



## Appeal Decision

Site visit made on 31 January 2022 by A J Sutton BA (Hons) DipTP MRTPI

**Decision by Caroline Mulloy BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 March 2022**

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**Appeal Ref: APP/L3245/D/21/3287557**

**Hammer Hill House, Romsley Lane, Romsley, WV15 6HW**

- 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 Jonathan Cox C/O Evergreen Architects Limited against the decision of Shropshire Council.
  - The application Ref 21/03032/FUL, dated 16 June 2021, was refused by notice dated 8 September 2021.
  - The development proposed is described as 'The proposal is to demolish the existing 1980s pool and build a new modern style pool in the same location, which is slightly larger.'
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Applications for costs

3. An application for costs was made by Mr Jonathon Cox against Shropshire Council. This application is subject of a separate Decision.

### Main Issues

4. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
  - the effect of the proposal on the openness of the Green Belt;
  - the effect of the proposal on the character and appearance of the property which is a non-designated heritage asset; and
  - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## **Reasons for the Recommendation**

5. The Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy, as set out in the Framework, is to prevent urban sprawl by keeping land permanently open.

### *Whether Inappropriate Development*

6. Policy CS5 of the Shropshire Local Development Framework Core Strategy (Core Strategy) and policy MD6 of the Site Allocations and Management of Development Plan (SAMDev) predate the Framework but are generally consistent with national Green Belt policy, stating that development will be strictly controlled.
7. This proposal would not satisfy any of the exceptions set out in the local plan policies. However, the Framework at paragraph 149 provides exceptions for development in the Green Belt. These include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building, and for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. 'Disproportionate additions' is not defined in the local plan policies or the Framework. The Council contends that the current dwelling far exceeds 100% of the original floorspace and this is not disputed by the appellant. The fact that the extensive grounds have space to accommodate this development is not at issue in this consideration. Moreover, the property has the benefit of previously permitted large extensions.
9. However, there is a point when even a small extension, when considered in combination with the other extensive additions, represents a disproportionate addition to the building. Given the substantial cumulative increase in the size of the original dwelling, amounting to a doubling in size of both the original footprint and mass, this is applicable in this case. Accordingly, I find that this proposal would be a disproportionate addition to the dwelling and would therefore not qualify as an exception as set out in paragraph 149 c) of the Framework.
10. The replacement pool would be 33% larger than the size of the existing pool and of a similar height. This would result in a materially larger building and significantly beyond the 10% size increase indicated as potentially acceptable in preapplication discussions with the Council. It would therefore not satisfy the requirements of paragraph 149 d) of the Framework for this reason.
11. In light of the above, the proposal would be inappropriate development in the Green Belt, and harmful in this respect. I attach substantial weight to this harm in this recommendation.

### *Openness*

12. The dwelling is well screened from the road to the front and at its east boundary by high walls. The property is relatively open to the west, bound by a lower wall and with a paddock beyond.
13. The proposed replacement building would be attached to the east wing of the dwelling and would be screened on this elevation by the walled garden. When

viewed from the footpath at the west boundary it would be seen in the context of the collection of buildings that form the dwelling. However, the proposal would extend the built form significantly to the front of the existing pool. Furthermore, whilst it would be a similar height to the building it would replace, the proposed design, with a prominent roof form, and significantly extended footprint, would result in a spatial and visual change to the existing openness at this part of the appeal property.

14. The harmful effect on the openness of the Green Belt would be extremely limited given the circumstances outlined. Nevertheless, substantial weight is attached to this harm in this appeal.

#### *Character and Appearance*

15. The non-designated heritage asset was constructed in the 1920s. The Heritage Impact Assessment<sup>1</sup> confirms the original asymmetry composition of the dwelling has been eliminated by recent extensions. However, I consider that the style and detailing, characteristic of early 20<sup>th</sup> Century architectural style can still be appreciated, and this includes traditional hipped roof forms and full height bay windows. Moreover, the individual design quality, influenced by the Arts and Craft Movement, and its significance as a large rural house, associated with a notable architect, is still discernible. The Loggia, open lawns to the front, walled-garden, gate and coach houses contribute to this positive sense of history associated with this property. For these reasons, despite alterations, the asset retains its heritage interest and significance as a grand period rural dwelling, set in spacious grounds with a commanding elevated position.
16. The Framework, at paragraph 203, requires, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
17. The pool added in the 1980's is typical of designs of that era. Along with the large extensions to the dwelling, it has contributed to the loss of the asymmetrical pattern of built form and the original site composition. However, the structure, which pierces the walled-garden, only encroaches a small way into the garden. Its pitched glazed roof is set into the wall, but the line of the wall is still apparent above the pool's roof. These features limit the impact of the structure on the historic interest of this part of the property.
18. To the south, the stone façade of the pool is of a traditional architectural form. This appears subordinate in size and sympathetic in both style and materials to the adjacent Loggia and front elevation of the dwelling. To the north the structure appears a generally subservient feature beyond the east wing of the dwelling, with only the protruding octagonal roof lantern standing out as an incongruous feature, in terms of materials and form, against the period dwelling. Therefore, although the existing pool's design is not wholly respectful of the dwelling's original architectural style, with the exception of its roof lantern, which is modest in size, the existing pool appears a recessive structure, when viewed from all elevations and in the context of the wider property.

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<sup>1</sup> Ref Heritage Impact Assessment of Replacement Swimming Pool June 2021

19. The corten steel faced southern elevation of the proposed pool would blend both in height and colour with the dwelling and the garden wall. The use of Zinc is a nod to the detail at the bay windows, but the eye would be drawn to the unusual, scalloped roof panels which would create an incongruous form at this aspect of the property. The steel to the east would echo the colour of the sandstone. However, the wide solid expanse of this modern material, crowned by the boxy unsympathetic roof panels, which would extend most of the length of the extended form, above the existing wall, would create a strong urban feature which would be at odds with the period and domestic setting of the walled garden.
20. The proposal would protrude significantly beyond the existing footprint of the pool to the north and further beyond the front elevation of the dwelling's east wing. Consequently, a substantial section of the pool's west elevation would encroach into a part of the property where its rural setting is appreciated. This would result in a prominent structure with an industrial aesthetic which would clash detrimentally with the distinctly rural character of the property.
21. Although adding interest to the proposed north elevation the water feature would not soften the harmful contrast of the proposed roof form. At this aspect its urban form would result in a confusion of roof heights and shapes which would compete and fail to harmonise with the existing hipped roofscape at the front of the period dwelling.
22. Contemporary additions can complement period properties and there is support in principle from the Council in this case. The intrinsic design quality of the proposal is also not in question. However, in this context for the reasons outlined the design, with the imposing roof profile, would be a visually dominant feature that would not respect the period architectural style of the dwelling. Its jarring form would not be subservient in this regard and would diminish the appearance of the property and would further erode its historic significance in this respect.
23. The harmful effect would be localised to the immediate property with only glimpsed views from the footpath at the west. However, the development would not be visually attractive in this context, nor would it be sympathetic to local character or the remaining positive period features of the property. This harm, particularly in respect to the proposed roof, could not be made acceptable by a condition for a landscaping scheme.
24. The proposal would result in an improvement in energy efficiency which would be of small benefit given the scale of the development. The health and well-being benefits of the pool would be limited to the occupants and the family and would be of private benefit. The proposal would remove a structure that is not wholly in keeping with the historic asset, but it would replace it with an incongruous development which would, for the reasons outlined, be more harmful to the period property. Therefore, this matter does not weigh in favour of the proposal. Consequently, I find that the small and limited benefits of this proposal would not outweigh the harm to the appearance of the non-designated heritage asset.
25. I therefore conclude the proposal would have a harmful effect on the character and appearance of the property, which is a non-designated heritage asset. It would in this regard be contrary to policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of the SAMDev, which collectively, amongst other

matters, requires proposals to protect the diversity, high quality and local character of Shropshire's built and historic environment, ensuring where possible proposals avoid harm or loss of significance to non-designated assets. It would also be inconsistent with design and historic environment policies of the Framework.

### *Other Considerations*

26. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
27. Violet House is not in the Green Belt and therefore the conclusions of the Inspector in the appeal decision<sup>2</sup> is not relevant to the considerations of disproportionate alterations in the Green Belt which is at issue in this appeal. The Inspector's findings in the Guilford decision<sup>3</sup> considered whether that proposal was proportionate. However, in that appeal the addition increased the original size of the dwelling by 72%, which is considerably less than the cumulative increases to this property and in this regard the circumstances were distinctly different from this proposal. The decisions have not been determinative for these reasons.
28. I have had regard for the need to renovate the existing pool, the energy efficiency associated with its replacement, and that it would be of benefit to the health and enjoyment of the family, as well as minimising travel to alternative facilities some distance from the property. However, I am not convinced that this harmful development is the only means of securing these benefits and that a less harmful scheme could not be devised. Therefore, these factors do not weigh in favour of this proposal.
29. Development which would not unduly affect the local housing market is to be expected so this is a neutral factor. I note the support from the neighbours, but this alone would not justify development which would be harmful for the reasons outlined.
30. Permitted development rights are separate from development that requires planning permission. Land within Green Belt is not precluded from rights afforded by the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), unlike other designations such as national parks. This has been the position over successive amendments to the GPDO. The option has been available to the Government to disapply permitted development rights for dwellings in the Green Belt, but it has not opted to do so. Having regard to this, it is reasonable to conclude that development permitted by the GPDO is not inappropriate. Moreover, permitted development is subject to restrictions, conditions and limitations and such development would be materially different from this proposal. Therefore, this matter would not provide a justification for inappropriate development in the Green Belt and is not determinative for this reason.
31. The unilateral undertaking (UU) by the appellant not to construct a stable block permitted under an extant permission<sup>4</sup> if this appeal was allowed passes the necessary tests and I attach weight to it in reaching this recommendation.

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<sup>2</sup> Ref APP/L3245/D/19/3240051

<sup>3</sup> Ref APP/Y3615/W/18/3202309

<sup>4</sup> Ref BR/APP/FUL/04/0969

Although the planning statement indicates that the appellant was prepared to enter into an agreement and this option was highlighted in the officer's report, I am not able to confirm from the evidence before me that the UU was submitted when the planning application was determined. The Council's preapplication advice was clear and it has substantiated its reasons for refusal with relevant policies. Accordingly, I find there is nothing to indicate that it has failed to be proactive in dealing with this application.

32. The stable block in question is an outbuilding separate from the dwelling but does form part of the property in that it straddles the western boundary and is well related to the large estate. The sizeable building, whilst very different in character to this proposal, is also comparable in size and height with the proposed additional floorspace of the pool. Once constructed it will fill an open space at this boundary, adjacent to a paddock, and it would be visible from the footpath which crosses this field. Its impact on the openness of the Green Belt would therefore be greater than the proposed building attached to the dwelling and the walled garden. However, the UU would not address the conflict with paragraph 149c of the Framework, and it would not make the proposal which would result in a disproportionate addition to the building acceptable. Nor would it address the harmful impact of the proposal in terms of the character and appearance of the non-designated heritage asset. Accordingly, I attach moderate weight to this matter.

*Whether very special circumstances exist*

33. The proposal would be inappropriate development in the Green Belt and would lead to a loss of openness. It would harm the character and appearance of the property and would conflict with development plan policy in this regard. These are matters I give substantial weight and I find this would not be clearly outweighed, either individually or cumulatively, by the other considerations advanced by the appellant for the reasons outlined above. As a result, the very special circumstances that are necessary to justify the development do not exist. Consequently, the UU is unnecessary. The proposal therefore would conflict with Green Belt policies of the development plan and the Framework.

### **Conclusion and Recommendation**

34. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

*A J Sutton*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

35. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Caroline Mulloy*

INSPECTOR