

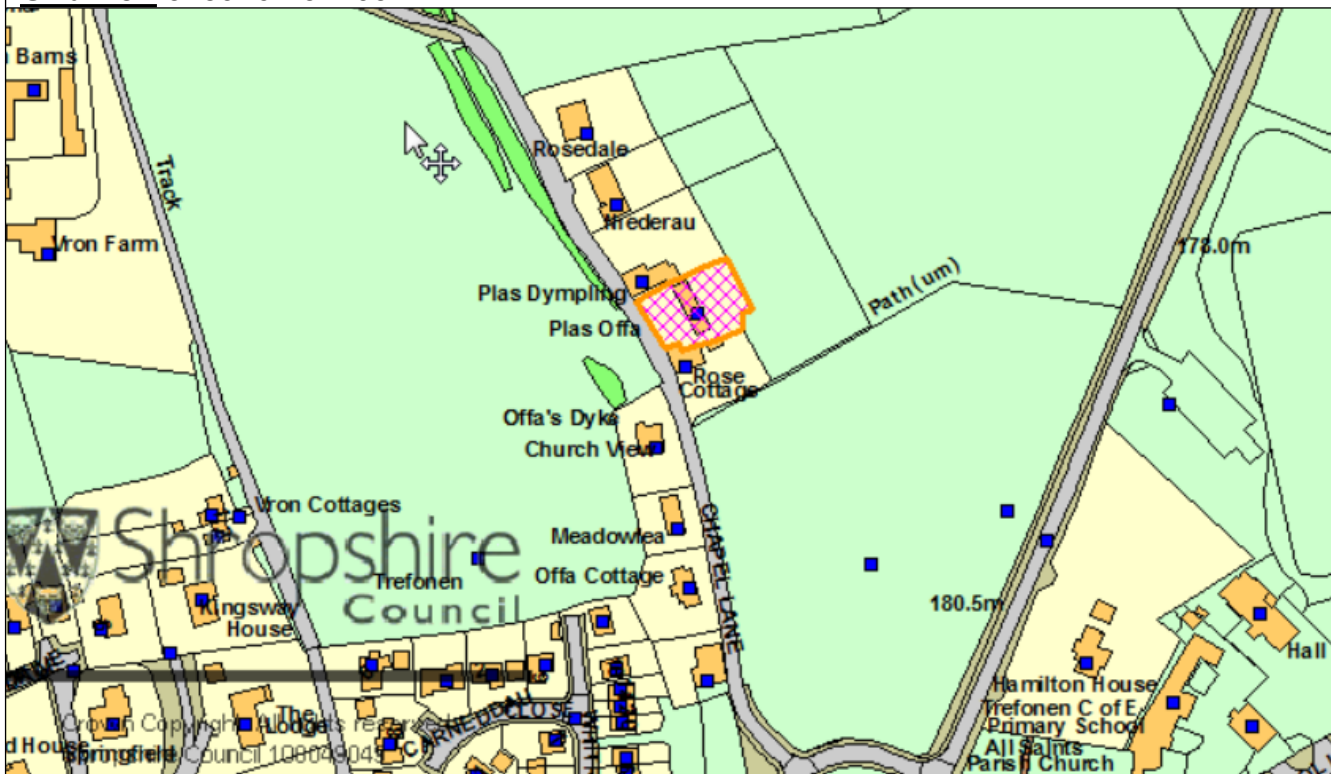
Development Management Report

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Summary of Application

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|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------|
| Application Number: 17/01740/FUL | Parish: | Oswestry Rural |
| Proposal: Erection of part single storey part two storey rear extension to include a Juliet balcony | | |
| Site Address: Plas Offa Cottage Chapel Lane Trefonen SY10 9DX | | |
| Applicant: Mr & Mrs Ellis | | |
| Case Officer: Janet Davies | email: planningdmnw@shropshire.gov.uk | |

Grid Ref: 325976 - 327032



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Recommendation:- Refuse

Recommended Reason for refusal

1. The proposed extensions and alterations are deemed to be inappropriate in their excessive and overbearing scale and domestic design and in terms of their impact on the existing agricultural character of the converted outbuilding, which is deemed to be a non-designated heritage asset. Furthermore, the application is lacking required detail in relation to ecology and in the absence of this information it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

The proposal is therefore considered to conflict with the relevant planning policy framework as set down within Core Strategy Policies CS5, CS6, CS17 and SAMDev Policies MD2, MD7a, MD12 and MD13.

REPORT**1.0 THE PROPOSAL**

1.1 The application seeks full planning consent for the erection of a part single-storey, part two storey rear extension to include a Juliet balcony at Plas Offa Cottage, Chapel Lane, Trefonen.

2.0 SITE LOCATION/DESCRIPTION

2.1 Plas Offa Cottage is a stone dwelling located along Chapel Lane at the edge of the village of Trefonen.

2.2 The building is a converted outbuilding forming part of a small former farmstead and is of typically linear footprint with a later single storey, flat roofed integral garage attached at its south east end.

2.3 The original application for conversion was approved in 2009 at which stage permitted development rights in relation to alterations and extensions were removed by way of condition. Despite alterations having been carried out to facilitate the original conversion the existing building retains elements of its original historic appearance including the characteristically sparse number and random arrangement of fenestration on its front elevation.

2.4 To the north of the property is a detached property, Plas Dympling, which also appears to be a former agricultural building, whilst to the south is Rose Cottage. The site curtilage backs onto open fields. There are also open fields to the west, on the other side of Chapel Lane. Unlike the properties either side which are located gable end facing onto the lane the cottage is set back from the lane behind stone boundary walls and a front yard. The scheduled monument, Offa's Dyke, runs close by the application site to the west.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council are in support of the application contrary to the views of officers and the ward member has requested that the application be considered by planning committee. At the agenda setting meeting the Chair and Vice Chair, in discussion with officers on behalf of the Planning Services

Manager, agreed that material planning considerations had been raised and that there were a number of reasons the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 **SC Conservation** – it is considered that the proposal is not acceptable and that revisions should be made to bring the proposal into line with policy. Further details are contained within section 6.3 below on heritage issues.

4.1.2 **SC Archaeology** – No objection subject to condition requiring notification prior to development commencing and reasonable access to monitor ground works and record archaeological evidence as appropriate.

4.1.3 **Historic England** – no objection to the application on archaeological grounds. Plas Offa Cottage, Trefonen is within the setting of Offa's Dyke scheduled monument (National Heritage List for England UID: 1006262). Given that the proposed extension is to the rear of the property facing away from the Dyke, and is lower in height than the existing building, it is considered that there will be limited visibility of it from the monument and Chapel Lane. Although it will be visible in more distant views of the monument, within such views it will be read in the context of the village setting. As such this development will have a negligible impact on the significance of Offa's Dyke through development within its setting. The views of the local authority's Conservation Officer should be sought and taken into account regarding the historic built form and fabric of the cottage and its surroundings, and the archaeological advisers views sought and taken into account regarding undesignated archaeological remains.

4.1.4 **SC Ecology** – Objection - Additional information is required relating to bats and great crested newts. In the absence of this additional information refusal is recommended since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

4.2 - Public Comments

4.2.1 At the meeting of Oswestry Rural Parish Council held on 16 May 2017 it was resolved to support the application.

5.0 THE MAIN ISSUES

- Principle of Development
- Details of Proposal
- Heritage
- Amenity
- Archaeology
- Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.2 Paragraph 135 of the NPPF and local policy MD13 are relevant to the

consideration of this application along with Core Strategy policies CS5 (Countryside and Greenbelt), CS6 (Sustainable Design and Development) and CS17 (Environmental Networks). SAMDEV policies MD2 (Sustainable Design) and MD7a (Managing Housing Development in the countryside) are also applicable together with national policies and guidance including Section 12 of the National Planning Policy Framework (NPPF), published March 2012.

- 6.1.3 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles. It seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design to its local context. New development is also required to safeguard residential and local amenity.
- 6.1.4 Policy MD2 of the Council's adopted SAMDev Plan similarly requires development to contribute to and respect local distinctive or valued character and existing amenity value.
- 6.1.5 Given the date, association and group value, the buildings are considered to be non-designated heritage assets as defined in annex 2 of the NPPF.
- 6.1.6 SAMDev policy MD7a states that *'the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character'*.
- 6.1.7 In addition to this policy CS5 also states that conversions will only be acceptable where respect for the heritage asset is achieved, with the Type and Affordability of Housing SPD requiring that buildings subject to conversion should be of substantial and permanent construction such that extensive rebuilding is not required, and are of local significance and add value to the landscape.
- 6.1.8 This is generally more applicable when the building is initially converted, however, it sets the tone of ensuring the character of the farm buildings is not irrevocably changed through alteration or extension after the point of initial conversion to residential.
- 6.1.9 Policy CS17 'Environmental Networks' requires that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological or heritage values of these assets, their immediate surroundings or connecting corridors.
- 6.1.10 MD13 'Historic Environment' seeks to ensure that wherever possible, proposals avoid harm or loss of significance to designated heritage assets including their settings.
- 6.1.11 MD12 'Natural Environment' aims to ensure the avoidance of harm to

Shropshire's natural assets, including among other things priority species and habitats, and their conservation, enhancement and restoration.

6.2 **Details of Proposal**

- 6.2.1 The proposed scheme comprises part single storey part two storey extension to be attached to the rear elevation of the property, in place of an existing smaller single storey extension of monopitch form.
- 6.2.2 The proposed two storey extension is shown towards the southern end of the rear elevation to match the ridge height of the existing dwelling. A single storey lean to section is proposed to be attached to its north side elevation whilst an additional smaller pitched roof extension is shown attached to the south elevation.
- 6.2.3 The extended property (including the garage) is measured as being around 177sq metres in floorspace as opposed to the existing house and garage which is calculated to measure approximately 94 square metres. Therefore the proposal would virtually double the existing amount of floorspace.
- 6.2.4 In terms of the proposed fenestration the rear and north elevations are almost entirely glazed at ground floor in vertical sections. A Juliet balcony is included within the upper rear elevation. A total of 5 rooflight are proposed to be installed within the north elevation and one within the south elevation.
- 6.2.5 Two new windows are also shown within the front elevation together with a pitched roof porch over the relocated front door which would result in a more symmetrical arrangement.
- 6.2.6 Proposed materials are to include through coloured render on its lower section with horizontal timber cladding above and on the single storey side extension. The single storey extension on the north side is to be rendered.
- 6.2.7 The proposed new accommodation is to provide kitchen/ family and dining room, play room and utility at ground floor and an additional bedroom, dressing room and en-suite above.
- ## 6.3 **Heritage**
- 6.3.1 Given the date, association and group value, the Council's Conservation Officer is of the view the application building and the buildings either side are non-designated heritage assets as defined in annex 2 of the NPPF.
- 6.3.2 Plas Offa Cottage was identified within the Historic Farmsteads Characterisation Project, 2008 and the information taken largely from the digital version of the c.1900 OS large scale mapping. Plas Offa Cottage farmstead was described as "*L-Plan. Additional Plan Details: None. Date Evidence from Farmhouse: 19th Century. Date Evidence from Working Building(s): None. Position of Farmhouse: Attached to agricultural range. Farmstead Location: Hamlet. Survival: Extant - No apparent alteration.*" The study acknowledges that the range of buildings did appear to have been converted to residential.

- 6.3.3 In the context of the farm building conversion the proposed extension is considered to be excessive in scale and overbearing and officers have expressed their view that it should be reduced in size and revisions made to bring the proposal into line with policy.
- 6.3.4 The number of new windows openings and the introduction of the proposed Juliet balcony is deemed to be alien to the character of a converted farm building. The proposed alteration to the front elevation, which includes additional openings and the relocated front door and porch, are also an issue of concern since these are considered to be inappropriate, domestic additions to the former farm building. It is considered that the effect would be to change the visual appearance from that of a converted farm building to a domestic dwelling, thereby losing the existing agricultural character.
- 6.3.5 Officers are receptive to the principle of extension to the property and have indicated to the agent their willingness to negotiate over the scale and design of the proposal.
- 6.3.6 It has been suggested to the agent that as the area now being used as garaging could be incorporated into the dwelling to provide additional accommodation. Although it would appear that this element has been rebuilt and altered from that of the structure shown on the historic mapping it is considered it could be rebuilt to better enhance the character of Plas Offa Cottage.
- 6.3.7 It has also been suggested that the proposed extension should be subservient to the existing building i.e. the roofline set down and the front wall set back and that should a first floor be added, that this would require the rear wall to be brought in to keep the roof pitch the same as the existing building. A continuation of a catslide type roof off the back of this alternative extension could also be acceptable, along with some re-ordering of how the existing interior rooms are used which could enable better use of the more historic layout of the building. Any garage or store could potentially be accommodated at the side, set back from the frontage.
- 6.4 **Amenity**
- 6.4.1 The properties either side, Plas Dympling to the north west and Rose Cottage to the south east, are located further forward in their plots away from the proposed site of the rear extension and the proposed two storey extension, whilst large, is considered unlikely to result in any loss of existing residential amenity to an unacceptable extent.
- 6.5 **Archaeology**
- 6.5.1 The proposed developed site is located c.20m east of the Scheduled Monument of Offa's Dyke as identified within the National Heritage List (ref. 1006262).
- 6.5.2 The Council's Archaeologist has observed that the site has already been at least partially disturbed through the construction of the existing dwelling and extension. However, given its location in relation to the Dyke, there remains very low potential for archaeological remains associated with it to be present.

- 6.5.3 With regard to the setting of the Scheduled Monument, and in relation to Paragraph 132 of the NPPF and MD 13 of the Local Plan, it is understood that the proposed extension will replace the existing rear single storey extension. Whilst the proposed replacement extension will be partially two storey, it will not exceed the ridgeline of the existing dwelling. It is considered that it will have, at most, very limited visibility when viewed from the monument, or in views towards it from Chapel Lane or from the north, south or west. It will be visible in distant views towards the monument from the east, for example from the Oswestry Road, but it is considered that it will be read in the context of the existing building. Taking into account the other 19th and 20th century development within the immediate vicinity, the Council's Archaeologist is of the opinion the impact on the setting of the Scheduled Monument will be negligible and will not therefore result in any harm to its significance.
- 6.5.4 In view of the limited archaeological potential of the proposed development site, it is recommended that an archaeological inspection of the ground works for the proposed development be made a condition of any planning permission for the proposed development as follows:
- 6.5.5 *'No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.'*
- 6.6 **Ecology**
- 6.6.1 The Council's Planning Ecologist has provided consultation comments to the effect that additional information is required relating to bats and great crested newts. In the absence of this information refusal is recommended since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).
- 6.6.2 A small pond (SJ 26237 27095) is noted to be located approximately 222 metres to the north west of the application site, and deemed to be within the 250m buffer for Great Crested Newt (GCN) surveys.
- 6.6.3 Ecology records and the most recent aerial photos indicated there to be a pond in the back garden of Rosedale, 3 properties to the north at about 63m from the red line boundary. A GCN record is located within a 100m square, overlapping this pond. In 2013 there was a planning application (13/01025/FUL) for a site adjacent to Rosedale when a medium population of GCNs was found.
- 6.6.4 Checks are required to be carried out for GCN, and the impacts of the development assessed, providing mitigation, compensation and enhancement recommendations as appropriate and identifying the need or otherwise for a European Protected Species mitigation licence.
- 6.6.5 Recommendations would need to be made as to whether a European Protected Species Licence with respect to Great Crested Newts would be

necessary and the need for a mitigation scheme and/or precautionary method statement.

- 6.6.6 The more distant pond to the north west (over 200m) may also require surveying and potentially reasonable avoidance measures (RAMS) may be required.
- 6.6.7 In view of the fact that the roof space is being affected, the application meets the trigger point for requiring a bat survey since it involves modification conversion, demolition or removal of buildings and structures (especially roof voids) involving the following: Pre-1960 detached buildings and structures within 200m of woodland and/or water. Therefore a bat survey has been requested.
- 6.6.8 A Preliminary Roost Assessment is required including a thorough internal and external inspection of the building and an assessment of the potential for bat roosts to be present and recommendations made regarding the need for additional surveys and/or precautionary methods of working. A Preliminary Roost Assessment would also need to record any evidence of nesting wild birds or barn owls.
- 6.6.9 A Presence/Absence Survey would need to be carried out in all cases where the Preliminary Roost Assessment finds evidence of bats, potential for bats or where a complete and thorough inspection cannot be carried out. This would allow the surveyor to consider the need for mitigation, enhancements and compensation, to assess the likelihood of an offence being committed and to make a decision as to the need for a European Protected Species Mitigation Licence from Natural England.
- 6.6.10 A Roost Characterisation Survey is required to be carried out in cases where an offence is considered likely to occur, where mitigation is required and where a European Protected Species Mitigation Licence from Natural England will be required. This is intended to establish number of bats in the colony, access points used, temperature and humidity regime in the roost, aspect and orientation of the roost, size and perching points, lighting and a surrounding habitat assessment.

7.0 CONCLUSION

- 7.1 The proposed extensions and alterations are deemed to be inappropriate in their excessive and overbearing scale and domestic design and in terms of their impact on the existing agricultural character of the converted outbuilding, which is deemed to be a non-designated heritage asset. Furthermore, the application is lacking required detail in relation to ecology and In the absence of this information it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).
- 7.2 The proposal is therefore considered to conflict with the relevant planning policy framework as set down within Core Strategy Policies CS5, CS6, CS17 and SAMDev Policies MD2, MD7a, MD12 and MD13.

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

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Relevant planning history:

OS/93/8474/FUL Conversion of outbuilding to dwelling GRANT 21st December 1993

OS/93/8475/FUL Proposed kitchen extension GRANT 6th December 1993

11. ADDITIONAL INFORMATION

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| 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) Cllr R. Macey |
| Local Member Cllr Joyce Barrow |
| Appendices None |