

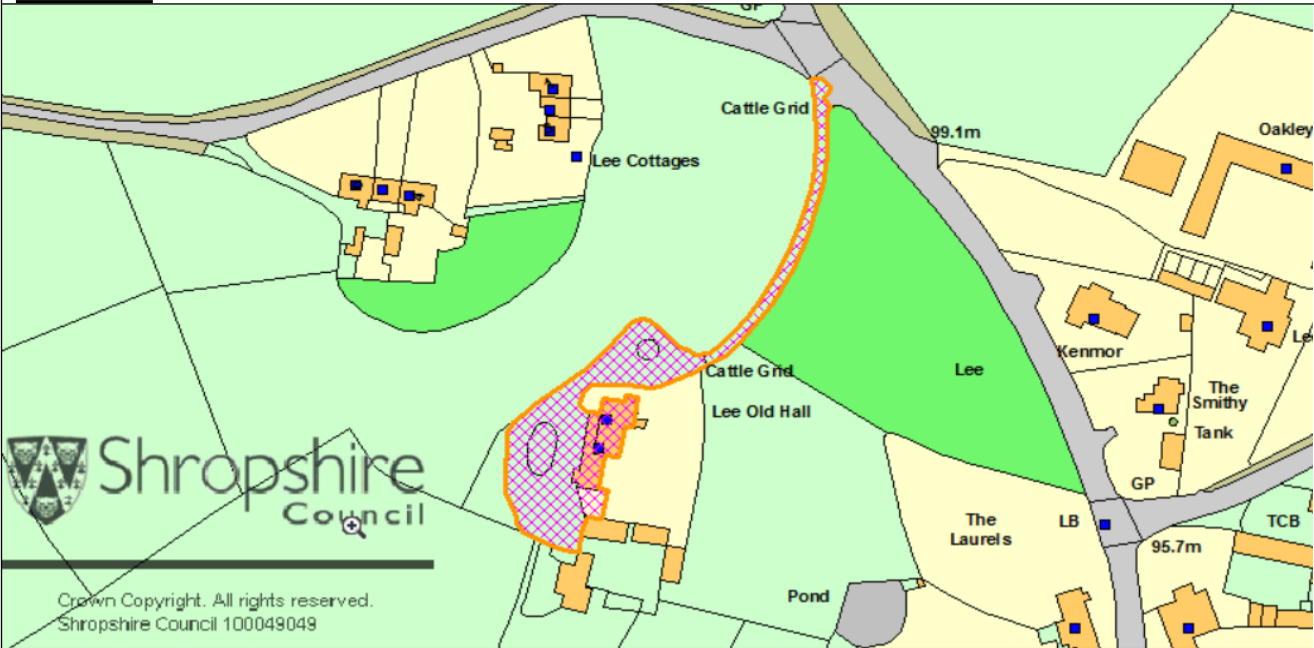
Development Management Report

Responsible Officer: Tim Rogers
Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/05711/FUL	Parish:	Ellesmere Rural
Proposal: Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building		
Site Address: Lee Old Hall Lee Ellesmere Shropshire SY12 9AE		
Applicant: Mrs V E Pinney		
Case Officer: Shannon Franklin	email: planningdmne@shropshire.gov.uk	

Grid Ref: 340326 - 332438



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Recommendation:- Approval subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a single storey extension to form an annex and associated internal alterations affecting the grade II* listed building known as Lee Old Hall.
- 1.2 The submission of the planning application follows the receipt of pre-application advice (Referenced: PREAPP/18/00164), in response to the applicants query over whether a detached annex in a paddock to the south of the main dwelling and its associated outbuildings would be acceptable, which concluded as follows:

The principle of development for the erection of a detached annex for the provision of ancillary accommodation is not sufficiently established due to the potential for conversion of existing buildings and the presence of an existing ancillary unit of accommodation. The applicant is advised to explore options for conversion in accordance with the above advice as a detached annex situated away from the dwelling and with the ability to be separated from the holding and occupied independently will not be supported at application stage due to conflict with policy.

- 1.3 As the proposal relates to a Listed Building, a corresponding application for Listed Building Consent referenced 18/05712/LBC has also been submitted to the Council for determination.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application seeks to provide an extension to Lee Old Hall, a Grade II* listed building set within open countryside within the rural hamlet of Lee. Lee Old Hall is situated 2.58km south of Ellesmere and 11.3km east of Oswestry. The main house and the associated outbuildings are surrounded in all directions by land within the applicants ownership and accessed via a track from the northern boundary. There is a small group of C19th and later outbuildings to the south of the hall including stables, agricultural storage buildings and a building containing domestic garage storage to the ground floor and an ancillary unit of accommodation to the first floor which is currently occupied by a tenant and has been for in excess of 10 years.
- 2.2 The proposed annex subject to this application would be attached to the main dwelling in the form of an extension to the southern wing of the dwelling which is a C20th extension to the original hall. The annex will be single storey containing one bedroom with en-suite bathroom together with living space comprising of a sitting room and a kitchen/dining area. The extension will attach to the existing utility of the property enabling reconfiguration of this existing space to provide a utility room and entrance hall to the main dwelling within the same scheme.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers. While the Local Member does not consider a committee decision is necessary, the Chair and Vice Chair, in consultation with the Principal Officer, consider that due to the Parish Councils concerns, the decision should not be delegated to officers and that the application should be determined by Members at committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Ellesmere Rural Parish Council – Objection – 24.01.2019

The Parish Council has concerns over the current form of the proposed design of the extension to a Grade II* listed building. Councillors would prefer to see a separate building perhaps with a glass walkway to link the two buildings. The current design proposals are considered to be inappropriate in the context of the main building. Councillors have also requested site of the listed building consent application.

4.1.2 SC Conservation – No Objection – 21.03.2019

Details: The revisions have addressed all of the issues raised previously.

Recommendation: No objection. Special regard when considering the proposal has been given to the preservation of the building or its setting or any features of special architectural or historic interest which it possesses in line with the Act, Section 66 (1) and the relevant local and national policies, noted above.

Conditions are recommended should planning permission be granted.

Queries raised by email – 18.03.2019

- First floor plan would appear to indicate a roof at ground floor and not patio – this could be misleading and probably ought to be amended.
- Not sure that the roof on the east elevation actually wraps around the existing now (compared the floor and elevations – they don't seem to show the same thing?).
- Not really sure how much the existing stone wall is being removed yet and how the extension is being finished up to it – probably ought to have a section – assuming flat roof but the wall will then need to be built up higher? Not sure from what has been submitted what's happening.
- No real worries at this stage – although haven't checked the existing plans etc, but as long as aesthetically it looks ok in relation to the main LB element, there is little significance to this element so don't mind new opening being created.

Amendments required – 18.03.2019

Background: Pre-application advice was given for a detached annex to be erected on this site. It was considered that from a PP and HE perspective that this was unlikely to be supported. No pre-application comments have been made on this proposal, to extend the existing property to facilitate the annex.

Lee Old Hall is Grade II* listed and has curtilage outbuildings and stables (once forming the farmstead).

Lee Old Hall is identified and classified by the Historic Farmsteads Characterisation Project, 2008 – 2010, (ESA6427), largely from the digital version of the c.1900 OS large scale mapping. It is described: *Loose Courtyard with farm buildings on three sides of the yard. Additional Plan Details: None. Date Evidence from Farmhouse: Medieval. Date Evidence from Working Building(s): None. Position of Farmhouse: Farmhouse set away from yard. Farmstead Location: Hamlet. Survival: Partial Loss - less than 50% change. Confidence: High. Other Notes: Small farm. Dated by listed farmhouse (PRN 00885). No longer in agricultural use.*

Background to Recommendation: In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks,, MD2 Sustainable Design, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published July 2018 and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Details: There are concerns relating to the proposal as follows:

1. Whilst the general location of the proposed extension is not opposed there is concern that it should be set back behind the line of the C17 element on the east elevation. This should make it appear more recessive when read along with the existing dwelling.
2. It is noted that the area onto which the extension is proposed is 1990's we would like to see the removal of the wrap around element on the east elevation. This would allow the extension to be set back further and attached at the gable end only and not beyond. Other work to this element of the building is also of concern when read in the context of the whole building. The area referred to is the provision of the bi-fold doors which are proposed to serve the new breakfast/kitchen area. It is considered that the visual appearance would be better enhanced by the provision of just a pair of doors.
3. There would appear to be very little space left between the extension and the existing stone wall, which may prove unsatisfactory in terms of maintenance of either structure.
4. It is considered that there is a large amount of roof to the extension and we would like to see this reduced.
5. The bay should be removed and replaced with a simple window. It is considered that this end of the building should be kept simple and not

detract from the earlier part of the building.

There is very little assessment with regard to the existing stone wall which butts up to the garage building and what its overall significance is. It is suggested that more consideration of the walls significance, age etc should be given. Once this has been done it may be that the overall scheme would benefit from its removal/incorporation into the proposal?

The case put forward with regard to not providing an annex within existing buildings on the site is considered to be quite weak and we would suggest that this requires more justification. There also appears to be no access into the main house from the back door, other than to go through the annex.

Recommendation: We would recommend that the concerns raised above should be addressed through amended plans. It is considered that the proposal will cause less than substantial harm to the heritage assets and their setting and their insufficient clear and convincing justification for the proposal which would outweigh the harm when balanced against public benefits (of which there are none). Special regard when considering the proposal has been given to the preservation of the building or its setting or any features of special architectural or historic interest which it possesses in line with the Act, Section 66 (1) and the relevant local and national policies, noted above.

4.1.3 **Historic England – No Objection – 18.12.2018**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site and newspaper advertisement. At the time of writing this report, no representations had been received in response to this publicity.

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Siting, scale and design of structure**
 - **Impact on visual amenity and the character and appearance of the Listed Building**

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application relates to an existing portion of residential curtilage associated with the dwelling Lee Old Hall. The annex sought would be attached to the main

dwelling and occupied in an ancillary capacity by the applicants who currently occupies Lee Hall enabling the applicant's son and his family to move into the main house thereby enabling continued independent living for the applicant.

- 6.1.2 The site and the surrounding area has been designated as open-countryside and therefore Policy CS5 is applicable which exercises strict control on all new development, only allowing those residential developments that have significant community and economic benefits in accordance with Policy CS11, or those developments which accord to a set criterion of exceptions which this proposal does not. It is however acknowledged that the extension subject to the application will fall within, and will remain within, the planning unit and residential curtilage of the existing host dwelling Lee Old Hall and therefore policy requirements are less stringent and only those which ensure an appropriate and proportionate development, that protect the surrounding environment are relevant.
- 6.1.3 Although not expressly mentioned within the Development Plan (Shropshire Core Strategy and the Site Allocations and Development of Management Plan), there is a general requirement that residential annexes must remain as ancillary accommodation to the main dwelling within the same planning unit, either through the extension/conversion of the original dwelling or through the erection/conversion of an outbuilding. In order for any proposed annexe to be considered as ancillary and forming part of the same planning unit, it must show dependency and a reliance on the main dwelling – achieved through sharing both facilities and services.
- 6.1.4 As a result of its open-countryside location, there is a presumption that residential annexes should be physically attached to the existing dwelling and of a size that is proportionate to the original dwelling. This physical attaching ensures that should the residential annexe be no longer required, it can be incorporated within, and become integral to, the main dwelling without any concern over a sub-division and the annex forming its own planning unit.
- 6.1.5 Should the application be granted, the annex, which is of a size proportionate to the original dwelling, would be sited within the main dwellings residential curtilage, sharing the rear garden space to the east and accessed via the west elevation. The annex will share the parking and turning space to the west elevation and will have internal access through into the kitchen of the main dwelling. While the comments of the Parish Council and their preference for a detached annex are noted, this is not considered appropriate due to the countryside location.
- 6.1.6 The siting of the annex and its reliance on the main dwelling would likely prevent it from being occupied as a separate unit of accommodation. However, a condition will be included on any planning permission that may be granted to ensure that it is not sold, let or leased separately from the main dwelling.
- 6.1.7 As the proposal involves extensions and alterations to the existing dwelling, Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; which seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area will form a key part of the consideration. Alterations and extensions are acceptable in principle, including those forming annexes subject to compliance with CS6 together with Policy MD2: Sustainable Design of the Site

Allocations and Management of Development (SAMDev) Plan which seeks to achieve local aspirations for design where possible.

- 6.1.8 Section 7 of the National Planning Policy Framework (NPPF) reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.1.9 Shropshire Core Strategy Policy CS17: Environmental Networks is 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 natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.1.10 The building subject to the application is listed and therefore MD13 of the SAMDev component of the Local Plan which seeks to ensure Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored through appropriate and well considered design will be relevant in the determination. Similarly, as the application relates to both a listed building and its wider curtilage and has the potential to impact on these heritage assets, special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, together with section 16 of the NPPF.

6.2 Siting, scale and design of structure

- 6.2.1 The application has been amended throughout the course of the determination in response to comments from the SC Conservation Officer, predominantly relating to the layout and junction with the existing dwelling. As part of the amendments the ridge of the annex, together with the layout and detailing have been amended and a sectional drawing provided to clarify the construction method of the proposal.
- 6.2.2 The proposed annex will be sited to the southern elevation of the existing dwelling which is sited on a north-south axis with the oldest part of the dwelling to the northern end. The proposed annex will extend southward until it adjoins an existing two storey outbuilding which is orientated to be accessed from the stable yard to the south. Given that the annex is to be sited within the existing curtilage of the dwelling and in line with existing buildings, such that no additional encroachment into the surrounding countryside or fields used for agriculture is required, the siting is considered to be acceptable.
- 6.2.3 Additionally, as required for ancillary accommodation within the countryside, the siting of the proposal ensures that the annex is both physically and functionally linked to the host dwelling, sharing the external garden space, parking and turning area as well as internal facilities and services provision.
- 6.2.4 The additional space provided by the extension equates to approximately 54m² of floor space accommodating a bedroom with en-suite bathroom, kitchen/dining area and a sitting room. As part of the works the ground floor kitchen and utility of the existing dwelling are to be reconfigured to provide the sitting room of the annex and a link directly into the existing ground floor kitchen of the main dwelling, together

with a utility room, entrance hall and WC accessible from both units of accommodation.

6.2.5 The existing dwelling has three floors providing 359m² of floorspace. Comparatively the scale of the annex is considered to be appropriate and the level of accommodation suitable to a unit of accommodation in ancillary use.

6.2.6 Following the amendments to the design and ridge line of the structure it is considered that the scale in terms of eaves and ridge height is appropriate and will not dominate the original listed building. The scheme takes into account the existing form and joints in materials in both the dwelling and outbuilding it adjoins such that the original form and historic features can still be read in the context of the site. The profile of the extension as a diminishing outbuilding around a courtyard arrangement, is therefore supported and no concerns are raised.

6.3 Impact on visual amenity and the character and appearance of the Listed Building

6.3.1 The proposal is sited within the curtilage of a listed building and forms an extension to this building on its southern elevation. Following revisions to the scheme, neither the SC Conservation or Historic England consultees object to the proposal from a heritage perspective, subject to the imposition of appropriate conditions.

6.3.2 The listed building; Lee Old Hall, has three main construction phases; C17th, C19th and C20th. The proposal attaches to the most recent extension which is considered to be the most suitable location. Additionally, in terms of internal layout, this is the most appropriate siting for providing ground floor ancillary accommodation as a detached annex would not be supported in principle and an alternate siting could have a greater impact upon the fabric of the listed building and its setting.

6.3.3 In terms of character the existing dwelling is a detached countryside property arranged in a courtyard complex with additional outbuildings within the stable yard to the south. The layout and form of the proposed extension providing an annex, follows this character continuing the southern wing along the rear garden courtyard edge. The set back of the annex behind the line of the C17th portion of the main dwelling from the east elevation reinforces its subservience and ensures the proposal does not detract from the appearance of the listed building or its setting.

6.3.4 The form of the annex extension demonstrates a diminishing scale and is located between the main house and an outbuilding thereby reducing encroachment and its visual prominence when viewing the house from the surrounding countryside, including from the nearest public footpath 115m to the southwest.

6.3.5 The proposed materials to be utilised include slate roof tiles to match the existing, painted timber windows and reclaimed bricks. The application form advises that the brickwork is to be laid in Flemish bond using two parts building sand, one-part sharp sand and one part lime for the mortar mix with a slightly recessed joint, formed by brushing back a flush joint at the end of each day's work. Additionally, the stone wall to the west elevation will be increased in height utilising stone from the portion to be demolished. The proposed materials are considered to be appropriate for the proposal and will enable the scheme to be read clearly as a later extension without detracting from the character and appearance of the existing

building and its key historic features.

- 6.3.6 The other changes incorporated within the scheme, the partial demolition of a stone wall, installation of a window to the first floor within the south elevation and installation of bi-fold doors to the west elevation of the existing dwelling are considered to be acceptable in the wider context of the scheme.
- 6.3.7 Officers consider that the siting of the proposal within the existing complex of building and attached to the more recent portion of the listed building is acceptable and that the scale, form, design and detailing ensure that the extension is appropriate in terms of its visual impact, while minimising impact upon the fabric and setting of the listed building.

7.0 CONCLUSION

- 7.1 The extension of the existing listed building to provide self-contained ancillary accommodation is considered to be acceptable in principal. The proposal is appropriate in terms of siting, scale and design and no demonstrable harm to the character and appearance of the identified heritage asset or its setting is considered to arise. The proposal is therefore considered to accord with the principal determining criteria of the relevant development plan policies including CS6 and MD13 and approval is recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ② 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.
- ② 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

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

National Planning Policy Framework

MD13 - Historic Environment

MD2 - Sustainable Design
 CS5 - Countryside and Greenbelt
 CS11 - Type and Affordability of housing
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

NS/89/01245/LBC Alterations, repairs and extensions to existing stables (involving partial demolition). GRANT 2nd April 1990
 NS/91/00830/LBC Erection of 2-storey extension, raising existing south wing roof, removal of 2 staircases and insertion of 2 staircases, demolition of lean-to, removal of chimney stack, internal walls, alterations to create new porch and other associated alterations. GRANT 3rd January 1992
 NS/90/00404/FUL Erection of garage/store building. GRANT 14th May 1990
 NS/91/00831/FUL Erection of 2-storey extension to southern elevations, raising of existing south wing roof and alterations to create new porch on western elevation. GRANT 11th November 1991
 NS/88/1160/FUL Erection of agricultural workers dwelling for use in connection with Kenwick Grange Farm REFUSE 11th January 1989
 PREAPP/18/00164 Construction of a detached contemporary annex building adjacent to Lee Old Hall for a close family relative. There is a small group of C19th and later outbuildings close to the Hall and the proposed development will be adjacent to this group within the orchard. This building is categorically not to be a separate freehold to the main dwelling. PREUDV 8th June 2018
 18/05711/FUL Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building PCO
 18/05712/LBC Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building PCO
 NS/93/00186/FUL ERECTION OF EXTENSION TO EXISTING BUILDING TO PROVIDE STORAGE FOR HORSE BOX CONAPP 17th September 1993

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)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Brian Williams
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. The ancillary accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lee Old Hall, and shall not be sold, let or occupied as an independent unit of residential occupation.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage and associated impact upon the Listed Building and its setting.