
Appeal Decision

Site visit made on 15 December 2015

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 December 2015

Appeal Ref: APP/L3245/D/15/3137563

Hazeck, The Mines, Benthall, Broseley, Shropshire TF12 5QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Craven against the decision of Shropshire Council.
 - The application Ref 14/05209/FUL, dated 17 November 2014, was refused by notice dated 11 August 2015.
 - The development proposed is described as 'proposed side kitchen extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed side kitchen extension at Hazeck, The Mines, Benthall, Broseley, Shropshire TF12 5QY in accordance with the terms of the application, Ref 14/05209/FUL, dated 17 November 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Mines/01, Hazeck/Alterations/01.
 - 3) The external materials to be used in the development hereby permitted shall match in colour, form and texture those of the existing building.
 - 4) Prior to commencement of development a final Arboricultural Method Statement shall be provided to the written satisfaction of the Local Planning Authority, addressing the following items:
 - i. Site construction access
 - ii. The intensity and nature of construction activities
 - iii. Contractor's car parking
 - iv. Phasing of on-site operations
 - v. Welfare facilities (requirement and siting)
 - vi. Storage and mixing areas
 - vii. Tree Protection (barriers and ground protection)
 - viii. Tree Protection Plan (final version)
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- ix. Installation of specialist foundations if required
- x. Removal of materials, facilities, and protective measures for the final phase
- xi. Post construction tree works and landscaping
- xii. Monitoring

The development shall not be implemented unless and until item ix above - 'specialist foundations' has been expressly addressed to the written satisfaction of the Local Planning Authority, so as to ensure that the approved development is implemented without causing harm to the nearby protected Norway Spruce tree. Thereafter the development shall be implemented strictly in accordance with the approved Arboricultural Method Statement.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Broseley Conservation Area.

Reasons

3. Broseley Conservation Area is characterised by tightly built houses around the High Street, which then give way to a maze of hilly lanes winding around jumbles of brick cottages and the occasional larger house. However, since the Second World War there has been a degree of infill in the lanes and this has led to a number of more modern houses and bungalows being built in the Conservation Area. The older buildings in the conservation area are generally constructed from the locally sourced Broseley brick. The roofs are traditionally finished in locally made tile.
4. Hazeck is a modern 2 storey house, built from brick with a tile roof. There is a limited area of garden that wraps around the house, with a surfaced area to the side of the house that is used for parking. There is a large Norway Spruce tree close to the site of the proposed extension. To the rear of the house is a traditional brick and tile cottage No 48 The Mines.
5. I have carefully considered the concerns of the Council in relation to the size, design and cumulative impact of the extension. However, the proposal is set back from the principal elevations and modest in scale. Further, the contemporary lean to/monopitched roof design is simple and consistent with the local vernacular reflecting the modern design of the dwelling. Moreover, whilst I note that there is approval for other extensions to the dwelling, the addition of the proposed single storey side extension would not result in cumulative harm to the character or appearance of the Broseley Conservation Area given its modest scale.
6. Having come to the conclusions above, it follows that the proposal would preserve the character and appearance and therefore the significance of the Broseley conservation area. Consequently, the proposal would be consistent with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy 2011, which seek to ensure that development respects and complements the characteristics of the site and its surroundings; and the historic scale and context of the setting. In reaching my conclusions I have

also taken into account Policies DS2 and H3 of Broseley Town Plan: 2013 – 2026. Further, there is no conflict with the National Planning Policy Framework.

Other considerations

7. I have carefully considered the representations of interested parties in relation to overlooking, and tree protection. However, the position and orientation of the proposed windows would not be materially different from the already approved and implemented first floor Juliet balcony and therefore would not result in a material loss of privacy or overlooking.
8. In relation to the Norway Spruce tree I have carefully considered the arboricultural submissions. These demonstrate that subject to specific measures to protect the root system including the provision of specialist foundations there would not be material harm to the protected tree within its projected 10 year lifespan. Therefore, I have applied a condition to ensure that the construction of the extension is carried out in accordance with details to be agreed in writing by the Local Planning Authority to ensure the protection of the tree.
9. Concern has been expressed locally that the previous extensions have not been carried out in accordance with the approved plans and previously imposed planning conditions. However, there is no substantive evidence to suggest that those conditions are unenforceable and it is for the Local Planning Authority to ensure that proper monitoring and enforcement takes place.

Conclusion and Conditions

10. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the scheme it is necessary for materials to match those of the existing building. It is not necessary to apply a condition restricting windows or openings on the south-west facing elevation, due to the extension only being single storey and its distance from the boundary.
11. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR