The Planning Inspectorate

Appeal Decision

Site visit made on 9 August 2016

by Jonathan Bore MRTPI

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

Decision date: 18 August 2016

Appeal Ref: APP/L3245/D/16/3152774
Rosewood, Wood Terrace, Myddlewood, Myddle, Shrewsbury SY4 3RZ

- 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 G Price against the decision of Shropshire Council.
- The application Ref 16/00732/FUL, dated 16 February 2016, was refused by notice dated 5 April 2016.
- The development proposed is the erection of a two storey extension to provide a garden room at ground floor and an additional bedroom and accommodation above.

Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to provide a garden room at ground floor and an additional bedroom and accommodation above at Rosewood, Wood Terrace, Myddlewood, Myddle, Shrewsbury SY4 3RZ in accordance with the terms of the application, Ref 16/00732/FUL, dated 16 February 2016, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this appeal is the effect of the proposed extension on the stock of affordable dwellings.

Reasons

3. Rosewood was granted permission in 2010 as an affordable dwelling on a 'rural exception site' on which market housing would not normally have been permitted. Condition 7 of the permission restricts the dwelling, including future extensions, to no more than 100 square metres gross internal floor area. An accompanying planning obligation under s106 requires adherence to the planning conditions. It also contains various mechanisms to ensure that, were the house to be sold, its price would be maintained at an affordable level below market rates.

4. Shropshire Core Strategy Policy CS11: Type and Affordability of Housing seeks to meet the diverse housing needs of Shropshire residents and indicates that an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. Among many other things, it allows for exception schemes for local needs affordable housing on suitable sites in and adjoining appropriate settlements, subject to scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity. Policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015 indicates that to protect the affordability of single plot exception dwellings, they will be subject to size restrictions and other legal restrictions.

5. The Council's supplementary planning document (SPD) "Shropshire Type and Affordability of Housing" (2012) states that the size of a rural exception dwelling will not normally be permitted to exceed 100 square metres gross internal floorspace. This limitation has been applied strictly by the Council to this and other applications and is referred to repeatedly by the Council as a policy, but being in a SPD it does not have the same status or weight as a development plan policy. Moreover, the SPD accepts that the limit may be varied; paragraph 5.63 recognises the difficulties faced by growing households already occupying affordable housing and states that it may be acceptable to enlarge an existing affordable house in order to accommodate the needs of the existing household.

6. The applicant has a growing family and needs further accommodation. Whilst the existing house is not overcrowded in statutory terms, space standards for the household size are relatively poor, falling short of the national space standards for a family of six. The extension would create a property with two double and two single rooms, which would be more appropriate in terms of size and layout for this size of family. The resultant house would still not be especially large and, with a restriction of 60% of the open market value in place as required by the planning obligation, it would remain affordable in perpetuity.

7. The Council do not argue that the appellant is no longer in need of affordable housing; the appellants' need for affordable housing would have to be met elsewhere if they had to vacate the property in search of more suitably sized accommodation. With the extension, the house would remain as a unit of affordable accommodation for the family to enjoy. So, in terms of the availability of affordable housing, nothing would be gained by resisting the extension. The need for affordable housing is not confined to small dwellings and Policy CS11 recognises that housing needs are diverse in terms of size.

8. The proposal would not cause the loss of an affordable dwelling, would enable the household needs of a family in affordable housing need to be met and would accord with Core Strategy Policy CS11 which seeks to meet the diverse housing needs of Shropshire. The extension would therefore not have a harmful effect on the stock of affordable dwellings. The design of the scheme would be acceptable and would not harm the countryside; there would therefore be no conflict with Core Strategy Policy CS5. For all these reasons the appeal is allowed.

Undertaking

9. A new unilateral obligation is offered to ensure the continued availability of the dwelling as a unit of affordable housing, by setting a formula price at 60% of the open market value of the completed development including the dwelling and the extension. The planning obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. It is reasonable and is directly related to the development.

Conditions

10. A condition is requiring matching materials is necessary in order to protect the character of the area.

11. It is unnecessary and inappropriate to restrict the ground floor of the extension to a 'garden room' since that would artificially limit the ability of the family to make use of the accommodation in its own house. Whether the occupiers would prefer to provide the space with a full range of services and use it as part of their living room is up to them, because the internal arrangements of a dwelling are a matter for the occupiers.

Jonathan Bore

INSPECTOR