

Committee and date

South Planning Committee

2 February 2016

**Development Management Report**

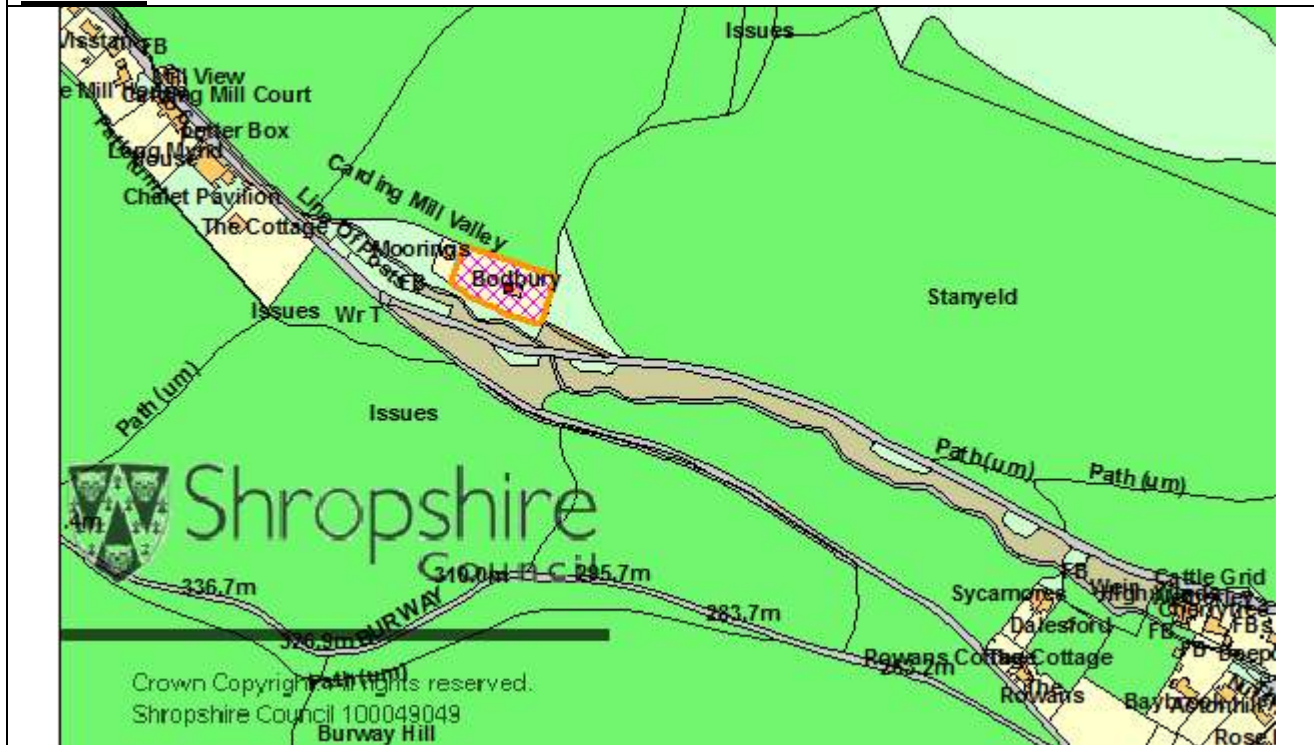
Responsible Officer: Tim Rogers

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**Summary of Application**

<b>Application Number:</b> 15/04766/FUL	<b>Parish:</b>	Church Stretton
<b>Proposal:</b> Erection of extensions to include increase in height, insertion of dormer windows and formation of bridged access at first floor level		
<b>Site Address:</b> Bodbury Cardingmill Valley Church Stretton Shropshire SY6 6JG		
<b>Applicant:</b> Mr Alex Southee		
<b>Case Officer:</b> Helen Tipton	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 344516 - 294448



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**Recommendation:- Refuse.****Recommended Reason for refusal**

Bodbury is a small detached dwelling situated in a prominent position on a hillside in the Shropshire Hills Area of Outstanding Natural Beauty and within the Church Stretton Conservation Area. The scale and height of the proposed extensions would make the existing dwelling considerably larger and more prominent. The development would greatly detract from the character and appearance of the Cardingmill Valley. It is not considered the personal circumstances put forward are sufficient to outweigh the harm identified. As a result the proposal is contrary to paragraph 115 of the NPPF, policies CS5, CS6 and CS17 of the Council's Core Strategy, policies MD2 and MD12 of the Council's Site Allocations and Management of Development and the Council's Type and Affordability of Housing Supplementary Planning Document.

**REPORT****1.0 THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of extensions to increase the size and height of the property including the insertion of dormer windows and formation of a bridged access at first floor level.
- 1.2 This is a resubmission of planning application reference 15/00739/FUL which was refused on 05<sup>th</sup> October 2015 on the basis that the size and scale of the development would unduly impact upon the Shropshire Hills AONB, Church Stretton Conservation Area and would be contrary to policies 115 of the NPPF, policies CS5, CS6 and CS17 of the Council's Core Strategy and the Council's Type and Affordability of Housing Supplementary Planning Document.
- 1.3 No alterations appear to have been made to the plans submitted since the original application, the main difference between the two applications is the submission of further justification setting out the applicants personal circumstances and needs for the level of accommodation proposed.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 Bodbury is a modest two storey dwellinghouse which nestles on the slopes of the Cardingmill Valley, Church Stretton. The property combines brick, stone and render walls with a mix of timber and uPVC windows and doors beneath a cement tiled roof. The site is outside of the development boundary for Church Stretton and therefore within a countryside location.
- 2.2 Cardingmill Valley lies within the Church Stretton Conservation Area, Shropshire Hills Area of Outstanding Natural Beauty, (AONB) and is a Site of Special Scientific Interest, (SSSI). Views up and down the valley are generally gained via vantage points provided from the road along the valley floor although many well trodden walking routes deviate around the plot including a route leading to Bodbury Hill, which is located to the rear of the dwelling.

- 2.3 The property is located to the north east side of the valley and appears isolated although there is a neighbouring dwelling situated directly to the north west of Bodbury with the boundary of the neighbouring property being some 30 or so metres away. In the distance and further north west of the plot, a number of residential properties exist which stretch along the valley floor from the National Trust Chalet Pavilion tea room and shop.
- 2.4 The Cardingmill Valley has seen development in recent times but this has taken place chiefly to the north west end where properties are grouped together and hemmed in by the tight and steep gradient. In contrast, Bodbury is a site which is considerably more isolated and set a distance away from these properties. The area where the plot is situated also differs in character to the north west end of the valley.

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

- 3.1 The Town Council have provided views contrary to the Officers recommendation and the Local Member / Chairman of the South Planning Regulatory Committee has requested that the application is considered at Committee.

### 4.0 **Community Representations**

- 4.1 - Consultee Comments

#### 4.1.1 Shropshire Council Rights of Way –

No public right of way affected.

#### 4.1.2 Shropshire Hills (AONB) –

When determining the application the local planning authority has a statutory duty to take into account the AONB designation, and in particular National Planning Policy Framework (NPPF) policies which give the highest level of protection to AONBs. The application will also need to conform to the Council's own Core Strategy policies and emerging Site Allocations and Management of Development (SAMDev) plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the AONB Partnership should not be interpreted as suggesting that the application raises no landscape issues.

#### 4.1.3 Shropshire Council Ecology –

The application and supporting documents, including the Protected Species Survey by Churton Ecology dated May 2015, have been read.

Natural England must be consulted on this application.

The application site is surrounded on three sides by the Long Mynd SSSI. Natural England must be consulted on the application. The comments of Natural England must be received and taken into account before a planning decision can legally be

made. It is recommended that measures should be proposed to prevent any building work, materials or spillages entering the SSSI or the stream running past the property and thereafter conditioned. In addition, in this sensitive location, external lighting should be strictly controlled. This should be referred to within the conditions.

Under Regulation 61 of the Conservation of Habitats and Species Regulations (2010), the proposed works will not have a likely significant effect on any internationally designated site. An Appropriate Assessment is not required.

Conditions and informatives are recommended.

#### 4.1.4 Natural England –

Have been consulted on 10 November 2015 and a follow up request for a response has since been submitted although no formal response has yet been received. It is hoped that a response will be received prior to the date of Committee.

#### 4.1.5 Historic England –

Conditions should be imposed requiring your Council's prior approval of all external details, materials and finishes, including landscape design, planting, and boundary treatments, in order to secure a development of low visual impact.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### 4.1.6 Shropshire Council Archaeology –

The proposed development site lies approximately 270m south of the designated area of the Scheduled Monument of the Bodbury Ring: a large univallate hillfort on the summit of Bodbury Hill (National Ref. 1009309).

In their consultation response of 23 November 2015, Historic England states that, whilst not opposed to the principle of development, they recommend planning conditions should be applied which require the Council's prior approval of all external details, materials and finishes, including landscape design, planting, and boundary treatments, in order to secure a development of low visual impact.

In view of Historic England's comments we raise no objection to the proposed development subject to the above advice being made a condition on any planning permission for the proposed development.

We have no further comments to make with respect to archaeological matters.

#### 4.1.7 Shropshire Council Conservation –

The proposal affects an unlisted building within the Church Stretton Conservation Area. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policy CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, emerging policy MD13 The Historic Environment of SAMDev, as well as with national policies and guidance, National Planning Policy

Framework (NPPF) published March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Whilst the building itself has limited historic or architectural merit it is relatively inconspicuous given its overall modest scale and location within its plot. The character of buildings along Carding Mill Valley is mixed from Edwardian to inter-war and post-war buildings set into spacious plots.

Many of these buildings are characterised by front facing gables and gablets as well as dormers so the insertion of dormers would be possible for this building. This would mean that the overall modest scale of the building would be retained which is important given the location of the building which is relatively rural compared to the main centre of Church Stretton, so any extensions would have to be considered with great care. A general streetscene drawing would be beneficial to compare how the remodelled building would look in comparison with the existing especially in assessing how the overall raising of the height would impact from the overall streetscene in order to fully assess whether the proposal would comply with section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. However it is unclear as to why there are two front doors, is it the applicant's intention to create two units?

The replacement of the existing red asbestos tiles with vernacular Welsh slate or plain clay tiles as stipulated in the submitted Design and Access Statement is welcomed and should generally enhance the integrity of the building as well as the overall character and setting of the conservation area.

#### 4.1.8 Church Stretton Town Council – support the application –

The design of the proposed dwelling will be an improvement on the present building.

The Carding Mill is a developed settlement with scattered dwellings of various sizes and design resulting in an eclectic mix.

A building, which is at odds with the AONB and Conservation area, is the National Trust Café and shop a little further up the lane with its bright red corrugated roof, which is highly visible from the hills above. English Heritage is asking for a “development of low visual impact”. Compared with the National Trust building and many more buildings in close proximity, this proposed dwelling will present a low profile and would not in our opinion, “detract from the character and appearance of the Carding Mill Valley”.

The house is surrounded by tall well-established trees as well as high hedges, predominantly of holly. This sets the house within its backdrop. At present this property and the neighbouring one are the least dominant in the cluster of buildings in the valley.

The proposed ridge height will be extended by 1.6m which, given the future growth of the trees and hedges would soon be hidden from view from the lane. It is difficult to see the present building while driving up to the National Trust car park.

The valley has recently been brought into the Conservation Area and as such any modifications to existing buildings should take this into account.

The applicant seems to have tried to maintain the character of the building by retaining part of the covered frontage and supporting pillars.

The present roof is already dominant in the overall design and the proposed dormer windows would break up this solidity. At the same time the present building will be upgraded to provide a more up to date and suitable accommodation. The extension to the west, balances the building.

The pink asbestos cement tiles are totally incongruous within the present setting. The new extension will have tiles, which reflect the vernacular.

The Town Council would like to see the following considered at determination:

1. The roof tiles to be of slate to tie in with the landscape.
2. The hedgerow and trees to the front of the house should not be reduced or removed.
3. The roof lights at the back of the property should be of the “conservation” or “heritage” type, presenting a low profile.
4. All external finishes should reflect the Church Stretton vernacular.
5. Because the valley has “Dark Sky status” ideally there should be no outside illumination of the building. Any lights that may be considered should be accompanied by a Light Scatter Diagram to show the potential for minimising glare to the wider countryside.
6. During construction care should be taken to protect the stream below the property from any extraneous materials entering the water.

## 4.2 - Public Comments

### 4.2.1 The Strettons Civic Society – objection

The application is to rebuild Bodbury which would convert it from a 4 bed to a 6 bedroom house.

The plans appear to be identical to those submitted for application 15/00739/FUL which was refused permission by Shropshire Council in August 2015. The Society therefore wishes to restate its objection to the application.

Bodbury is situated in the Cardingmill Valley which is the most visited part of the National Trust's Long Mynd property and is probably the most popular countryside attraction within the whole of the Shropshire Hills AONB. Tens of thousands of visitors pass by Bodbury every year so any development needs to be of the highest standard which would enhance the appearance of the AONB. The existing Bodbury is a modest dwelling which occupies a prominent position on the approach to the National Trusts Pavilion area and its outline is softened by small trees and shrubbery. It is one of only three buildings on the right hand side of the approach to the heart of the valley and is the first one to be seen. The proposal would double its size and increase the ridge height by 1.6m.

The scale and bulk in such a prominent position would be intrusive and could not be significantly screened by additional tree planting. The original character of buildings in this locality is the random distribution of industrial workplaces and modest cottages around the former mill which has not been sympathetically converted to apartments. Nor has other rebuilding and new building enhanced the appearance of the area. It is therefore all the more important that any further changes in this key area should be of the highest standard and should enhance rather than diminish the environment. The changes proposed to Bodbury would further diminish the appearance of the settlement in Cardingmill Valley and should be rejected.

#### 4.2.2 Neighbour comment –

This proposal is on a prominent site especially when viewed from the main eastern approach. It is in open countryside for policy purposes and involves substantial alterations and extension of the existing dwelling, including a new roof height 1.6m above that existing, as well as greatly extending the footprint of the dwelling. These works are tantamount to the erection of a new dwelling and should be assessed against appropriate SAMDev policies on managing new development in the countryside, including policy MD7A and paragraph 4.61.

## 5.0 THE MAIN ISSUES

Principle of development

Scale and design of extension, impact on visual amenity, Shropshire Hills AONB and Conservation Area

Residential / neighbour amenity

Personal Circumstances

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The Core Strategy, policy CS6 and CS17 seek to ensure any new development protects, restores, conserves or enhances the existing environment, whether that is the natural, built or historic environment. There is a general presumption in favour, within the development plan policy, for extensions and alterations to dwellings, provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not have any detrimental impact on the level of residential amenity or landscape in which it sits.

6.1.2 In addition, MD2 of the Site Allocations and Management of Development (SAMDev) Plan advises that, for a development proposal to be considered acceptable it is required to contribute to and respect locally distinctive or valued character and existing amenity value by:

- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of

movement; and;

ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion.

## 6.2 **Scale and design of extension, impact on visual amenity, Shropshire Hills AONB and Conservation Area**

6.2.1 As stated at para 1.3 above, the scheme subject to this application puts forward no material alterations or amendments to the extensions proposed and as refused under the original application 15/00739/FUL.

6.2.2 Core Strategy Policies CS6, CS17 and SAMDev policies MD3 and MD12, (which support CS17), require development to protect, restore, conserve and enhance the natural, built and historic environment, taking into account the local context and character and those features which contribute to it. This is consistent with NPPF objectives to reinforce local distinctiveness and safeguard heritage assets and protected landscapes. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also states that local planning authorities should pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6.2.3 Bodbury has seen a gradual progression of alteration over many years since its small chalet style beginnings. The property is modest in its current form but the proposed alterations will see the current character of the property changed out of all recognition. It is considered that the resulting height and overall scale will have a detrimental impact on the distinctiveness and visual importance of this part of the Cardingmill Valley.

6.2.4 Although there are a number of trees surrounding the dwelling, many of these are deciduous and, due to the isolated location, the site becomes more open and conspicuous during the winter months. The terrain in this part of the valley is steep but has a softer, gentle appearance with the slopes of the valley undulating down towards the property. This draws the eye towards it and gives prominence to the location where it will be clearly in view, particularly from a north easterly position when climbing Bodbury Hill. The property can also be seen from a longer range view when looking over from the Burway. The extensions, as a result of the alterations to the scale and form of the existing property, would increase the prominence of the dwelling within its setting. Having specific regard to the Conservation Area and the AONB, it is considered that this proposal would harm the generally open character and scenic quality of the wider landscape setting. Although the property lies within a spacious plot, this alone is not normally a suitable reason to justify the provision of large extensions. The scheme as proposed is considered to conflict with the main aims of Core Strategy CS6, which requires development to be appropriate in scale, density, pattern and design and is against that set out in SAMDev policy MD2, as mentioned in section 6.1.2 above.



#### 6.4 Residential / neighbour amenity

- 6.4.1 The separation between Bodbury and the bordering property at the north western boundary is generous and relatively well screened. The proposed development would, not therefore, cause demonstrable harm to the neighbouring property although there may be some inevitable disruption during the construction phase which would not be a sustainable reason for refusal. It is not considered that the proposal would create overlooking and, as such, is considered that residential amenity would not be adversely affected.

#### 6.5 Personal Circumstances

- 6.5.1 The additional information submitted with this application advised that the owner / occupier of Bodbury (the applicant's father) currently lives alone and has a number of mobility restrictions and health issues. The applicant's family wish to move into Bodbury to help with his day to day living. It is also understood that the applicants' wife has mobility issues and the enlarged property is proposed to cater to the needs of both the current occupier and that of the applicant's wife. Whilst the personal circumstances of the current occupier and family are acknowledged it is also noted that normally the personal circumstances of an individual or individuals are not significant material planning factors in determining an application. In this case on balance, it is considered that the justification put forward is not sufficient to outweigh the visual detriment to the Shropshire Hills AONB and Conservation Area.

#### 7.0 CONCLUSION

- 7.1 The proposed extensions by reason of the resulting height and scale are considered to be excessive and fail to be subsidiary additions which respect the original form and character of the existing dwelling. The resulting proposal would be prominent in the area and would not preserve or enhance the character and natural beauty of this part of the Shropshire Hills AONB or the character and appearance of the Conservation Area and AONB. Although there are personal circumstances which have been asked to be taken into consideration, on balance these do not outweigh the harm that the proposals will have on the location. Refusal of the application is therefore recommended.

#### 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 Policy:

Contact: Tim Rogers (01743) 258773

National Planning Policy Framework  
National Planning Practice Guidance

Core Strategy  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks

SPD Type and Affordability of Housing

Site Allocations and Management of Development (SAMDev)  
MD2 - Sustainable Design  
MD12 – Natural Environment  
MD13 – Historic Environment

RELEVANT PLANNING HISTORY:

15/00739/FUL Erection of extensions to include increase in height, insertion of dormer windows and formation of bridged access at first floor level REFUSE 5th August 2015

SS/1/7268/P/ Erection of an extension to form verandah, new summerhouse detached garage, greenhouse and replacement workshop. PERCON 21st November 1996

11. **Additional Information**

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NX96EOTDIZ600>

<b>List of Background Papers</b>
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member</b> Cllr. Lee Chapman Cllr David Evans
<b>Appendices</b> APPENDIX 1 - Informatives

## **APPENDIX 1**

### **Informatives**

1. In arriving at this decision the Council has endeavoured to work with the applicant in a positive and proactive manner, as required by Paragraph 187 of the National Planning Policy Framework, by explaining the relevant planning policy considerations during the course of determination. However, it has not been possible to reach agreement on the issue and, as it stands, the proposal is considered contrary to policy for the reasons set out above.