
Appeal Decision

Site visit made on 12 May 2015

by S M Watson BA(Hons) MCD MRTPI

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

Decision date: 08 June 2015

Appeal Ref: APP/L3245/W/15/3003087
Summerhill, Criftins, Ellesmere, SY12 9LW

- 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 Mr and Mrs Watson against the decision of Shropshire Council.
 - The application Ref 14/00580/FUL, dated 6 February 2014, was refused by notice dated 24 July 2014.
 - The development proposed is the demolition of the existing house and detached garage and replacement with new detached house and garage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing house and detached garage and replacement with new detached house and garage at Summerhill, Criftins, Ellesmere, SY12 9LW in accordance with the terms of the application, Ref 14/00580/FUL, dated 6 February 2014, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. Amended plans were submitted during the course of the application. My decision is based upon the refused plans which were agreed between the parties at my site visit.

Main Issues

3. The main issues are the effect of the development upon (i) the character and appearance of the countryside; and (ii) the provision of the type and mix of housing in the area.

Reasons

Character and Appearance

4. The site is located in the open countryside and, as it is within an area of undulating land, the site is somewhat raised above the level of the road. There are dwellings sparsely scattered around the locality of varying size, height, type and design.
 5. The proposed dwelling would be sited in a similar position to the existing house, although it would be slightly more to the west. The floorspace of the
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proposed dwelling would be some 76% larger than the floorspace of the original house and the ridge of the roof would be about 1.5m above the existing and I note that the house would have a slightly lowered ground level than the existing dwelling. Policies MD7a and MD7b of the Council's draft Site Allocations and Management of Development Plan (SAMDev) indicate 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. This SAMDev has been subject to examination but as I do not have details of any modifications I will give these policies some weight as material considerations.

6. The appellants have provided drawings showing how the dwelling could be extended by way of (i) an 8m long extension which has been approved by the Council under the Prior Notification procedure; and (ii) side, rear and front extensions plus a new garage which are authorised by a Lawful Development Certificate. The appellants' statement provides figures, which the Council does not dispute, that indicate that the floorspace, footprint and the volume of the existing house, if lawfully extended, would be substantially greater than that of the proposed replacement dwelling. Whilst I agree with the Council that the proposed increase in height over the allowed scheme would be significant and noticeable, I must treat the lawful proposed extensions as a material consideration.
7. The lawful scheme would be bigger than the proposed scheme. It would also have a more sprawling footprint and it would be of a less coherent design; comprising a mismatch of different discordant elements with widely varying roof-heights and profiles. In contrast, the proposed scheme would be of a more compact and even form, with balanced features such as the use of gables and dormers with similar roof pitches. Overall, whilst taller, the proposed dwelling would be smaller, be architecturally superior and therefore visually preferable to the lawful scheme. I therefore give the existence of the fall back scheme significant weight in favour of the appeal and, in accordance with Policy MD7a of the SAMDev, the case for the acceptability of the material increase in size over the original dwelling has been demonstrated. For the above reasons I also find that the proposal would conserve the natural and built environment.
8. I note objections from interested parties that the existing house should not be demolished due to its vernacular architecture which exhibits features such as hand-made clay bricks and brick arches. However, the house has no statutory protection and I have insufficient evidence of its historical or architectural interest to persuade me that it should be considered as a non designated heritage asset. I realise that the proposed house would incorporate timber boarding which is not a common feature of the area but it would add visual and architectural interest and as such I find it to be acceptable. I also acknowledge neighbours' comments that clay tiles are not characteristic of the area, however, they would be appropriate to the architectural style of the house and the specific details, including their colour, will have to be agreed by the Council.
9. I therefore conclude that the proposed dwelling would not harm the character and appearance of the countryside and that there would be no conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core

Strategy, 2011 (CS) which indicates that development should protect, restore, conserve and enhance the natural and built environment.

Type and Mix of Housing

10. The Council is concerned that it should control the size of replacement dwellings in the countryside to maintain a supply of more affordable dwellings. This is confirmed in the Council's Supplementary Planning Document, Type and Affordability of Housing, 2012 (SPD). However, I have already determined that the proposed dwelling would not be larger than the size of dwelling that can be lawfully built. I also have no evidence that the existing dwelling is particularly affordable. Therefore, the proposal would not harm the provision of the type and mix of housing in the area and there would be no conflict with the SPD, CS Policy CS11, which seeks to create mixed, balanced and inclusive communities; or Policy MD7 of the draft SAMDev.

Other Matters

11. I note third party concerns in respect of the solar panels. However, whilst an area for solar panels is indicated on the plan, its is outside of the appeal site and therefore does not form part of this appeal. I also note comments in respect of privacy and outlook from neighbouring properties but I am satisfied that sufficient distance exists between the proposed dwelling / garage and surrounding dwellings to avoid any adverse impact upon the living conditions of neighbours.
12. There is no evidence of protected species on the site, however, the appellants have submitted a scheme of biodiversity enhancement and this is secured by way of a planning condition.
13. The existing vehicular access would remain and I have no real evidence that there would be any adverse effect upon highway safety.

Conditions

14. I have considered the conditions suggested by the Council against the advice in the Planning Practice Guidance (PPG). In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. In the interest of visual amenity I have imposed conditions in respect of external materials. As I have taken into account what could be built under permitted development as a justification of the size of the permitted dwelling, I have removed permitted development rights for extensions and outbuildings to preserve the character and appearance of the countryside. However, I have insufficient justification for the removal of any other permitted development rights and the PPG says that permitted development rights should only be removed in exceptional circumstances. A condition has been attached in the interests of the proper drainage of the site. A condition is imposed to protect the occupants of the dwelling from contamination as there is a historic landfill within 250m of the site. Bird and bat boxes are required in the interest of biodiversity.
15. I have not imposed a condition in respect of the private use of the garage as it is not necessary. If a material change of use were to occur planning permission would be required even without the condition.

Conclusion

16. I have considered all other matters raised but none outweigh the conclusions I have reached and the appeal is allowed subject to the conditions below.

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: - P1 (26/13); P2 (26/13) Rev D; P3 (26/13) Rev C; P4 (26/13) Rev D; P5 (26/13) Rev B; P6 (26/13); P7 (26/13); P8 (26/13); P9 (26/13) Rev A.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until samples of the materials to be used in the construction of the drive and parking/turning areas hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a scheme for surface water drainage of the site has been submitted to and approved in writing by the local planning authority. No part of the development hereby permitted shall be brought into use until the approved drainage scheme has been implemented, and the surface water drainage shall be retained thereafter.
- 6) No development shall take place until a report in respect of potential contamination of the site has been submitted to and approved in writing by the local planning authority. If an unacceptable risk of contamination is established in the report, the report shall specify the measures to be taken to remediate the site to render it suitable for the development hereby permitted. The site shall be remediated in accordance with the approved measures before development begins.
- 7) Details of 2 bat boxes and 2 bird boxes, to be erected on the site, must be submitted to and approved in writing by the local planning authority. The approved boxes shall be installed before the dwelling is occupied and shall be retained thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-

enacting or modifying that Order), no garages, outbuildings, dormers, porches or extensions shall be erected other than those expressly authorised by this permission.