

Appeal Decision

Site visit made on 24 January 2017

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 07 March 2017

Appeal Ref: APP/L3245/W/16/3160940

High Fawr Cottage, Old Racecourse Road, Oswestry, Shropshire SY10 7PJ

- 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 Mrs J Davies against the decision of Shropshire Council.
 - The application Ref 16/01719/FUL, dated 18 April 2016, was refused by notice dated 20 June 2016.
 - The development proposed is demolition of existing 3 bedroom 2 storey cottage and construction of 3 bedroom replacement dwelling with associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area, having particular regard to the scale and external appearance of the new dwelling.

Reasons

3. The appeal site comprises a detached, extended 2 storey property, with numerous low-rise outbuildings. It is surrounded by open countryside with an area of woodland to the side and is accessed by a long driveway from the B4580. Whilst set back from the road, it is in an elevated position and glimpses of the property from the road can be observed. The area within the vicinity of the site is characterised by similar isolated, cottage style properties surrounded by open fields.
 4. There is no dispute between the parties that the site is located within the open countryside for planning policy purposes. Policy MD7a of the Site Allocations and Management of Development Plan (SAMDev Plan) relates to management of housing development in the countryside. In respect of replacement dwellings the policy requires the dwelling to be replaced to be a permanent structure with an established continuing residential use. Furthermore, the replacement dwelling should not be materially larger than the dwelling that it is intended to replace, and should occupy the same footprint, unless it can be demonstrated why this should not be the case. This is to limit the tendency towards the provision of larger dwellings in the countryside and to maintain a mix of dwelling types. The supporting text to the policy also states that the control of replacement of dwellings in the countryside needs to be considered
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in conjunction with the visual, heritage loss and other impacts associated with proposals.

5. The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) provides further guidance in respect of replacement dwellings and advises that it is important to maintain and provide an appropriate stock of smaller, lower cost, market dwellings. With this objective in mind, the SPD states that the size of any replacement dwellings in the countryside should be controlled. It states that regard will be had to the visual impact of the replacement dwelling and the need to ensure the development is sympathetic to the character and appearance of the original building and the area taking account of the bulk, scale, height and external appearance of the resultant dwelling.
6. Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy (CS) requires, amongst other matters, for development to protect, restore, conserve and enhance the natural, built and historic environment and is appropriate in scale, density and design and takes account of the local context and character, and those features which contribute to local character. SAMDev Plan Policy MD2 has similar objectives.
7. The appellant has drawn my attention to a number of policies which she considers are of relevance to the appeal proposal. CS Policy CS5 relates to the countryside and the Green Belt and amongst other matters allows for development proposals on appropriate sites which maintain and enhance countryside vitality and character and where they improve the sustainability of rural communities by bringing local economic and community benefits. CS Policy CS17 requires development to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and contribute to local distinctiveness. SAMDev Plan Policy MD3 is also considered of relevance and this policy recognises the importance of, and supports the provision of residential development on windfall sites, both within the settlements and the open countryside.
8. There is no dispute between the parties that the dwelling upon the site is a permanent structure with established continuing residential use. The proposal would be sited on a similar footprint to the existing and the Council has not raised this as a matter for concern. On the basis of the evidence before me, there is no dispute that the principle of a new dwelling upon the site is acceptable.
9. The existing dwelling has a floor space of 80 square metres; the new dwelling would have a floor space of 136 square metres. This equates to a 70% increase in size. The proposed ridge height would be 7.6 metres, compared to the existing dwelling's ridge height of 6.5 metres. The drawings show that the length and width of the new dwelling would be much larger than the existing. Taking these matters into account, this would represent a material increase in the size of the dwelling when compared with the existing situation. The new dwelling would appear much larger in scale, height and bulk when compared with the more modest proportions of the existing dwelling. If I take the existing outbuildings into consideration as suggested by the appellant, the increase in floor space would reduce to 23%. However, the resultant dwelling would be of a significantly greater scale, height and bulk to the existing situation. Its external appearance would be significantly different to the

- modest proportions of the existing dwelling and the low-rise detached outbuildings. The resultant dwelling would be materially larger than the existing situation in both scenarios.
10. Furthermore, the new dwelling's scale and external appearance with continuous ridge height, would be incongruous with the established character of the area. It would result in a significantly greater built intrusion into this area of countryside compared to the existing situation. The proposed and existing landscaping in the vicinity of the site would not mitigate this impact.
 11. The appellant submits that the existing dwelling on the site does not comprise a smaller, lower cost dwelling because of the site's location and the land associated with it. In order to make the dwelling habitable, expensive renovation works would be required. Whilst I have not been provided with a valuation of the existing property or details of the costs to renovate the property, I have no reason to doubt the appellant in respect of these matters.
 12. However, the purpose of SAMDev Plan Policy MD7a is to restrict the size of replacement dwellings to protect the character and appearance of the area, as well as limiting the provision of larger dwellings in the countryside and maintaining a mix of dwelling types. For the reasons given, the new dwelling would be materially larger than the existing situation and would result in harm to the character and appearance of the area. The appellant's submissions do not justify the proposal, or outweigh the harm that I have identified.
 13. I have had regard to the appellant's assertion that the proposal would comply with paragraph 60 of the National Planning Policy Framework (the Framework). Whilst this advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes, it also advises that it is proper for planning policies and decisions to seek to promote local distinctiveness. For the reasons given, the proposal would not promote local distinctiveness.
 14. There is reference to a possible fall-back position in relation to the construction of an extension to High Fawr Cottage under permitted development rights. However, in the absence of any detailed information upon this issue it has limited weight in my overall Decision.
 15. The appellant has drawn my attention to a replacement dwelling in the locality that the Council granted planning permission for (Ref 12/03031/FUL). It is asserted that this was 84% larger than the original dwelling. I have not been provided with detailed drawings of this case and as such I am unable to determine whether or not it is directly comparable to that before me. In any event, each application and appeal should be determined on its individual merits and this is the approach that I have taken in my consideration of this appeal.
 16. In light of the foregoing I conclude that the proposal would result in a dwelling in this area of countryside that would be materially larger than the existing property. The scale and external appearance of the proposal would result in an incongruous development which would be visually intrusive and harmful to the character and appearance of this area of countryside. This would conflict with the objectives of SAMDev Plan Policies MD7a and MD2, and CS Policies CS5, CS6 and CS17 which together seek development that respects, maintains and enhances the character of the countryside, the built environment and the local context. The proposal would also not comply with the guidance in the SPD in

relation to the need to ensure the development is sympathetic to the character and appearance of the original building and the area taking account of the bulk, scale, height and external appearance of the resultant dwelling.

Other Matters

17. The appellant considers that the proposal complies with Policy MD3 of the SAMDev Plan. This policy allows for windfall sites to be developed on the basis that the proposal comprises sustainable housing development.
18. Sustainable development is identified by paragraph 7 of the Framework as having 3 dimensions: economic, social and environmental. There would be likely to be economic and social benefits associated with the proposal including the provision of construction jobs, and the support the intended future occupiers of the dwelling would give to local services and facilities. However, given the nature of the proposal for 1 dwelling, and that support for local services would be unlikely to be materially different to that which has existed in respect of the existing property on the site, such benefits would be limited.
19. For the reasons given, harm would be caused to the character and appearance of the area. This harm would be significant and would result in conflict with the environmental role of sustainability which seeks to protect and enhance our natural, built and historic environment.
20. Paragraph 8 of the Framework makes it clear that the three roles of sustainability should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. In light of my findings above, this would not be achieved in this case. I therefore conclude that the proposal would not comprise sustainable development. This would result in conflict with the Framework and the development plan. The proposal would not comprise sustainable housing development under SAMDev Plan Policy MD3.

Conclusion

21. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR