



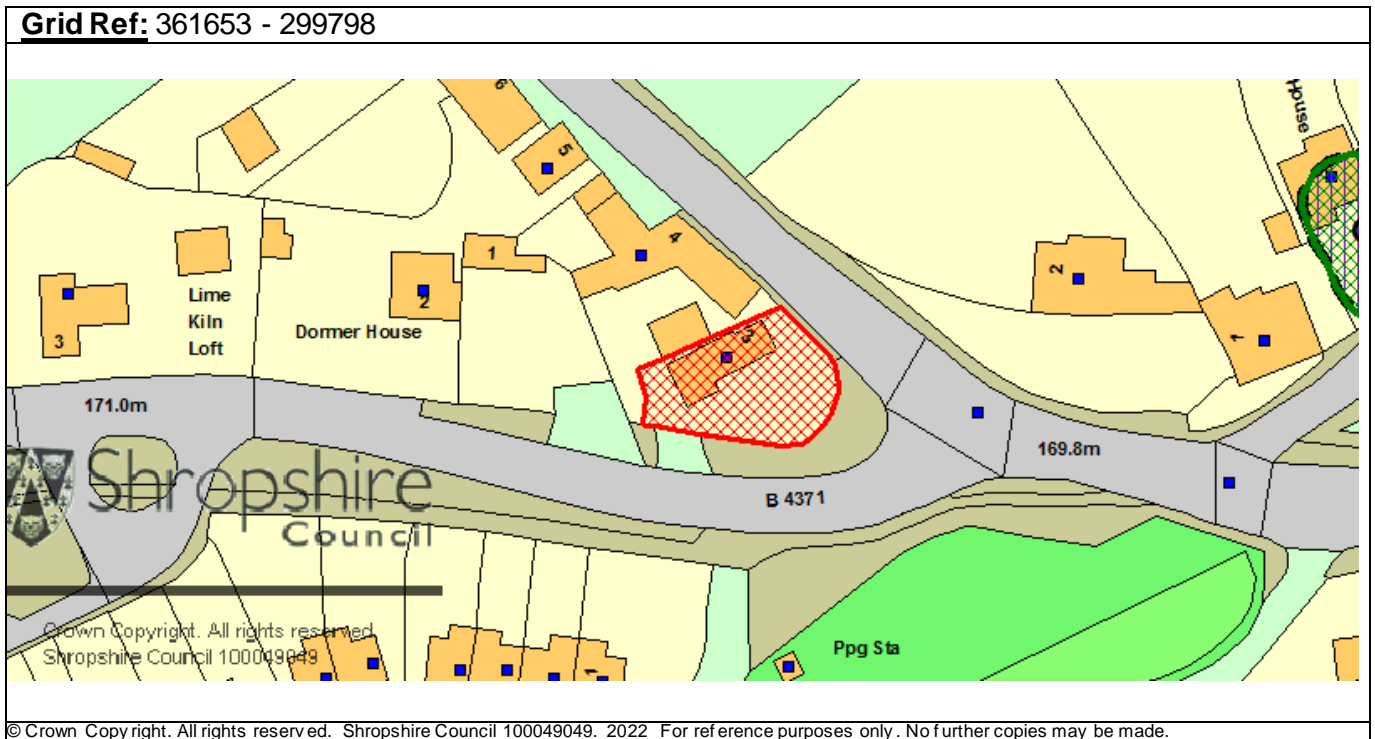
Committee and date  
Southern Planning Committee  
18th October 2022

## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b>Application Number:</b> 22/02298/FUL	<b>Parish:</b> Much Wenlock
<b>Proposal:</b> Erection of garden room/office/store	
<b>Site Address:</b> Havelock Cottage 3 Shrewsbury Road Much Wenlock TF13 6AN	
<b>Applicant:</b> Ms M Clayton	
<b>Case Officer:</b> Lynn Parker	<b>email</b> : lynn.parker@shropshire.gov.uk



**Recommendation:- Refuse**

## Recommended Reason for refusal

1. The proposed garden room/office/store outbuilding would by its incongruous log cabin design, and siting on a prominent elevated corner of the plot frontage in front of the principle elevation of a visually attractive stone cottage, cause harm to the existing character and appearance of the street scene and to Much Wenlock Conservation Area. It would adversely impact upon the existing sense of spaciousness, an attribute of this part of the Conservation Area, and would constitute overdevelopment of this plot which has already reached a certain development saturation point. There are no public benefits identified for this domestic scale development to outweigh the less than substantial harm to the significance of the Conservation Area as a designated heritage asset in this case. The proposal is therefore contrary to Shropshire Council LDF Core Strategy Policies CS6 and CS17, Site Allocations and Management of Development (SAMDev) Plan Policies MD2 and MD13, Policy GQD2 of the Much Wenlock Neighbourhood Plan, and paragraphs 197 and 202 of the National Planning Policy Framework.

## REPORT

### 1.0 THE PROPOSAL

1.1 This application is for the erection of a garden room/office/store outbuilding within the frontage of Havelock Cottage, 3 Shrewsbury Road, Much Wenlock. The building is designed as a dual-pitched roof log cabin, model 'Rhine Warmalog Cabin', measuring approximately 3.8m wide x 3m in depth x 2.46m to ridge height. It is proposed to be positioned within the south eastern corner of the front garden. Minimal pruning is indicated to a Laburnum tree.

1.2 Materials are detailed as follows:

Walls - 62mm insulated interlocking nordic spruce logs treated upon erection equivalent to 140mm tick U-Value.

Roof - 60mm comprising a sandwich of MFP board insulation and tongue and groove timber with bitumen black shingle.

Windows - stainless steel friction stays multipoint with mushroom headed espagnolettes. 4mm toughened glass, 24mm double glazed.

Doors - Double glazed toughened glass French doors.

Lighting - Internal low energy LED lighting.

1.3 A Supporting Statement is provided which advises that the property does not benefit from rear garden to locate the outbuilding and there is no existing fixed outdoor storage space. The building is intended primarily as office space enabling working from home without impinging on the home, work/life balance. Additionally, it would provide an outdoor weather proof space that may also be used as a leisure room for relaxation/exercise/storage.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within the Market Town of Much Wenlock to the south west of the Town Centre and is also incorporated into Much Wenlock Conservation Area. The property is accessed directly from Stretton Road (B4371), although its address is Shrewsbury Road. This is because the site is positioned on a prominent corner with Shrewsbury Road along its north eastern side rising from the south east up towards the north west, and Stretton Road along its southern side below the plot. This part

of Stretton Road is a mixture of older traditional stone properties forming ribbon development along the north side of the road within the Conservation Area, and more recent sections of housing on the south side of the road which are not within the Conservation Area.

2.2 Havelock Cottage is a detached stone cottage constructed following the grant of Planning Permission Ref: BR/APP/FUL/00/0323 on 29th June 2000. It has subsequently benefited from Planning Permission for the erection of utility room extension to the north east side granted under Planning Ref: 22/00348/FUL on 5th April 2022. The dwelling has a south facing front elevation with a driveway and parking area within the south west corner. and subdivided from the garden by timber fencing. The garden is located in the south east corner extending around to the north east side, however there is no outside amenity space to the rear of the property which is adjacent to the boundary. The plot is raised above Stretton Road resulting in the garden being elevated above the road junction. The front/corner boundary comprises a stone wall with trellis fencing above and shrubs young trees inside the wall. There is a telegraph pole outside the corner of the boundary wall heavily covered in Ivy.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is not considered to accord with the requirements of the Council's relevant adopted policies and a contrary opinion from the Parish Council has been received that would require determination of the application by Committee, therefore the Principal Planning Officer in consultation with the Committee Chairman has confirmed that based on material planning reasons, a Committee decision is necessary under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

### 4.0 Community Representations

#### 4.1 - Consultee Comments

4.1.1 Much Wenlock Town Council - No objections.

4.1.2 SC Drainage - Informatives recommended in relation to a sustainable drainage scheme for the disposal of surface water from the development, Policy RF.2 and finished floor levels.

4.1.3 SC Archaeology - No comments to make on this application in respect of archaeological matters.

4.1.4 SC Conservation - Objection, where it is considered that the proposal would consist of 'less than substantial harm' upon the existing character and appearance of the conservation area, where there is no demonstrable public benefit.

4.1.5 SC Trees - Concerns that excavations for conventional strip foundations on the western elevation of the outbuilding would sever a significant proportion of the Laburnum tree's root system. It's removal and replacement could be a better option.

#### 4.2 - Public Comments

4.2.1 Confirmation received of site notice display from 10th June 2022. Proposal

advertised in the Shropshire Star on 14th June 2022 as being within a Conservation Area. No public representations received.

## 5.0 THE MAIN ISSUES

- Principle of development
- Design, scale and siting
- Impact on the historic environment
- Trees

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity.

6.1.2 Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. For a development to be considered acceptable it is required to contribute to and respect locally distinctive or valued character and existing amenity value by:

- i) Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale density, plot sizes and local patterns of movement; and
- ii) Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- iii) Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv) Enhancing, incorporating or recreating natural assets in accordance with MD12.

6.1.3 LDF Core Strategy Policy CS17 is also 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 functions of these assets, their immediate surrounding or their connecting corridors.

6.1.4 Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

6.1.5 Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.1.6 Policy GQD2 of the Much Wenlock Neighbourhood Plan requires all development to be designed to a high quality and to reinforce local distinctiveness. Development

proposals will be expected to:

- make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area.
- be suitably designed for the context within which they are set.
- retain existing important landscape and natural features.
- ensure that the scale and massing of buildings relate sympathetically to the surrounding area.
- use traditional and vernacular building materials where such treatment is necessary to respect the context of the development concerned.

6.1.7 The proposed development is considered to have an adverse impact on the character of the existing dwelling and surrounding Conservation Area by its design and positioning on a prominent front corner of the plot. The principle of development is therefore not acceptable and the full implications are discussed below.

6.2 Design, scale and siting

6.2.1 Primarily there is concern that an outbuilding located in the position proposed would adversely impact in two respects. Firstly it would be located within the frontage of the plot between the front elevation of the dwelling and the boundary where it could impede the visual appearance of this attractive stone cottage. Secondly, its proposed position is in a prominent corner of the frontage which is visible from both Stretton Road and Shrewsbury Road, and within the wider Conservation Area.

6.2.2 This positioning would be combined with its log cabin design which would introduce an incongruous building of alien character and appearance within the Conservation Area street scene. This type of outbuilding is considered to be more suited to a rural area or within a large rear garden area. Whilst it is acknowledged that there is no other available garden space in which to accommodate the proposed outbuilding, there may be space for some kind of smaller garden storage structure on the hardstanding area adjacent to the south east side of the dwelling without impacting on the driveway/parking provision.

6.3 Impact on the historic environment

6.3.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in exercising planning functions.

6.3.2 Concern has been identified that the front garden is sited on a very prominent corner location at the junction with Shrewsbury Road and Stretton Road, in addition it is within Much Wenlock Conservation Area. It is considered that whilst visibility into the site would be limited from Shrewsbury Road due to the existing foliage, it would be highly visible from Stretton Road despite the presence of the existing fence that subdivides the driveway and the garden. Vegetation within domestic properties should not be relied upon to provide permanent screening as it is not within LPA control, other than where some trees are protected by a Conservation Area status or TPO. This part of the Much Wenlock Conservation Area is characterised by

dwellinghouses set within spacious plots, and where the proposed development would impact upon the existing sense of spaciousness and could potentially lead to an unfortunate precedent of having other outbuildings sited within other plots, especially along the frontages. Furthermore it is considered that the site has reached a certain saturation point where the addition of the proposed outbuilding would constitute overdevelopment and therefore cause harm to the existing character and appearance of the Conservation Area.

6.3.2 Paragraph 202 of the NPPF states that, 'Where a development proposal will lead to less than substantial harm, to the significance of a designated heritage asset, this\_ harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. In this instance it is considered that the proposed development would consist of 'less than substantial harm' upon the existing character and appearance of the Conservation Area and that there is no demonstrable public benefit as the proposed development is for a domestic outbuilding for personal use and enjoyment incidental to the dwellinghouse.

#### 6.4 Trees

6.4.1 SC Trees note that the footprint of the proposed outbuilding falls within a metre or so of the stem of a semi-mature Laburnum tree. A branch currently projecting over what would be the outbuilding will need to be removed to allow construction. The removal of the branch would not affect the overall health or condition of the tree, however, there are concerns that excavations for conventional strip foundations on the western elevation of the outbuilding would sever a significant proportion of the tree's root system. This could destabilise the tree and lead to its progressive decline and ultimately its death. Large pruning wounds would also allow opportunity for entry of decay causing fungi. In this instance it would be better for the tree to be removed and a suitable replacement planted in an appropriate place in the garden. This could be appropriately managed by pre-commencement conditions requiring a Tree Planting Scheme and its implementation.

#### 7.0 CONCLUSION

7.1 The proposed garden room/office/store outbuilding would by its incongruous log cabin design, and siting on a prominent elevated corner of the plot frontage in front of the principle elevation of a visually attractive stone cottage, cause harm to the existing character and appearance of the street scene and to Much Wenlock Conservation Area. It would adversely impact upon the existing sense of spaciousness, an attribute of this part of the Conservation Area, and would constitute overdevelopment of this plot which has already reached a certain development saturation point. There are no public benefits identified for this domestic scale development to outweigh the less than substantial harm to the significance of the Conservation Area as a designated heritage asset in this case. The proposal is therefore contrary to Shropshire Council LDF Core Strategy Policies CS6 and CS17, Site Allocations and Management of Development (SAMDev) Plan Policies MD2 and MD13, Policy GQD2 of the Much Wenlock Neighbourhood Plan, and paragraphs 197 and 202 of the National Planning Policy Framework.

#### 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

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:  
National Planning Policy Framework  
National Planning Practice Guidance

LDF Core Strategy Policies:  
CS6 Sustainable Design And Development Principles  
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD2 Sustainable Design  
MD12 Natural Environment  
MD13 Historic Environment

Much Wenlock Neighbourhood Plan 2013-26  
Much Wenlock Design Statement 2000

### RELEVANT PLANNING HISTORY:

22/00348/FUL Erection of utility room to side. Granted 5th April 2022  
BR/APP/FUL/04/1086 Retention of retaining walls and addition of railings. Granted 4th February 2005  
BR/APP/FUL/00/0323 - Erection of one detached two storey dwellinghouse, construction of new vehicular access, erection of new garden wall and alterations to existing wall. Granted 29th June 2000

## 11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RBZM1ITDG0X00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Supporting Statement received on 17th May 2022.

Cabinet Member (Portfolio Holder)  
Councillor Ed Potter

Local Member



Cllr Dan Thomas

Appendices

APPENDIX 1 - Informatives

## APPENDIX 1

### Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

2. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS6 Sustainable Design And Development Principles

CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design

MD12 Natural Environment

MD13 Historic Environment

Much Wenlock Neighbourhood Plan 2013-26

Much Wenlock Design Statement 2000

3. Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with paragraph 38 of the National Planning Policy Framework. However in this case the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.

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