



Appeal Decision

Site visit made on 4 January 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/L3245/W/22/3305076

Darwin House (Formerly the Hollies – Demolished), Dovaston, Kinnerley, Oswestry, SY10 8DS

- 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 and Mrs J Griffiths against the decision of Shropshire Council.
 - The application Ref 22/01976/FUL, dated 22 April 2022, was refused by notice dated 27 June 2022.
 - The development proposed is erection of 1no replacement dwelling with associated detached double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dwelling and garage on the character and appearance of the area.

Reasons

Background

3. The Hollies, a detached dwelling previously occupied the appeal site but this has been demolished. I have not seen any details of the dwelling but I am informed that it was a small vernacular stone and brick cottage. There is a planning history of refusal for its replacement but a planning application was first approved in 2006 and then again later in 2017¹. I understand that the permission is extant as work has commenced. I observed dug trenches on the site. Also, boundary hedging alongside the road has been planted.
4. Access to the site is via land outside the application site but immediately adjoining it. Other than providing an access to the appeal site, it also provides access to a large caravan although from the evidence submitted with this appeal, it seems it was intended to access the agricultural land beyond it. There is no subdivision between the access and the application site and from the details given on the application form and location plan both areas of land are in the same ownership.

Character and Appearance

5. The character of the area is semi-rural with the road running through the village of Dovaston which comprises of mainly a mix of dwellings interspersed

¹ Planning Applications Refs : - 06/14437/FUL & 12/03866/FUL.

with open land. The appeal site is located on the southern side of the road with open land to the rear and opposite, on the other side of the road. On the western side of the access, there is a former chapel, which now seems to be a residential property, and predates another later chapel, now a United Reformed Church which bears a date stone 1879. Between the two chapels is a graveyard and both buildings are identified by the Council as non-designated heritage assets. The historical significance of these buildings is based on their age and their role in the local community as places of worship. The graveyard includes both old and newer gravestones and contributes to the significance of the non-designated heritage assets by virtue of its location, function and relationship to the two chapels.

6. The proposed house and garage would have a contemporary design being flat roofed and box like and finished with a range of materials including timber and copper. The appearance of the proposed house would differ significantly from the more traditional styles of dwellings found elsewhere in the village. In particular, the proximity of the vernacular appearances of the older chapel on the other side of the access, the graveyard and the United Reformed Church would exacerbate the harmful alien characteristics of the proposed dwelling and garage. The new house and garage would pay little regard to the significance of the non-designated heritage assets.
7. Furthermore, the proportion of buildings to amenity space within the application site would be such that the house and garage would appear cramped and disproportionately large for its plot. Also, despite proposed and existing planting, the closeness of the scheme towards the application site boundaries means that it would be visually prominent from the road, the graveyard, the fields and the public footpath to the west of the access. It would be a stark and jarring addition to the local scene.
8. Although the proposal would satisfy policies CS6 and CS17 of the Core Strategy² in terms of its construction materials and eco credentials, for the reasons set out above, it would conflict with these policies in terms of its failure to reflect its local context and character. It would further conflict with of SAMDev³ Policy MD13 and MD2 which seeks to avoid harm to the significance of non-designated heritage assets, including their setting and requires development to contribute and respect existing development and reflect local characteristics.
9. The National Planning Policy Framework⁴ supports well designed development and states that significant weight should be given to outstanding or innovative design which promote high levels of sustainability. However, the Framework also confirms that this should be the case so long as the development fits in with the overall form and layout of their surroundings. For the reasons stated, the proposed dwelling and garage would not fit in with their surroundings and so would not comply with the design objectives of the Framework.
10. The proposal would provide a lifetime home for the appellants and I note the scheme's eco credentials. Nevertheless, these benefits would not outweigh the

² Shropshire Council – Shropshire Local Development Framework : Adopted Core Strategy, March 2011.

³ Shropshire Council Site Allocations and Management of Development (SAMDev) Plan – Adopted Plan 17 December 2015.

⁴ Ministry of Housing, Community and Local Government National Planning Policy Framework, 2021 (the Framework).

harm to the significance of the non-designated heritage asset and on the character and appearance of the area.

Other Matters

11. It appears it would be possible to still build the approved dwelling which might then be extended under Permitted Development (PD) rights. However, the appellants wish to build an alternative property and I have only very limited sketch details showing how the approved house might be extended under PD. The fallback position of an extended approved houses seems unlikely to me and so I give it little weight.
12. I also note that the appellants consider the approved house to be outdated in terms of its size and have raised matters about the size of modern housing and its suitability for family occupation. However, dwellings are required to meet a variety of needs and the reasons given for a larger house here does not alter my conclusion.
13. I note the numerous examples of other houses, citing their locations, bedroom numbers and plot ratios. I have also considered the proposal in the context of the Council's policy for managing housing in the countryside under SAMDev Policy MD7a and the Council SPD⁵ regarding affordable housing. However, none of these matters raise issues that alter my conclusion.
14. I have reviewed the representations made in support of the scheme. However, none of the matters raised persuade me away from my earlier findings.

Conclusion

15. For the reasons given above I conclude that the appeal scheme conflicts with the development plan read as a whole and that there are no material considerations to indicate a decision other than in accordance with the development plan. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR

⁵ Shropshire Council – Shropshire Local Development Framework – Type and Affordability of Housing Supplementary Planning Document (SPD), Adopted 12 September 2012.