



Appeal Decision

Site visit made on 9 January 2020

by **R Morgan MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/L3245/W/19/3238872 The Cottage, Nordley, Bridgnorth WV16 4SX

- 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 Anthony Walker against the decision of Shropshire Council.
 - The application Ref 19/02232/FUL, dated 16 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is the construction of 2no dormer windows, enlarged balcony and the change of use of land to residential curtilage associated with a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located within an area of countryside in the small hamlet of Nordley. It is accessed via a narrow track from the B4373 which serves a number of dwellings. The site is surrounded by hedges but the land slopes slightly towards the rear of the plot. The site is visible from the access track and from the adjacent public footpath and bridleway.
4. Planning permission has previously been granted¹ for the replacement of an existing house on the site with a new property. At the time of my site visit, the new house had been substantially completed. A new single storey cabin had also been constructed adjacent to the house, which is described in the planning history as a plant room.
5. The appeal proposal seeks amendments to the approved scheme, including the addition of two dormer windows in the rear roof plane, an increase in the size of the balcony at the rear of the property and an extension to the domestic curtilage.
6. The new house is significantly larger than the original dwelling but has been designed to reflect the simple form of the existing rural cottage. However, its brick and tile finish, together with the rear balcony, give the new house a more modern look than the white rendered cottage it will replace.

¹ Planning application ref: 18/04281/FUL

7. The proposed addition of two large rear dormers would contribute to a more fussy and cluttered appearance at the back of the house. I acknowledge that dormer windows are not uncharacteristic of houses in the area and in this case would not result in any loss of privacy or overlooking. However, due to their large size they would appear overly prominent from both the side and rear elevations, causing harm to the character of the house and the area.
8. The dormer windows would provide additional living space by allowing use of the loft space. I note the Council's objective of restricting the size of dwellings in rural areas to prevent increasingly large and unaffordable houses in the countryside. However, the roofspace is already there, so the proposal does not result in a significant increase in the size of the building.
9. I note the appellant's comments that the balcony as constructed is too small, but it provides space to sit and appreciate the rural views. The proposed enlarged balcony, supported by a large wooden frame, would contribute further to a more cluttered appearance at the rear of the house. Although the balcony is a modern feature, the increased area of glazing would be more urban in character and would appear out of place in this rural setting, causing further harm to the character of the house and the area.
10. The original house sat within a modest curtilage which occupied a corner of the plot, with the remainder of the site being used for agricultural purposes. The new house is sited in a more central position, and the original planning permission allowed for an extension of the domestic curtilage. The current proposal seeks to extend the domestic curtilage further, to encompass the whole of the site.
11. I acknowledge that Policy MD7a of the Site Allocations and Management of Development (SAMDev) Plan 2015 is silent on the subject of domestic curtilage. However, the Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) says that proposals for replacement dwellings should meet Policy CS6 of the Core Strategy, which requires that development is appropriate in scale, taking into account the local context and character.
12. The extension of domestic curtilage across the whole site has the potential to significantly alter the character of the area, from a small house with a modest garden and adjacent paddock, to a much larger house and cabin, sited within a substantial garden. The result would be a domestication of this rural area which would not respect the local context or character.
13. The appellant has suggested that permitted development rights could be removed to control outbuildings and extensions and that in this way, the proposed garden area would retain the character of agricultural land. However even if outbuildings were restricted then the space could still be used for a wide range of uses associated with a domestic use. Even without built development and hardstanding, the appearance and character of the land would change, and if the appeal was allowed, such a change in character could not reasonably be prevented.
14. Although some properties nearby appear to have fairly large gardens, others do not, so this is not a particular characteristic of the area. Furthermore, the proposal to enlarge the domestic curtilage would conflict with the Council's objective to retain a balance of house types and tenures in the area and the need to maintain a supply of less expensive properties in the area.

15. I note the appellant's comments that the retained parcel of land is too small for agricultural uses and does not have any private vehicular access other than across the appellant's land. However, the area could be used as a small paddock and a new access could be created from one of the tracks that border the site. Other agricultural land in the area may be in different parcels to the appeal site, but that is not justification to allow the change to domestic curtilage.
16. The area of proposed garden has domestic properties on either side but there is agricultural land to the north and south. Furthermore, the character of the land further along Stocking Lane appears to be houses interspersed with agricultural land or paddocks, which is a similar situation to that which currently exists at the appeal site.
17. I conclude that the proposal to add dormer windows, enlarge the balcony and extend the residential curtilage would cause harm to the character and appearance of the area. It conflicts with guidance in the Type and Affordability of Housing SPD, which requires consideration of the visual impact of replacement dwellings on the surroundings and the need to respect the character of the local area. There is further conflict with paragraph 127 of the National Planning Policy Framework, which requires that development proposals are sympathetic to local character and landscape setting.
18. Core Strategy Policy CS5 sets out the type of development which will be acceptable in the countryside and is of limited relevance to this proposal. I have also found that the proposal to add dormer windows to enable use of the roofspace would not result in the dwelling being materially larger than that already permitted, so the provisions of Policy MD7a are also of limited relevance to the proposal.
19. However, this lack of conflict with policies CS5 and MD7a is not sufficient to outweigh the harm to the character and appearance of the area which I have identified.

Conclusion

20. For the reasons given, I conclude that the appeal is dismissed.

R Morgan

INSPECTOR