

AGENDA ITEM



Committee and date
Southern Planning Committee
11th April 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/00354/FUL	Parish:	Abdon And Heath
Proposal: Erection of two storey extension, roof replacement to form first floor accommodation, facade alterations, fenestration alterations and internal layout alterations		
Site Address: Brown Clee Abdon Craven Arms Shropshire SY7 9HX		
Applicant: Mr & Mrs Gardner		
Case Officer: Tracie Witkiss	email: tracie.witkiss@shropshire.gov.uk	

Grid Ref: 358331 - 285761

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Recommendation: - Refuse Permission for the following reasons;

1. The proposed development, because of its scale, size and massing would visually dominate the site and would appear overbearing to the original dwelling and its setting within the rural area. The proposed development fails to conserve or enhance the natural beauty of the AONB. The proposed development is therefore contrary to Policies CS5, CS6 of the adopted Core Strategy, and SAMDev Policy MD2, as well as the overall aims and objectives of the SPD on the 'Type and Affordability of Housing' and of the National Planning Policy Framework in requiring sustainable development.
2. Development of the scale proposed is not cohesive with the historic character of the site and has failed to preserve or enhance the historic fabric of a heritage asset. The proposal does not provide any balancing public benefits to outweigh the harm caused. Accordingly, the proposal is contrary to policy MD13 of SAMDev and the National Planning Policy Framework.

REPORT

1.0 THE PROPOSAL

1.1 This application is for full planning permission for the erection of a two-storey extension, formation of first floor to include a balcony, roof-remodelling, facade and fenestration alterations to the subject property known as Brown Clee.

1.2 This application follows a recently refused scheme for similar development and a further pre-application enquiry with an outcome of '*unacceptable development*'. The current proposed plans have only slightly changed from the previous schemes.

2.0 SITE LOCATION/DESCRIPTION

2.1 The subject property is a large detached multi-level dwelling built into the hill side on the western side of Brown Clee Hill, approximately 0.7m from the village of Abdon. It has a roadside boundary with an unclassified single-track road.

2.2 The original stone cottage is believed to be a late 18th century squatters' cottage which has been added to several times over the years with brick built flat roof extensions, some of which are single storey, some of which are two storeys.



2.3 The property has a small rear garden at first floor level and with a modest parking/turning area to the front. It has a far larger plot surrounding the house but this is steep land unsuitable for gardens or buildings.

2.4 The building is not a listed building however, due to its age and vernacular construction it would be considered a non-designated heritage asset. It is not in a designated Conservation Area but does lie within the Shropshire Hills Area of Outstanding Natural Beauty.

2.5 Planning History

- SS/1966/1293/P - Alterations and additions to dwelling and formation of a vehicular access - Granted.
- SS/1973/906/P - Alterations and additions to dwelling - Granted.
- PREAPP/17/00554 - replacement of existing roof with pitched roof, erection of single storey ear extension - Amendments Needed.
- 18/01683/FUL - Single storey extensions to front and rear elevations. - Granted.
- PREAPP/22/00576 - Proposed extension and alterations to existing dwelling - Unacceptable Development
- 22/02928/FUL - Erection of two storey extension, roof re-modelling, cladding/facade alterations, fenestration alterations, internal layout alterations - Refused

3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

3.1 Determination of this application under delegated powers complies with the terms in the Scheme of Delegation as set out in Part 8 of Shropshire Council's Constitution. However, the Parish Council have made a comment that would be contrary to the Officers recommendation. The local member has been consulted and has responded requesting the application be presented for consideration by the Planning Committee.

In consultation with the Chair of the Planning Committee and the Development Manager (South) at the agenda setting meeting it was agreed that the issues raised are material and the application be determined by Committee.

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comment**

4.1.1 Shropshire Council Natural Environment (Ecology) : The level of survey work is appropriate. Recommend conditions relating to; Bat and Bird boxes and lighting.

4.1.2 Shropshire Council Historic Environment (Archaeology): No comments relating to Archaeology.

4.1.3 Shropshire Council Historic Environment (Conservation): The building is formed of one and two storeys and comprises a late C18-early C19 Squatters' Cottage to the West of the site, formed of 1.5 storeys, constructed in vernacular rubble coursed stone beneath a plain clay tile roof. Cottages of this type make an essential contribution to the historic landscape character and local distinctiveness of the Shropshire Hills in general, and the Brown Clee area in particular, such buildings are increasingly rare. Therefore, whilst the building

has to an extent been altered and extended, it remains of significant local interest, and would be considered a non-designated heritage asset. The existing one and two storey flat roof extension is not considered to be of significant merit, and therefore in principle there is no objection to this being altered and potentially enlarged.

The current scheme still has not appropriately reduced the overwhelming scale of the proposed extensions from previous proposed similar development. The proposed extensions will result in a disproportionate addition to the original dwelling, still being more than triple the footprint of the original cottage and still of a scale and height that would be totally out of proportion with the original historic cottage and would have a substantial impact upon the street scene and wider views. The current proposed scheme is still considered to be excessive for this modest cottage, due to the scale of the proposed additions, which would significantly dominate the existing cottage and result in the loss of its historic form and fabric. It is considered that due to its scale and massing and the alterations to the existing cottage the proposed development would result in less than substantial harm to this non-designated asset, so that in accordance with paragraph 203 of the NPPF (2021), a balance judgement will need to be made having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal is considered to be contrary to Core Strategy Policies CS6 and CS17 and SAM Dev Policies MD2 and MD13 in that the scale and design of the proposed works would not protect, restore or conserve the historic context and character of the heritage asset and its significance or setting. In addition, no attempt to demonstrate that there are any public benefits of the proposal outweigh the adverse effect

4.1.4 Shropshire Hills Area of Outstanding Natural Beauty: Neutral response. Our standard response here does not indicate either an objection or no objection to the current application.

4.2 Public Comments

4.2.1 Abdon and Heath Parish Council: Unanimous support.

- Will modernise an extremely awkward site and property
- Existing cottage in need of modernisation
- Maintains original features of the cottage and chimney
- Sympathetic use of materials
- Increase in size remains almost completely on existing footprint
- Applicants are local family.

4.2.2 The application has been publicised in accordance with relevant legislation and 3 letters of support were received outlining the following issues:

- Family has strong local ties

- Current accommodation layout not suitable for family
- New plans make it more attractive
- Current large area of flat roof is not pretty
- The property will not have a larger footprint than the current one
- Important to encourage and support local families to remain the area
- Property in need of modernisation
- Existing flat roof is unattractive and not in-keeping with area
- Planned improvements would improve the appearance
- Current building is small and badly laid out
- The family are local to the area
- Important that properties can be sympathetically improved to enable local families to live here
- Property in need of upgrading and re-design
- Proposal is in-keeping with the area
- Application will have a positive impact on the surrounding area

5.0 THE MAIN ISSUES

- Principle of Development
- Siting, Scale and Design
- Impact on Historic Environment
- Impact on AONB
- Residential Impact

6.0 OFFICER APPRAISAL

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

6.1 Principle of Development

6.1.1 Development to domestic properties is considered acceptable in principle under Policies CS6 'Sustainable Design and Development Principles' of the Council's Core Strategy and MD2 'Sustainable Design' of the Council's SAMDev Plan providing the development is of an appropriate scale, design, and appearance so as to not cause any harm to the local context, visual landscape, neighbour amenity or dominate the main dwelling.

6.1.2 The subject dwelling lies outside of any defined development boundary and is therefore defined as open countryside and, as such, Policy CS5: 'Countryside and Green Belt' of the Council's Core Strategy and Policy MD12 'Natural Environment' applies in this location. They state that new development in the open countryside needs to consider the scale and design of proposals to ensure that development is of an appropriate scale, well designed and does not erode

the character of the countryside. Emphasis will be given on achieving quality design with appropriate use of material. There is significant emphasis on achieving quality and sustainability of design regarding local design and materials.

6.1.3 Furthermore, there is no restriction within policy regarding the construction of new buildings adjacent to heritage assets provided the prominence and importance of that asset is not eroded. Policy MD13 'Historic Environment' of the SAMDev plan seeks to ensure Shropshire's heritage assets will be protected, conserved, sympathetically enhanced, and restored through appropriate and well considered design. This is discussed further in the report.

6.1.4 The Council's Supplementary Planning Document (SPD) on 'Type and Affordability of Housing' states that *'In general, multiple successive extensions to dwellings should normally be avoided as this tends to lead to the creation of excessively large properties, where the extensions are often unsympathetic to the character and appearance of the original dwelling or the surrounding area.'*

6.2 **Siting, Scale and Design**

6.2.1 The proposal is to widen the original cottage and also raise the roof which will result in a higher roof pitch. Timber cladding is being introduced to the first-floor element to replace the stonework of the original cottage, there is also a change in the fenestration to a more modern style. Double doors with a pitched dormer roof are to be added at first floor level to lead to the proposed balcony area.

6.2.2 Raising the roof and altering the roof pitch overwhelms the original cottage and detracts from it being an original squatter's cottage. This is further emphasised by the timber cladding and change in fenestration. Overall, this part of the proposal fails to protect, conserve, or enhance the non-designated heritage asset, and is not of an appropriate scale, design or appearance. It is therefore not in accordance with the previously mentioned policies.

6.2.3 The second part of the proposal is works to the flat roof, part single storey part two storey element of the property. The single storey link extension is proposed to be re-modelled with large floor to ceiling glazing. There is also a large balcony area to be formed at first floor level with metal railings on the flat roof.

6.2.4 The major change to the property is to the existing flat roofed two storey extension with a proposal to build upwards and add a pitched roof. This part of the property would, in effect, change from a two storey (lower ground and ground floor) to three storeys with the addition of a first floor albeit in the roofspace to include the provision of three rooflights.

6.2.5 The height of the new build element from ground to the highest roof point (excluding the chimney) is approximately 9m, an increase of approximately 4m

on the existing two storey extension. In addition, the total width of the property will increase by approximately 6m.

- 6.2.6 The proposed extensions to the flat roof elements of the property are over dominant and the height overbearing, this is exacerbated by the context in which the dwelling is read, being only a short distance from the roadside. It fails to be subservient to the original cottage and overwhelms the heritage asset by its sheer size and volume.

6.3 **Impact on Historic Environment**

- 6.3.1 The size and scale of the proposed development exacerbates the historic impact of the existing extensions to the property to the extent where any historic merit of this non-designated heritage asset would be lost to an unacceptable degree.

6.4 **Impact on the AONB**

- 6.4.1 The site lies in the Shropshire Hills Area of Outstanding Natural Beauty and due to its position on the side of Brown Clee in an open setting, it is considered that the proposal development, due to cumulative impact of the works, would visually detract from the surrounding AONB and therefore fail to conserve or enhance its natural beauty. The build would be visually prominent and would unacceptably increase the amount of built development within the area.

6.5 **Residential Amenity**

- 6.5.1 There are no other residential properties within the immediate vicinity, and it is therefore considered that the proposed works are unlikely to cause any detriment to neighbouring properties.

7.0 **CONCLUSION**

- 7.1 The additional mass, height, and lack of subservience to the original cottage would adversely impact on the character, appearance and context of the cottage, a heritage asset, and furthermore, fail to conserve or enhance the AONB and has an unacceptably overbearing impact on the surrounding area.
- 7.2 It is therefore considered to be contrary to Policies CS5, CS6 of the Council's Core Strategy and Policies MD2 and MD13 of the Council's SAMDev Plan and is recommended for refusal.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
MD2 - Sustainable Design
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

PREAPP/17/00554 Replacement of existing flat roof with pitched roof and erection of a single storey rear extension PREAMD 15th November 2017
SS/1973/906/P Alteration and additions to existing dwelling GRANT 1st August 1973
SS/1966/1293/P Alterations and additions to and formation of a vehicular access GRANT 6th July 1966
18/01683/FUL Erection of single storey extension to front and single storey rear extension GRANT 26th June 2018
22/02928/FUL Erection of two storey extension, roof re-modelling, cladding/facade alterations, fenestration alterations and internal layout alterations REFUSE 8th August 2022
PREAPP/22/00576 Proposed extension and alterations to existing detached dwelling. PREUDV 28th October 2022
23/00354/FUL Erection of two storey extension, roof replacement to form first floor accommodation, facade alterations, fenestration alterations and internal layout alterations PDE

11. Additional Information

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Brown Clee

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RP5A41TDLZ100>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Member

Cllr Cecilia Motley

Appendices
APPENDIX 1 - Conditions

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Brown Clee

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