4 of the CS which requires proposals affecting heritage assets to protect, conserve, and where possible enhance the 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.

Heritage Balance

19. For the reasons set out above I have found that the proposal would fail to preserve or enhance the character of the CA as a designated heritage asset. It would also fail to preserve the setting of the listed building, Aylestone House, and listed structures including the gates piers and railings to No 10 through harm to their setting that contributes to their significance. In terms of the Framework, the harm would be less than substantial, but would nevertheless be of considerable importance and weight, and great weight should be given to the conservation of a heritage asset. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
20. Public benefits would arise in terms of the delivery of a market housing unit, in an accessible location close to nearby local services and public transport, in accordance with the Council's strategy for the location of new development. While the proposal would make efficient use of land and would contribute to the local housing mix, I have not been presented with any substantive evidence to demonstrate an overriding need for smaller units in the area or that this need cannot be met elsewhere. Moreover, given the scale of development, for a single unit, these benefits would be limited.
21. Even if the existing outbuilding was found to have little historic significance, given the limited effect of its presence in terms of the setting of the listed building and the overall appearance of the site, any perceived benefits in relation to its proposed partial removal would be of limited weight.
22. In this context, the limited weight of the public benefits of the proposed development would not outweigh the harm to the significance of the heritage assets I have identified.

Other Matters

23. The site lies within the hydrological catchment of the River Wye Special Area of Conservation (SAC). If I were minded to allow the appeal, as the competent authority, I would need to be satisfied that the proposal would have no adverse effects on the integrity of the SAC including through the undertaking of an Appropriate Assessment. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter further.

24. The absence of harm in relation to the living conditions of the future occupiers of the development or the occupiers of neighbouring properties is a normal expectation of new development and is a neutral factor.
25. The application was submitted following positive pre-application advice. The Framework acknowledges the benefits of early engagement and good quality pre-application discussions. While such advice is not binding, it is clearly unfortunate when a different decision is reached on an application. However, I have determined the appeal on the planning merits of the case.

Conclusion

26. For the foregoing reasons, the proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR