



Appeal Decision

Site Visit made on 22 June 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2021

Appeal Ref: APP/L3245/D/21/3270977

Pryll Cottage, 19 Burway Road, Church Stretton SY6 6DP

- 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 & Mrs T Smythe (Maverick Projects Ltd) against the decision of Shropshire Council.
 - The application Ref 20/03580/FUL, dated 6 September 2020, was refused by notice dated 28 January 2021.
 - The development proposed is the erection of part two storey, part single storey extension following partial demolition (re-submission).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the header above has been taken from the Appellant's appeal form where in section E they have confirmed that the description has been changed. This description was also used by the council in their decision notice.

Main Issues

3. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the host building and surroundings; and,
 - the living conditions of the neighbouring occupiers at No 4 Rectory Gardens.

Reasons

Character and Appearance

4. The appeal site is within the Church Stretton Conservation Area (CSCA), a large area that covers the majority of Church Stretton. Given its size, the CSCA encompasses a number of discrete areas of character. However, from the limited information before me I find the significance of the conservation area as a whole to stem from the extent to which the historic buildings and their spacious layout appear to be intact, as well as the varied and individual appearance of dwellings. The overall verdant character of the area also contributes towards the significance of the area. The area around the appeal site is characterised primarily by the large open areas of green space and mature vegetation. The appeal site is a triangular plot set between Burway Road and Rectory Gardens, it contains a small, detached T-shaped cottage in a mixture of traditional materials with a clay tile roof. I note the Council considers this cottage to be a Non-Designated Heritage Asset (NDHA) and I

find its significance to, in part, stem from its age, small scale and traditional form. The garden rises up above the level of Burway Road and the cottage has been partly set within a cutting

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national planning policy on heritage assets is set out in the National Planning Policy Framework (Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
6. The proposed extension is of a size comparable with the host dwelling and as such would significantly increase the size of the existing dwelling. Given the small scale of the host dwelling such an addition would be disproportionate. Furthermore, the form of the extension results in it sprawling across the appeal site which would harm the legibility of the host dwelling and its original form. This is further exacerbated by the height of the proposal which, as a result of the change in land levels, would be of a similar height to the two-storey host dwelling. Given the above I find the proposal would also visually dominate the host dwelling, adversely affecting the significance of this NDHA.
7. Although the proposal is set back from the road, behind an existing tall brick wall, it would still be visible in views along Burway Road and Rectory Gardens, as well as from surrounding properties. It therefore follows that the extended property proposed would erode the contribution the host dwelling makes to the CSCA, and as a consequence harm to the significance of the conservation area as a designated heritage asset would result. Moreover, the loss of a substantial area of garden as well as a mature tree within the garden would erode the spacious and verdant nature of the appeal site further harming the significance of the CSCA.
8. Whilst detailing, such as the proposed materials, are somewhat sympathetic to the character and appearance of the host dwelling, this does not outweigh the harm identified above as a result of the scale and form of the proposal. Furthermore, the removal of the existing extension, which does not contribute positively towards the host dwelling, would not be a sufficient benefit to outweigh the harm of the proposed replacement extension.
9. The appellant has submitted a photograph which, although undated, is clearly of some age. The photograph shows Pryll Cottage viewed from Burway Road with what appears to be a detached building within the garden. Whilst there may have once been a building within the garden this has since been removed, and I must consider the site as it is before me. Moreover, from the limited information submitted, it appears the proposal is substantially different to the building within the photograph. This photograph has therefore not materially affected my decision.
10. I am mindful of the scale of the development in relation to the designated heritage asset, the CSCA, and find that the harm caused would be less than substantial. However, the Framework is clear that great weight should be given to an asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefits of the development.

11. The Appellant has submitted that the proposal would result in additional living accommodation. Whilst I have no doubt that the enlarged living accommodation would be beneficial to the appellant, this does not amount to a public benefit. Moreover, whilst the proposal may not cause any unacceptable impact on the living conditions of neighbouring occupiers, this is not a benefit of the scheme and therefore does not outweigh the harm identified above.
12. Accordingly, I find that there is no public benefit cited which outweighs the considerable importance and weight I give to preserving the character of the CSCA and conserving the heritage asset as identified above. As such the development would harm the character and appearance of the host dwelling, an NDHA, and CSCA contrary to Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (CS), and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev). These policies require that, amongst other things, development is of a high-quality design which respects its surroundings including heritage assets and their significance. The proposal would also conflict with the overarching aims of the Framework with regard to the protection of heritage assets.
13. Although the Council have also referred to SAMDev Policy MD12, this relates solely to impacts on the natural environment. As such it is not directly relevant to the proposal before me which has been refused on the grounds of character and appearance. In reaching the above conclusion I have been mindful of the caselaw referred to by the Appellant¹ with regard to the interpretation of paragraph 197 of the Framework.

Living Conditions

14. To the rear of the appeal site is No 4 Rectory Gardens, the side elevation of which faces, and is relatively close to, the boundary it shares with the appeal site. During my observations on site I noted three windows, one on the ground-floor and two on the first-floor, which appeared to have a relatively open outlook over the low boundary fence and between the mature vegetation. Whilst I cannot be certain of the rooms these windows serve, they were clear glazed and therefore have the potential to serve habitable rooms. It appears, from my observations on site, that the proposed extension would be on land raised slightly from that of the neighbouring property.
15. However, the proposal would still appear akin to a single storey extension from the windows at No 4. I therefore find that the outlook from the two first-floor windows would be maintained over the extension and would not be unacceptably affected. Furthermore, although the extension would project towards the ground floor window, it would not be directly in front of it. Although it is likely that the outlook from the ground floor window would be somewhat reduced as a result, views over and around the extension would be maintained. Given the distance of the proposal from this window, these would be sufficient to maintain a good standard of living accommodation for the neighbouring occupiers.
16. The proposal would result in one first-floor window facing No 4 Rectory Gardens with the potential of causing overlooking, that serving Bedroom 2. However, it is set a good distance away from the shared boundary and is not

¹ Travis Perkins (Properties) Limited v Westminster City Council & Others, [2017] EWHC 2738

angled towards any opposing windows. I therefore find that it would not result in any unacceptable overlooking to the detriment of the privacy of the occupiers at No 4.

17. The proposed extension would therefore not cause any unacceptable harm to the living conditions of the occupiers at No 4 Rectory Gardens and as such, would comply with CS Policy CS6 which requires development to be of a high-quality design that, amongst other things, contributes towards wellbeing through safeguarding residential amenity. The proposal would also comply with Paragraph 127 of the Framework which requires development to provide a high standard of amenity for existing and future users.

Other Matters

18. Whilst the appeal site is close to the Old Rectory, a grade II listed building, there is a degree of both physical and visual separation between it and the proposal. Given this separation, the extension would not be directly read in relation to the listed building and as such the proposal would preserve its setting.
19. The appeal site is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The Framework requires that I must give great weight to the conservation and enhancement of the landscape and scenic beauty of an AONB. In this instance, given the siting and scope of the development, I find that there would be no adverse impacts to the AONB and that as such its landscape and scenic beauty would be conserved.
20. I note that the Appellant amended the scheme in response to comments from the Council. While the amendments may have improved the proposal they do not, in themselves, justify the harmful development before me.

Conclusion

21. Although the Council consider the principle of an extension to be acceptable, there would be no harm to the living conditions of neighbouring occupiers, and the proposal would be beneficial for the Appellant by way of providing additional living accommodation, this does not outweigh the identified harm and the conflict with the development plan as a whole.
22. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR