



Appeal Decision

Site visit made on 31 July 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 25th August 2017

Appeal Ref: APP/L3245/W/17/3174239

The Bungalow, Wood Lane, Hinstock, Market Drayton TF9 2TA

- 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 Barbara Costello against the decision of Shropshire Council.
 - The application Ref 16/05095/FUL, dated 5 November 2016, was refused by notice dated 2 March 2017.
 - The development proposed is a replacement dwelling, including detached garage, new drainage system and demolition of existing bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the Council's consideration of the application, amended plans were submitted. The appellant confirms that the decision was made based on these plans and the Council has not disputed this. Accordingly, I have determined the appeal based on these amended plans.

Main Issues

3. The main issues in this appeal are the effect of the development on the character and appearance of the area and the effect of the development on the provision of the type and mix of housing in the locality.

Reasons

Character and appearance

4. The existing dwelling is a single-storey, detached bungalow located within the open countryside. The site lies adjacent to a number of agricultural type buildings to the north. To the south and west are open fields, with the nearest neighbour being a short distance to the south. Further to the south is the village of Hinstock, which comprises a variety of dwellings, including several bungalows within proximity of the site. To the east is Wood Lane, which has sparsely scattered dwellings along this stretch of it, including a range of single-storey and two-storey dwellings.
5. The existing dwelling is relatively small and is of a simple design. The appellant confirms that it has a floor area of approximately 75 sqm. The proposed replacement dwelling would sit on roughly the same foot print as the existing dwelling, albeit set slightly further back from the road. It would have a floor area of approximately 154 sqm and would be two-storey in height.

6. Policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015 states that replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case.
7. The Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD) 2012 also provides guidance with regard to replacement dwellings in the open countryside, emphasising the need for replacement dwellings to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling and be sympathetic to the size, mass, character and appearance of the original building.
8. Following the submission of the appeal, the Council confirm that prior approval has been granted for extensions to the dwelling¹. The evidence submitted by the appellant, indicates that the lawful scheme would increase the dwelling to 187 sqm. However, this appears to be in reference to a scheme that differs to that granted prior approval. There is no confirmation as to what the floor space of the lawful scheme would be. The appellant submits that if the existing dwelling is extended under permitted development rights it would result in a significant increase in the overall floor area of the dwelling. I accept this position. The lawful scheme is a fall-back position which is a significant material consideration in my determination of the appeal, a view which Inspectors have shared in previous appeals referred to me by the appellant².
9. The lawful scheme would comprise two extensions on either side of the existing dwelling. It is not clear from the evidence before me what the elevational details of the scheme comprise. The details submitted by the appellant indicate a different scheme to that granted prior approval by the Council. Taking the Council's plans, as they are the most recently submitted, the extensions would be approximately the same width and depth as each other and would undoubtedly be single-storey.
10. Notwithstanding the lack of elevational details regarding the lawful scheme, I do not consider that the replacement of the existing modest single-storey dwelling, even with the lawful scheme implemented, with a two-storey dwelling would have a positive effect on the character and appearance of the area. The low profile of the existing dwelling is partly screened from the adjacent road by the hedge and sits comfortably within the context of the surrounding built-form including the neighbouring bungalow and outbuildings.
11. The proposed two-storey dwelling would rise substantially above the hedge and would be dominant in views when travelling along Wood Lane. The considerable increase in height would significantly diminish the openness of the site and the general area. Whilst the lawful scheme would increase the footprint of the existing building I do not consider that it would be more visually dominant or harmful than the proposed two-storey dwelling. Moreover, whilst the resultant dwelling may appear less coherent than the proposed dwelling I do not consider that this outweighs the harm the proposed dwelling would have on the openness of the area.
12. Moreover, the proposal also appears to increase the size of the private amenity space associated with the existing dwelling. I noted during my site visit that there was no physical boundary demarcating the extent of the western and southern boundaries of the site. The lawful scheme and the planning permission that has

¹ LPA Ref 17/01872/HHE

² Appeal Refs APP/L3245/W/15/3003087 and APP/V3120/A/12/2188869

also recently been granted for a replacement 3 bedroom bungalow³, indicate a much smaller area than that proposed. The appellant confirms that this increase is to accommodate the septic tank and drainage fields. However, the increase also includes the area of land to the south of the dwelling and appears to extend further west in addition to the drainage requirements. Whilst the proposed dwelling itself would not appear to encroach into the surrounding countryside, the detached garage and domestic paraphernalia such as garden sheds, washing lines, garden furniture, etc. likely would and therefore erode the openness of the area. Consequently, this would accentuate the increase in the size of the overall development and contribute to the overall harm it would have on the openness of the area.

13. I have had regard to the Inspectors' conclusions in the appeal decisions referred to me by the appellant. Whilst I agree that the fall back is a material consideration, in this instance, I find that any harm the lawful scheme would have on the character and appearance of the area would be less than the harm the proposed dwelling would have. Furthermore, the details before me regarding the appeal schemes referred to me are limited and therefore I cannot draw any direct comparison in respect of the design of the proposal.
14. I find therefore that the dwelling would significantly harm the character and appearance of the area. As such, it would fail to accord with Policy MD7a of the SAMDev and the SPD. Furthermore, it would fail to accord with Policy MD2 of the SAMDev and Policy CS6 of the Shropshire Core Strategy (the CS) 2011, which seek to ensure that development respects the character and appearance of the area.

Type and mix of housing

15. The proposed dwelling would have less floor space than the existing dwelling if the lawful scheme was implemented. Consequently, I find that the proposal would not have an adverse effect on the type and mix of housing in the area. It would result in the loss of a small dwelling, which itself makes a valuable contribution to the housing stock in the area. However, it is likely that it would be lost in any event through the implementation of either the lawful scheme or the permitted replacement dwelling. There is no evidence to suggest that the existing dwelling falls within the definition of an affordable dwelling. Accordingly, I find that that there would not be any conflict with Policies MD2 and MD7a of the SAMDev, Policy CS6 of the CS or the SPD in this respect.

Other Matters

16. I have had regard to the energy efficiency of the existing dwelling and accept that the proposal would likely be more efficient. However, I do not find that this outweighs the harm I have identified above.

Conclusion

17. Whilst the proposal would not adversely effect on the type and mix of housing in the area, it would significantly harm the character and appearance of the area.
18. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker INSPECTOR

³ LPA Ref 17/01919/FUL