

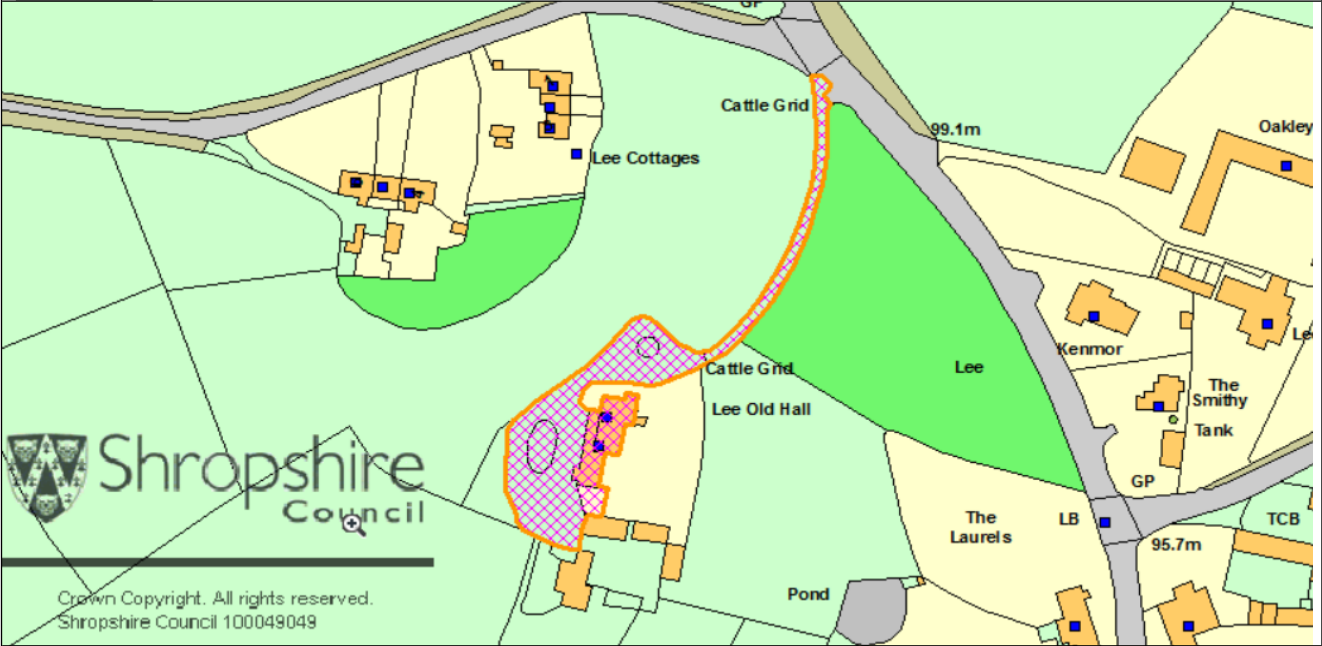
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b><u>Application Number:</u></b> 18/05712/LBC	<b><u>Parish:</u></b>	Ellesmere Rural
<b><u>Proposal:</u></b> Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building		
<b><u>Site Address:</u></b> Lee Old Hall Lee Ellesmere Shropshire SY12 9AE		
<b><u>Applicant:</u></b> Mrs V E Pinney		
<b><u>Case Officer:</u></b> Shannon Franklin	<b><u>email:</u></b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**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 Listed Building Consent 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 application follows and on site meeting between the Planning Officer and Conservation Officer on 18th April 2018, and the receipt of written pre-application advice (Referenced: PREAPP/18/00164) which confirmed that conversion of an existing outbuilding or the reconfiguration and/or extension of the main dwelling were the preferred options for provision of an annex on site.
- 1.3 As the works require planning permission an application has been submitted under reference: 18/05711/FUL.
- 1.4 Following consultation with the SC Conservation Officer the scheme has been revised in accordance with the recommendations made.

## **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 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 a number of 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.

### **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 it's 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.

### 5.0 **THE MAIN ISSUES**

- 5.1
  - **Principles of development.**
  - **Impact on character and appearance of the Listed Building.**

### 6.0 **OFFICER APPRAISAL**

#### 6.1 **Principle of development**

- 6.1.1 Alterations to Listed Buildings are acceptable in principle, providing they do not have a detrimental impact on their architectural or historic character. Proposals must be in accordance with the criteria set down within Central Government guidance under section 16 of the National Planning Policy Framework and policy CS17: Environmental Networks of the Shropshire Core Strategy, which seeks to protect and enhance the historic environment, together with Policy 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.

#### 6.2 **Impact on the character and appearance of the Listed Building.**

- 6.2.1 The works to the Listed Building are as follows:

- Single storey extension to the south elevation to form an annex;
- Installation of a first floor window to the east elevation to serve the existing dressing room;
- Reconfiguration of the ground floor internal layout to the utility room and porch together with the installation of bi-fold doors to the east elevation of this room;
- Partial demolition of a boundary wall.

- 6.2.2 A heritage and planning statement has been submitted in support of the application which concludes that while the extensions and alterations do *'form a part of the*

*setting, great respect has been given so that the extension will not result in harm as defined by the NPPF to the setting, significance or character of the heritage asset’.*

- 6.2.3 The Conservation Officer has provided guidance on the proposal through on site discussion at pre-application stage, together with the detailed comments outlined above. Neither Historic England nor the SC Conservation consultee object to the proposals. The impact of each aspect of the scheme on both the historic fabric and the character and appearance of the Listed Building and its setting is discussed in detail below. Conditions are recommended should the application be approved.
- 6.2.4 The works to the building are primarily located to the southern and eastern elevation of the listed building. The proposed annex extension will not extend beyond the line of the earliest C17th core of the building on the east elevation and will project no further than the existing lean to porch to be demolished to the west elevation and will predominantly be set behind an existing stone wall separating the parking and turning area to the west from the courtyard garden to the east. It is therefore accepted that the core of the historic building, the northern portion, and the principle features of its façade will not be significantly impacted by the scheme.
- 6.2.5 The proposed annex will utilise the ground floor of the southern wing, currently occupying the utility room to the main house, together with 54m<sup>2</sup> of floor space created by the extension. The design of the extension enables the provision of a bedroom with en-suite bathroom, kitchen/dining area and sitting room within the annex, together with a utility room, WC and hallway within the main dwelling. A link between the annex and the main dwelling is present in both the sitting room and the entrance hall.
- 6.2.6 The design of the extension demonstrates subservience to the existing listed building through both its footprint, 54m<sup>2</sup> comparative to the 217m<sup>2</sup> of the host dwelling, and through its eaves and ridge height. Additionally the ridgeline of the extension has been broken up to reduce its bulk and prominence when viewed in context with the main dwelling. This is considered to be appropriate as it reflects the character and form of the building and its existing outbuildings.
- 6.2.7 The design of the proposed extension through both its form and the materials is again considered to be appropriate in appearance and reflective of the character of the listed building. The use of reclaimed stone and brick, together with slates to match the existing and painted timber windows to match the existing, will complement the original building, while the junctions with the existing dwelling and the adjacent outbuilding to the south which is curtilage listed, are carefully located such that the existing fabric is compromised to a minimum extent and historic joints and changes in materials are retained, improving readability of the buildings on site.
- 6.2.8 Given the appropriate siting, scale and layout of the proposed annex extension it is not considered that this aspect of the scheme negatively impacts upon the character and appearance of the Listed Building its setting, nor the setting of the curtilage Listed Buildings within the vicinity.
- 6.2.9 While it is recognised the proposal will involve the loss of some fabric through the reconfiguration of the internal walls to the ground floor, the installation of bi-fold doors to the east elevation and an additional window to the first floor of the east elevation, these changes are all to the latest phase of the listed building. The building is constructed in three phases, the north being C17th, the central portion of the southern wing C19th and the end portion of the south wing C20th. It is this

C20th extension which will be altered by the proposal and therefore the concerns over the loss of fabric are reduced in significance and no objection is raised.

6.2.10 Externally a stone wall located between the outbuilding to the south and the dwellings southern elevation is to be partially demolished as part of the scheme. The stone from this demolition will be retained and then utilised to increase the height of the retained portion to form the west elevation of the proposed annex. Subject to this work being undertaken to an appropriate specification it is not considered that the loss of this fabric is sufficient to warrant refusal of the scheme.

6.2.8 Overall the individual elements of the scheme; installation of a window and bi-fold doors, extension to form an annex, internal reconfiguration of the existing C20th ground floor utility room and partial demolition of a stone wall are acceptable in terms of their impact upon the historic fabric of the building together with the impact on the overall character and appearance of the Listed Building. Subject to completion of the works in accordance with the relevant conditions and the submission of additional details at conditions stage no objection to the scheme is raised.

## 7.0 CONCLUSION

7.1 The works meet the criteria of the relevant national and local policies and the scale, location, design and materials of the the single storey extension to form an annex, as well as internal and external alterations to the existing dwelling, would have no adverse impact on the character and appearance of the Listed Building its setting or the wider locality. As such 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:

- 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 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

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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:

CS5 - Countryside and Greenbelt



CS6 - Sustainable Design and Development Principles  
 MD2 - Sustainable Design  
 MD13 - Historic Environment  
 National Planning Policy Framework  
 CS17 - Environmental Networks

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 18 of the Planning (Listed Buildings and Conservation Areas) 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 REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

**3. Prior to the above ground works commencing samples and details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.**

Reason: To ensure that the external appearance of the development is satisfactory.

**4. Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before above ground development commences. The development shall be carried out in complete accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

**5. Details of the materials and form of the heads and sills to new openings in the external wall(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority before the above ground works commence. The development shall be carried out in accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

**6. Prior to the commencement of the relevant work, details of the brick bond and type, shall be submitted to and agreed in writing by the Local Planning Authority. Following this approval, a freestanding sample panel of brickwork of approximately 1m square shall be provided on site and the mortar mix, colour, texture and joint finish shall be inspected and approved in writing by the Local Planning Authority before the relevant works commence.**

**Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.**

**7. Mortar for bedding and jointing stonework shall be a lime mortar which matches the original in colour, texture and surface finish unless otherwise agreed by the Local Planning Authority. Sample panels of stonework approximately 1m square to match the existing shall be erected on site and approved in writing by the Local Planning Authority before relevant work commences.**

**Reason: To ensure the satisfactory preservation of the Heritage Asset.**

**8. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.**

**Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.**

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

**9. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.**

**Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.**