

Development Management Report

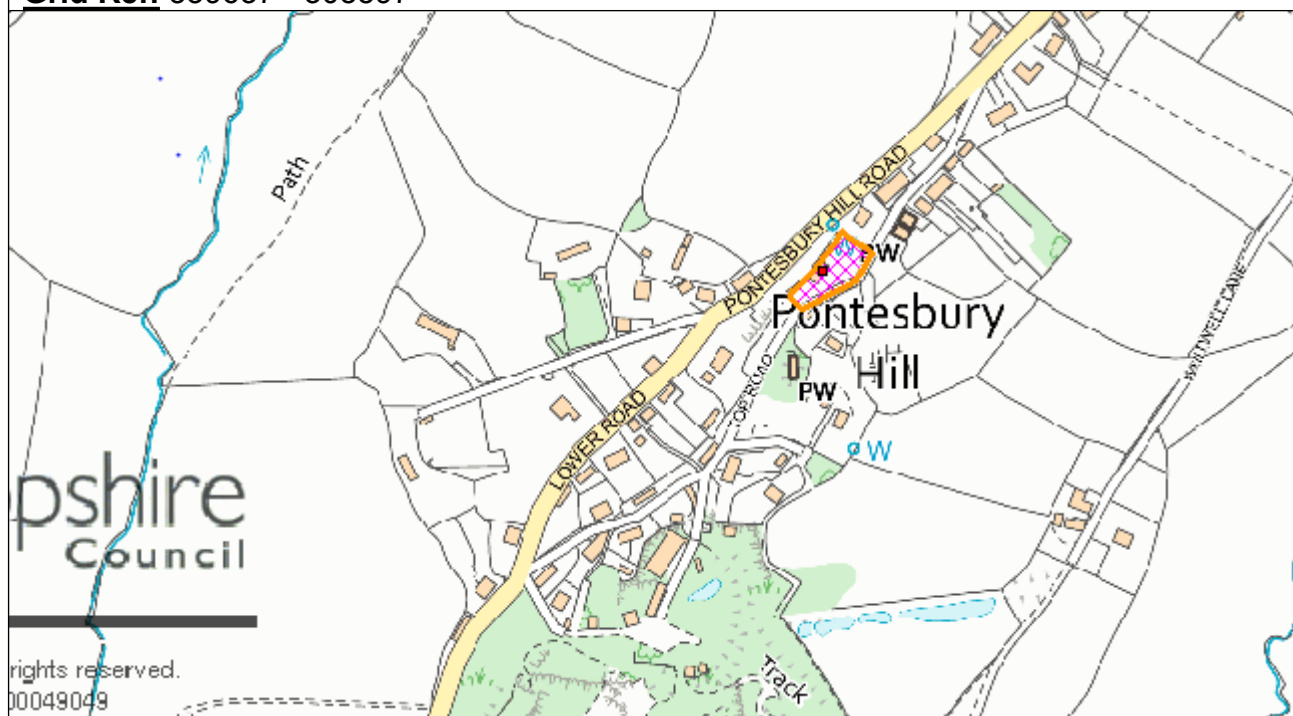
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Summary of Application

<u>Application Number:</u> 18/05095/FUL	<u>Parish:</u>	Pontesbury
<u>Proposal:</u> Erection of replacement dwelling and detached garage; formation of vehicular access		
<u>Site Address:</u> Hill Cottage Top Road Pontesbury Shrewsbury SY5 0YE		
<u>Applicant:</u> Mr Dave Edwards		
<u>Case Officer:</u> Alison Tichford	<u>email:</u> planningdmc@shropshire.gov.uk	

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Recommendation:- Refuse

Recommended Reason for refusal

1. The Local Planning Authority considers the principle of replacing the existing dwelling to be acceptable. However, the proposed replacement dwelling is materially larger and not sympathetic to the size, mass, character and appearance of the original cottage, and would introduce a large scale house type to this plot within the rural area where the maintenance of a supply of smaller, less expensive properties is the aim of adopted policy.

In addition the proposed development would have detrimental visual impact upon the local character and landscape as a result of its materially larger scale and its increased prominence in views from the west.

The proposal is therefore considered to be contrary to the requirements of Policy CS5, CS6, CS11, and CS17 of the Shropshire Core Strategy, as well as Policies MD2, MD6 and MD7a and b of the Shropshire Site Allocations and Management of Development (SAMDev) Plan, the Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD) and the overall aims and objectives in relationship to sustainable development as set out in the NPPF.

The "fall back" position is of smaller scale and not inappropriate in this location and there are no other material planning considerations that would justify a departure from adopted Development Plan policy in this case.

REPORT

1.0	THE PROPOSAL
1.1	This application proposes the demolition of an existing 2 bedroom detached dwelling plus outbuildings and its replacement with a new 4 bedroom detached dwelling and detached garage, as well as the construction of a new vehicular access.
1.2	Initial drawings indicated a proposed replacement dwelling with footprint of 166 sq.m, and total floorspace of 304 sq.m.
1.3	Revised plans were received during the course of the application following discussions with officers, and these reduced the scale of the proposed dwelling somewhat and moved the proposed double garage to a less elevated position in the plot.
1.4	The existing dwelling has a footprint of 72 sq.m, and the proposed new dwelling will have a footprint of 148 sq.m. (calculations for the dwelling only, excluding existing outbuildings and proposed double garage). The total floorspace of the existing dwelling is appx.103 sq.m plus some small eaves' storage, and the total floorspace of the proposed dwelling will be 270sq.m.
2.0	SITE LOCATION/DESCRIPTION
2.1	The existing stone-built dwelling occupies a large plot below Top Road and above Lower Road on the Pontesbury Hill Road up from Pontesbury towards the Shropshire Wildlife site at Poles Coppice.
2.2	The existing dwelling appears on historic mapping, and has undergone alterations over time, the dates of which are not clearly indicated on mapping and records, however, the main 2 storey element is representative perhaps of the original dwelling, with small extensions added to the side, and a single storey rear brick extension. 1954 mapping suggests the rear extension may have been of smaller size than currently, but given the imprecision of the information available, officers take the view in this report that the current house represents the situation in 1948 (of relevance later at 6.4 "Fall Back Position").
2.3	The site lies outside the development boundary for Pontesbury but does lie adjacent to residential properties as well as undeveloped land.
2.4	There is a modern 2 storey detached house to the north east, with land which extends around to the rear of Hill Cottage. There is a 2-storey detached farmhouse which appears on historic mapping to the south east in an elevated position above Hill Cottage and on the other side of Top Road. A single storey modern bungalow lies to the north west below and on the other side of Lower Road. There is undeveloped land immediately to the south west. To the north east lies a Wesleyan Chapel of some historic interest.
2.5	The ground level decreases by 2-3 metres across the site from east to west, and similarly from south to north.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The Parish Council has made comments in support of the revised proposal, and the Local member also supports the application. Officers recommend refusal.

	Under the Council's scheme of delegation the application therefore requires Committee consideration.
4.0	COMMUNITY REPRESENTATIONS
4.1	Consultee Response
4.1.1	SC Flood and Water Management have no objection to the proposal and have provided informative advice.
4.1.2	SC Affordable Homes have confirmed that replacement dwellings are exempt from the need to contribute to the provision of affordable housing.
4.1.3	SC Ecology provided initial advice recommending refusal without the provision of additional information. An ecology report was subsequently provided, and consultees provided further comments indicating that they were satisfied that ecology concerns could be safeguarded by the inclusion of conditions and informative advice on any grant of planning permission.
4.1.4	SC Rights of Way were consulted but had no comments to make with regard to this application.
4.1.5	SC Archaeology recommended compliance with SC Conservation advice.
4.1.6	<p>SC Conservation referred to their advice provided with regard to a previous application 18/01647/FUL which was withdrawn. In this application consultees indicated that Hill Cottage would be recognized as a non-designated heritage asset as an extant early modest built form of local materials reflecting the early settlement patterns of Pontesbury Hill, and that it had a degree of rarity value given that many of the early similar modest dwellings and outbuildings in the area have been lost. However, with consideration to information supplied by the applicant, consultees indicated that they would reluctantly not object to the cottage's demolition, provided that all buildings and the wider site were fully recorded in accordance with Historic England guidance. They sought revisions with regard to scale, massing and design to better fit the context of the site.</p> <p>With regard to the current application consultees have provided comments indicating approval of some positive changes to the previous proposal including the detached (rather than as previously, attached) garage, and a reduction in the mass of the building.</p> <p>Consultees then recommended revisions be considered to better address the context of the dwelling, including perhaps alterations to help break up the strong visual consistency of the dwelling across its front elevation, where for example one end gabled bay could be of a larger scale than the other side, or where one bay could be stepped back from the other, to build in further articulation, with the aim of reducing the potential visual dominance of the current design.</p>
4.1.7	SC Trees were consulted and have raised no objection to the application but have requested the imposition of conditions on any planning permission to ensure the protection of trees and hedges on site.
4.1.8	SC Highways have no objection to the application subject to conditions
4.2	Public Response
4.2.1	A site notice has been posted as required and 7 neighbouring properties have been advised about the proposal and 3 comments have been received as follows, generally in support of the dwelling but with some accompanying

	<p>concerns:</p> <ul style="list-style-type: none"> ☐ General support, but there is limited access and parking available and there should be no restrictions to residents movement and parking during or after construction, nor any temporary storage of material or equipment, and works should be Monday to Friday 8 – 6pm ☐ Access to the site should be between 9 and 5 to ensure that neighbours can leave their property. ☐ The driveway to Bank Farm should not be used as a turning point for vehicles as it will cause damage to garden and drive ☐ There should be no adverse impact on the public footpath running alongside the property ☐ Support – elevations indicate a design, mass and use of materials that appear to be in keeping with the character of the area and which do not over power the site or its surroundings. ☐ The site is well screened from both Top and Lower Road by trees and foliage along the boundaries ☐ Concerns that increased vehicular traffic, as well as construction traffic along Top Road will lead to further detriment to the road, which is already no longer fit for use by ordinary traffic without inconvenience and adversely impacts amenity ☐ Increased hard standing to provide for access parking and on site turning will create increased surface water run-off from the site to Top Road which will adversely impact the road's condition ☐ The proposed boundary treatments are not appropriate in this setting. The brick wall to the front boundary appears to be within the root protection area of the hedgerow and should not be detrimental to the maintenance of this hedgerow which is essential for screening and mitigating the impact of any wall in this semi-rural location. ☐ While in support of the dwelling, concern that the originally proposed position and height of the detached garage would result in a loss of light and outlook to a kitchen window at 1 Low Hill.
4.2.2	<p>Pontesbury Parish Council made initial comments of objection to the application on the grounds that it was more than a 50% increase to the existing cottage footprint which would not be in keeping with current planning policies, and that no justification had been provided to justify the departure from policy. Following the receipt of revised plans, the Parish Council commented that they were now able to support the application in view of the changes to the height, overall size and design of the gables, although they did comment that they shared the concern of neighbours regarding the loss of hedgerows.</p>

5.0	THE MAIN ISSUES
5.1	Principle of Development Planning Policy Context Review of policy on replacement dwellings in the countryside Fit of proposal with policy on replacement dwellings Fall Back Position Site suitability <ul style="list-style-type: none"> ☐ Visual Impact, Siting, Layout, Scale, and Design ☐ Residential Amenity
6.0	OFFICER APPRAISAL
	PRINCIPLE OF DEVELOPMENT
6.1.	Planning Policy Context
6.1.1.	Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant statutory requirements.
6.1.2	The revised NPPF is a material consideration in planning decisions. Paragraph 12 of the revised NPPF clearly states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted, unless material considerations in a particular case indicate that the plan should not be followed.
6.1.3	Para 11 of the revised Framework indicates that if the development plan is up to date, the presumption in favour of sustainable development is satisfied by the approval of development proposals that are in accord with it.
6.1.4	Where an application involves the provision of housing, a footnote to 11(d) explains that 11(d) includes (but is perhaps not limited to) situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous 3 years.
6.1.5	The Council is satisfied that it is currently able to demonstrate a deliverable 6.05 year housing land supply to meet the housing need through the sites identified within the SAMDev Plan and that the delivery of housing has not been below the housing requirement over the previous 3 years.
6.2	Review of policy on replacement dwellings in the countryside
6.2.1	The adopted development plan for Shropshire comprises the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. Since the adoption of the Shropshire Core Strategy (March 2011) the National Planning Policy Framework (NPPF) has been published and is a material planning consideration in planning decisions. The NPPF has been further revised (2018) since the publication of the SPD and the adoption of the SAMDev Plan (2016).
6.2.2	Policy MD1 of the SC SAMDev policy and the current settlement policies of the

	Shropshire Site Allocations and Management of development plan (SAMDev)(2015) identify Pontesbury as a key centre, but in this case, the proposed site falls outside the development boundary for Pontesbury village. In terms of policy and for the purposes of the development plan, the development site is classified as within countryside, where new open market housing would not be permitted where housing targets locally are being met, as is the case in Pontesbury..
6.2.3	Policy CS5 states that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside, and with an overarching aim of maintaining and enhancing the vitality and character of the countryside
6.2.4	Policy CS11 is closely linked with the Strategic Approach (Policy CS1) and particularly with Policies CS4 and CS5, and together these aim to ensure that the development that does take place in the rural areas is of community benefit with local needs affordable housing a priority.
6.2.5	As regards replacement dwellings, the NPPF makes comment in relation to proposals affecting the Green Belt, where para 145(d) indicates that the replacement of a building is an exception to the rule that the construction of new buildings is inappropriate in the Green Belt, provided that the new building is in the same use and not materially larger than the one it replaces.
6.2.6	SAMDev Policy MD7a, Managing Housing Development in the Countryside, indicates at 3. that replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. 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. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.
6.2.7	Explanatory para. 3.62 provides further detail as to the application of the policy. The control of replacement of dwellings in the countryside needs to be considered in conjunction with general criteria which also highlight and address visual, heritage loss and other impacts associated with proposals for replacement buildings. In the case of residential properties, there is additionally the objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside and to maintain a mix of dwelling types.
6.2.8	SAMDev Policy MD7b, general management of development in the countryside indicates that (2): proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development.
6.2.9	Explanatory para. 3.66 indicates that proposals for replacement of dwellings can significantly impact on the character of the countryside and there is a need to ensure appropriate scale, design and location of new development.
6.2.10	The Adopted Type and Affordability of Housing Supplementary Planning Document provides further detail.
6.2.11	At para. 2.20. the SPD states that the size of dwellings in the countryside can be

	of concern, as the market trend is towards providing larger and more expensive dwellings and this tends to exclude the less well-off...it is important to maintain and provide an appropriate stock of smaller, lower cost, market dwellings.
6.2.12	Para.2.22 indicates that rural replacement dwellings outside of settlements will only be permitted provided that the existing building has established and continuing residential use rights and has not been abandoned.
6.2.13	<p>Para 2.23 reiterates that proposals for replacement rural dwellings must meet CS6 and 17. Regard will also be had to the NPPF and to the following:</p> <ul style="list-style-type: none"> ☐ The visual impact of the replacement dwelling or existing dwelling plus extension on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling. ☐ A requirement to be sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling. ☐ The existing balance of housing types and tenures in the local area, and the need to maintain a supply of smaller and less expensive properties in the local area that are suitable for the needs of many newly-forming households.
6.3	Fit of proposal with policy on replacement dwellings
6.3.1	The development site falls within open countryside in policy terms but does also form part of existing residential development along a rural no through road leading from Pontesbury up to the Shropshire Wildlife Trust site at Poles Coppice. The site lies appx. 500m from the boundary of the Shropshire Hills Area of Outstanding Natural Beauty to the east, and there are extensive views from the site's elevated position across open countryside to the west.
6.3.2	Properties within the vicinity of the site vary in design and age. The property lies between Top Road and Lower Road, with both lanes being narrow single track roads at this point. The property will be accessed from Top Road which is perhaps of greater rural character, but properties along both roads are varied in design and age, with C19 Methodist church and small terraced houses, detached single storey farm houses, as well as C20 additions of varying success, including adjacent to the site to the North a simple detached brick built dwelling from the 2 nd half of the C20, and further north a modernist house of block design and stark white render. The mixture of buildings is interesting, and the existing dwelling on site with its large garden makes a significant contribution to the pleasant local character and history.
6.3.3	It seems reasonable to suppose on the basis of the information available that the original cottage was a simple squatter's cottage with room for the growing of food, and that is largely how the cottage remains today, with small extensions added to the side, and a single storey rear extension across the rear. The garden is large and has been attractive in times past although now cleared of

	some trees and plants.
6.3.4	SC Conservation and Archaeology have not raised an objection (subject to recording conditions) to the demolition of the existing property, but have recommended improvements to the proposal to better suit the context of the site. While the applicant has revised plans in response to consultee comments, conservation consultees remain concerned about the bulk and scale of the design.
6.3.5	While the existing stone building has been altered over time, it does still have an historic character in its setting, and makes a contribution to the distinctiveness of the local area. Its demolition will likely be experienced as a loss by some, and will impact upon the local street scene. However, this impact may not be so significant as to prevent demolition and policy does allow for the replacement of damaged, substandard, and inappropriate structures. The heritage impact assessment report provided finds the existing dwelling tired and not of significant heritage value, although it does not suggest the dwelling is damaged or dangerous. There has been some recent vandalism apparently which has led to some internal damage. It is accepted however, that the existing dwelling could benefit from some updating to achieve modern standards, and that the works may be of such extent that in fact demolition and replacement might be acceptable, in line with Conservation consultees advice.
6.3.6	However, policy does accept that replacement dwellings can significantly impact on the character of the countryside and that there is a need to ensure that the new development is of appropriate scale, design and location, and this is considered further below at 6.5
6.3.7	The existing dwelling was in continuous residential use until December 2016, and council tax has been paid on the dwelling since that time, and the application is considered to satisfy policy in this respect.
6.3.8	The existing property appears to have been sold for slightly more than £200,000 in 2016, and is therefore at the more affordable end of the supply of open market housing. While old fashioned and not recently modernised, the 2 bedroom property with large garden may well have been attractive to a young family, with scope to possibly modernise and extend at a later date. It seems appropriate therefore to expect any replacement dwelling to be similarly suitable for the needs of a new household of limited financial means, as suggested by policy.
6.3.9	The proposed 4 bedroom dwelling is in fact considerably larger than the existing. The existing dwelling has a footprint of 72 sq.m appx, and the proposed new dwelling will have a footprint of 148 sq.m. (calculations exclude existing outbuildings and the proposed new double garage). The total floorspace of the existing dwelling is appx.103 sq.m plus some small eaves storage, and the total floorspace of the proposed dwelling would be 270sq.m.
6.3.10	The existing maximum height of the dwelling is 5.24m, and the proposed plans indicate a dwelling with maximum height of 7.5m, with variation down to 6.8m. Such an increase in height will significantly increase the prominence of the dwelling in the local landscape, particularly in views from the west, where the cottage currently has a very low profile despite an elevated position above Lower Road. Although some of the first floor space will have limited height within the roof areas, baths are enabled in these areas with the use of dormers, and space in bedrooms will be able to accommodate storage furniture, and officers consider that all first floor space can be considered as useable space.
6.3.11	The proposed dwelling would appear then not to satisfy development plan

	<p>policy, in that its footprint and overall size will be substantially larger than the existing dwelling, with no justification for the construction of a larger dwelling other than the applicant's preference in this case, and the suggested "fall back" position, discussed further below. While the replacement dwelling will be sited in a similar position to the existing dwelling, the proposed house will not be sympathetic to the size, mass, character and appearance of the original building, and will have increased visual impact, particularly from Lower Road and in views from the west. In addition, the proposed new dwelling will not meet the policy objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside. The development would be in conflict with the policies CS5, CS6, CS11, CS17, MD2, MD7A, MD7B, the adopted Type and Affordability of Housing SPD, and the NPPF.</p>
6.4	Fall Back Position
6.4.1	<p>The applicant's agent has submitted an application for a certificate of lawful development for proposed works in which they indicate their view as to what might be constructed under permitted development legislation. (This view is also indicated on the express planning application drawings). Officers have considered this application and are satisfied that the works indicated do not all comply with the requirements of the General Permitted Development Order 2015 (as revised).</p>
6.4.2	<p>It is certainly true that there is scope for some extensions to the dwelling as well as outbuildings under permitted legislation, but the site poses physical constraints to what is possible, and the rights to extend are in any case limited under permitted development.</p>
6.4.3	<p>Officers are of the view that the maximum additions to the footprint of the house would be, taking a generous view as to permitted development rights, appx. 104 sq.m (2 x 8.2m x 5.45 single storey side extensions (following removal of existing single storey projection) – 90 sqm. appx, plus 1 x 7.3 x 2m (appx) single storey rear extension – 14.6 sqm.). With the proposed demolition of the existing single storey side projections, the total footprint would be 164 sq.m.</p>
6.4.4	<p>There is no scope for 2 storey extensions to this dwelling under permitted development, and only limited practical scope for any additions to the roof, so the total floorspace of an extended dwelling would also equate to 164 sq.m appx, although there might potentially be some additional eaves storage space available, and it would be possible to construct low single storey outbuildings to either side of the dwelling, behind the line of the principal elevation facing Top Road.</p>
6.4.5	<p>Officers consider that while any works undertaken under permitted development might have a large footprint, they would be of single storey and would be subservient in character, and more appropriate to the landscape here than the works proposed under the express planning application.</p>
6.4.6	<p>It seems unlikely, however, that were the dwelling restricted to 164 sq.m, the outbuildings envisaged would be appropriate or useful additions, and it is useful to remember that any outbuildings constructed do have to be demonstrably incidental to the enjoyment of the dwellinghouse. Incidental' purposes are generally regarded as being those connected with the running of the dwellinghouse or with the domestic or leisure activities of its occupants, as distinct from ordinary living accommodation, and it is appropriate to consider the scale of such buildings in relation to the existing building when making a decision as to whether they can actually be considered "incidental". Similarly,</p>

	use for business purposes may perhaps not be considered incidental. Appeal decisions are many and varied with regard to the scope of “incidental” and it seems likely that a practical decision is made on the particular circumstances of each case.
6.4.7	While it is true that were express planning permission to be granted rights to permitted development on the site could be removed, this would not remove the right to further express planning permission applications. The concurrent application for a certificate of lawful development for the permitted development scheme indicates that the ancilliary outbuildings would be used for a gym, home cinema, and storage/office, and only the office is provided for in the express planning application.
6.4.8	Officers consider that the proposed dwelling and double garage do not satisfy policy, and that should permitted development rights actually be used to develop the site the resulting extended dwelling (and outbuildings) would be low in height and would be more appropriate within the existing landscape, and would incidentally also be more consistent with policy aims, in being more sympathetic to the size, mass, character and appearance of the original building, and in terms of limiting the tendency towards the provision of larger dwellings in rural areas.
6.5	Visual Impact, Siting, Scale and Design
6.5.1	This aspect of the application has been considered to some extent already with regard to the policy on replacement dwellings, above, but should also be considered with regard to more general policy as to the visual impact of developments.
6.5.2	Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built, natural and historic environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and should not adversely affect the values and function of these assets.
6.5.3	<p>Policy MD2 specifically states that for a development proposal to be considered acceptable it is required to:</p> <p>Contribute to and respect locally distinctive or valued character and existing amenity value by:</p> <p>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;</p> <p>Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and</p> <p>Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and</p> <p>Enhancing, incorporating or recreating natural assets in accordance with MD12.</p>

6.5.4	<p>Shropshire Core Strategy policy CS17: Environmental Networks states that: Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development:</p> <ul style="list-style-type: none"> ☐ 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, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors; ☐ Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets ... ☐ Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites;
6.5.5	<p>SAMDev policy MD12 requires that proposals which are likely to have a significant adverse effect on visual amenity, landscape character, and local distinctiveness should only be permitted if it can be clearly demonstrated that there is no satisfactory alternative such as re-locating to an alternative site, and the social or economic benefits of the proposal outweigh the harm to the asset.</p>
6.5.6	<p>Para 2.23 of the adopted Type and Affordability of Housing SPD reiterates that proposals for replacement rural dwellings must meet CS6 and 17. Regard will also be had to the NPPF and to the following:</p> <ul style="list-style-type: none"> ☐ The visual impact of the replacement dwelling or existing dwelling plus extension on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling. ☐ A requirement to be sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling.
6.5.7	<p>The revised NPPF Para 122 advises that planning policies and decisions should support development that makes efficient use of land, while taking into account (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens).</p>
6.5.8	<p>At para 127 the revised NPPF requires decisions to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.</p>
6.5.9	<p>NPPF para 192 reiterates that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.</p>

6.5.10	NPPF para 197 indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application....a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
6.5.11	NPPF par 198 indicates that LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
6.5.12	SC Conservation and Archaeology consultees have reviewed the information provided and consider that the existing dwelling, while of historic interest, can be demolished.
6.5.13	Nevertheless, while the existing stone building has been altered over time, it does still have an historic character in its setting, and makes a contribution to the distinctiveness of the local area. Its demolition will likely be experienced as a loss by some, and will impact upon the local street scene. It is important that any replacement dwelling enhances the local built environment, and respects local character and context.
6.5.14	Conservation consultees sought alterations to the proposed design, and officers suggested the removal of one wing to the dwelling, or more single storey elements perhaps. There have been some alterations to the designs, which have produced a more interesting and articulated design, but while welcome, these have not been significant enough with regard to the height and scale of the proposed dwelling to make the proposal acceptable.
6.5.15	Plans also indicate a large elevated patio area as well as full length first floor glazing to the rear of the dwelling which would enable the enjoyment of views over the countryside to the west. The land currently falls away to the rear of the dwelling to a large shrubby area adjacent Lower Road not within the curtilage of the existing dwelling, and it seems that ground levels would have to be altered here to enable the patio. The provision of this area to the rear, as well as the first floor glazing, would add to the prominence of the enlarged dwelling in views into the site and would reduce the rural character of the road here which is presently enhanced by the shrubbery screening the low height dwelling.
6.5.16	<p>Trees consultees do not object to the application but have asked that conditions are attached to any grant of planning permission to protect trees and hedges of amenity value, and these may also offer some screening of the replacement dwelling and outbuilding.</p> <p>Neighbours and the Parish Council have raised concern with regard to proposed boundary treatments not being appropriate in this rural area, and that the proposed brick retaining wall to the front boundary appears to be within the root protection area of the hedgerow. Trees consultees have indicated that further details as to the retaining wall construction should be submitted in satisfaction of a condition on any grant of planning permission. It would also be appropriate to add a condition requiring a full landscaping plan.</p>
6.5.17	On balance, while the proposed replacement dwelling is of attractive modern design, with some scope for further improvement by the use of appropriate materials, the proposed replacement open market dwelling does not satisfy policy and is not sufficiently sympathetic to the size, mass, character and appearance of the original building it replaces. The scale of the proposed replacement dwelling would also not enhance the local built environment and would be detrimental to the local rural character and visual amenity. The development would be in conflict with the policies CS6, CS17, MD2, MD7A,

	MD7B, the adopted Type and Affordability of Housing SPD, and the NPPF.
6.6	Impact on Residential Amenity
6.6.1	Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
6.6.2	The proposed dwelling is at such distance and orientation from neighbouring properties such as that there will be no adverse overbearing, overshadowing or noise impacts.
6.6.3	Full length glazing and a Juliette balcony to the front elevation is set at such a distance and orientation from neighbouring properties as to offer no overlooking potential. First floor glazing to the rear would be a new feature in this location, and some full length glazing is proposed. The land immediately below the house belongs to the neighbouring property to the north east, and the glazing would also seem to offer views over amenity areas of dwellings to the southwest. While no objections have been raised by these neighbouring properties with regard to impact on privacy, it may be that it would be appropriate to restrict the size of this rear glazing to reduce the experience of being overlooked.
6.6.4	Local residents have raised concern about access and parking during construction works. A construction management drawing has been submitted indicating proposed materials storage and parking areas on site, but it will be appropriate to add a condition to any grant of planning permission requiring further details with regard to delivery times, traffic management, and construction times.
6.6.5	Concern was raised with regard to the footpath to the north of the property but Rights of Way consultees had no comments to make in this regard. It seems unlikely that the footpath will be impacted by works on site, but informative advice as to the importance of keeping the footpath accessible can be added to any grant of planning permission.
6.6.6	Concerns have been raised with regard to increased vehicular traffic along Top Road which is in poor condition, but it is unlikely that the residents and visitors to one additional dwelling will make a significant difference to the road condition. It will be appropriate to require additional information about construction traffic and a condition can be attached to any grant of planning permission.
6.6.7	Concerns have been raised with regard to increased hard standing on site leading to increased surface water run off. SC Drainage consultees have provided informative advice but have not required any conditions on any planning permission. It is for the applicant to ensure that there is no surface water run off from their property by providing provision within site, and their supporting statement confirms that soakaway drainage will be provided on site in accordance with BRE digest 365.
6.6.8	Initial concerns were raised with regard to the position of the double garage impacting upon a window to a neighbouring property, and the applicant has revised plans in order to reduce this impact.
7.0	CONCLUSION
7.1	The proposed site for a replacement open market dwelling lies outside the development boundary for Pontesbury, and falls within the policy considerations applicable to open countryside where replacement dwellings are permissible subject to limitations. In this case, the proposed replacement dwelling is materially larger and not sympathetic to the size, mass, character and appearance of the original cottage, and would introduce a large scale house

	<p>type to this plot within the rural area where the maintenance of a supply of smaller, less expensive properties is the aim of adopted policy.</p> <p>In addition the proposed development would have detrimental visual impact within the local landscape as a result of its materially larger scale and its increased prominence in views from the west.</p> <p>The “fall back” position is of smaller scale and not inappropriate in this location and there are no other material planning considerations that would justify a departure from adopted Development Plan policy in this case.</p> <p>As a consequence, the replacement dwelling proposed on the site is contrary to policies CS5, CS6, CS11 and CS17 of the Core Strategy, and policies MD2, MD7A and B, of the SAMDev Policy, as well as the Council's SPD on Type and Affordability of Housing and the overall aims and objectives in relationship to sustainable development as set out in the NPPF.</p>
8.0	RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ❑ 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 three months after the grounds to make the claim first arose. <p>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 of application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>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.</p>

	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 – in so far 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 Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

18/01647/FUL Erection of replacement dwelling and enlarged access following demolition of existing dwelling and out buildings WDN 2nd October 2018

18/05095/FUL Erection of replacement dwelling and detached garage; formation of vehicular access PDE

19/00223/CPL Lawful development certificate for the proposed erection of single storey ancillary outbuildings (Class E) - 1No. Workshop/ Office and 1No. Fitness Suite. Building to be no more than 4m high to the ridge and 3m high to the eaves, Proposed single storey side extensions (Class A) - Half the width of the existing house (5m). No more than 4m high and 3m to the proposed eaves height, Proposed single storey rear extensions (Class A) - 3m deep

across existing rear elevation, Proposed two storey rear extension (Class A) - 3m deep no higher than existing PCO

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member

Cllr Nick Hignett

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

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