



Northern Planning Committee

16th July 2024

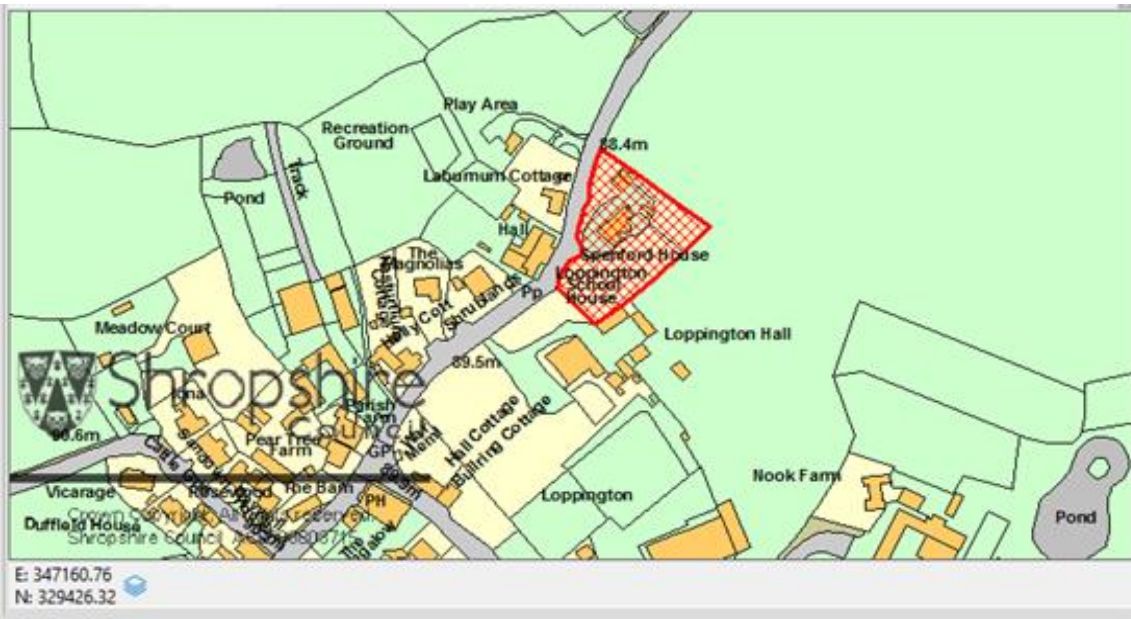
Development Management Report

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

Summary of Application

Application Number: 24/01734/LBC	Parish:	Loppington
Proposal: Removal of modern entrance porch and replace with oak enclosed porch.		
Site Address: Spenford House Loppington Shrewsbury Shropshire SY4 5NG		
Applicant: Miss Kerrie Griffin		
Case Officer: Ruth Hitchen	email:	historic.environment@shropshire.gov.uk

Grid Ref: 347170 - 329466



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Recommendation:- Approval subject to the conditions as set out in Appendix 1.

The proposed work will not cause harm to the significance of Spensford House and will enhance the living space in this part of the property by providing some protection from drafts and weather on this elevation. Officers consider the proposal to accord with the Core Strategy Policies CS6 and 17, Adopted SAMDev policies MD2, MD13, the NPPF and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Legislatively neither Section 66 or 72 of the above Act are engaged as it considered no harm will be caused to the significance of the host designated heritage asset or the designated heritage asset that is Loppington Conservation Area.

In coming to this conclusion due regard to the desirability of preserving the building, the features of special architectural or historic interest which it possesses, has been made in line with Section 66 and the preserve of the character or appearance of the Conservation Area in line with 72 of the above Act.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is requesting permission to remove the existing porch which is sited on the front (southwest) elevation. The existing porch is made of timber which appears to have been recycled from elsewhere, under a clay tile roof.
- 1.2 The proposed replacement porch is larger and is enclosed, using timber framing and painted infill panels under a tile roof. The size and location of the porch was amended during the consideration of refused applications 23/04622/FUL and 23/04623/LBC to that which is shown in this current application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Spensford House is sited on the north eastern edge of the village of Loppington on the B4397 to the west of the market town of Wem. Being on the edge of the village, the property is viewed within a predominantly rural verdant landscape setting. There are a host of other Grade II listed buildings adjacent and opposite the site.
- 2.2 The property is within the Loppington Conservation Area which was designated in 1985 as a recognition of its historic and architectural interest and character.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 It is considered that the Parish Council have raised material planning considerations that warrant the application being considered by Committee.

4.0 Community Representations

4.1 Consultee Comment

- 4.2 Loppington Parish Council – The Parish Council objects to the proposal due to the increased size when compared with the existing which they consider to be an inappropriate change to the exterior of the Listed Building. This change is considered to also impact on the Loppington Conservation Area as in their opinion the changes will mean that it will no longer contribute positively to the character and appearance of the conservation area.

In addition the Parish Council refer, in their comments, to the submitted drawings showing other proposed alterations to the listed building which were part of the refused applications 23/04622/FUL and 23/04623/LBC and are concerned by this and respectfully suggest that the plans should not be approved as part of any consent. Further to this the Parish Council suggest that the submitted drawings do not properly define the extent of demolition, proposal or replacement structures scale, size, design detail and materials or the impact on the historic fabric.

- 4.2 SC Conservation – no objection. (Author of the report).

4.3 Public Comments

- 4.4 None received at the time of writing this report.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of proposed porch
- Visual impact on designated heritage assets

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The fact that the building is Grade II listed and within a conservation area does not preclude any form of alteration to the existing dwelling. The existing porch; whilst appearing to have been there for some time, is constructed of a mixture of used recycled timber and some newer materials. Officers consider that it has limited historic or architectural merit and overall is considered neutral when assessing whether it contributes to the significance of the designated heritage assets. Its removal is therefore not considered to cause harm to the significance of the host designated heritage asset or the conservation area.

6.2 Siting, scale and design of proposed porch

- 6.2.1 As indicated above in paragraph 1.2 the siting, scale and design of the proposed porch had previously been amended during negotiations on previously refused applications which included a raft of alterations to Spensford House. The porch, as part of those applications and as amended (23/04622/FUL and 23/04623/LBC), was considered acceptable and was not an item that contributed to the overall refusal. The increased size and visual design are considered acceptable and the finer details of design ie eaves, verge, timber frame, joinery etc will be covered by condition which will require discharge prior to the new porch being erected.

6.3 **Visual impact on designated heritage assets**

- 6.3.1 As noted above in paragraph 6.2.1 Officers consider that although there will change to the visual appearance of the building and a building within the Loppington Conservation Area no harm will arise as a result of the proposal.

7.0 **CONCLUSION**

The proposed work will not cause harm to the significance of Spensford House and will enhance the living space in this part of the property by providing some protection from drafts and weather on this elevation. Officers consider the proposal to accord with the Core Strategy Policies CS6 and 17, Adopted SAMDev policies MD2, MD13, the NPPF and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Legislatively neither Section 66 or 72 of the above Act are engaged as it considered no harm will be caused to the significance of the host designated heritage asset or the designated heritage asset that is Loppington Conservation Area.

In coming to this conclusion due regard to the desirability of preserving the building, the features of special architectural or historic interest which it possesses, has been made in line with section 66 and the preserve of the character or appearance of the Conservation Area in line with section 72 of the above Act.

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:

NPPF – National Planning Policy Framework

Core Strategy and Saved Policies:

CS6 – Sustainable Design and Development Principles

CS17 – Environmental Networks

Sites Allocation Management of Development:

MD13 - Historic Environment

***Submission Local Plan (2016-2038)**

SP1 The Shropshire Test

SP5 High Quality Design

DP23 Conserving and Enhancing the Historic Environment

*The Submission Local Plan has now been agreed at Full Council and submitted to the Secretary of State, where limited weight is afforded to the relevant policies until the plan is examined by the Planning Inspectorate and fully adopted by Full Council.

RELEVANT PLANNING HISTORY:

15/00287/LBC Repairs to the south east gable: to remove existing brickwork external wall reinstate the timber frame at ground floor level and repair/replacement of infill panels above GRANT 27th March 2015

23/00177/LBC Retention of works carried out to south east gable involving dismantling and replacement of timber frame elements and infill panels affecting a Grade II Listed Building GRANT 13th March 2023

23/02292/TCA To fell to ground level 1no. Cherry & trim up to 0.5m to retain shape approx. 5no. Conifers within Loppington Conservation Area (Amended 30/06/23) CBR 13th July 2023

23/02301/FUL Alterations to existing gateway to revert back to original hedge line and replace gates for wooden electric to create a safer entrance and boundary and re-arrangement of existing modern stud work to first floor level WDN 10th July 2023

23/02305/LBC Internal works to existing building to create an en-suite bathroom and a walk in wardrobe to bedroom 2. GRANT 16th August 2023

23/02369/TPO Crown and height reduction by the overall secondary branch length reduction of approximately 3 - 5m of 1no. Sycamore & overall secondary branch length reduction of 2 - 5m (around 20% overall crown) taken to suitable growing points of 1no. Yew protected by the Shropshire Council (Loppington Village North) TPO 2014 (Ref. SC/00207/14) (Amended 30/06/23) GRANT 21st July 2023

23/03618/LBC Removal of C20th partitions formation of new partitions to create bathroom and en suite. Removal of C20th staircase and opening up of 2 no original door openings. GRANT 19th October 2023

23/04622/FUL Erection of single storey extension to rear entrance and extension to the rear elevation with balcony above following demolition of existing with internal alterations, conversion of existing garage into annex and erection of 3 bay garage with artist studio/accommodation above and new entrance and driveway REFUSE 20th February 2024

23/04623/LBC Erection of single storey extension to rear entrance and extension to the rear elevation with balcony above following demolition of existing with internal alterations, conversion of existing garage into annex and erection of 3 bay garage with artist studio/accommodation above and new entrance and driveway REFUSE 20th February 2024

24/01729/FUL Formation of new entrance and driveway APPRET

24/01734/LBC Removal of modern entrance porch and replace with oak enclosed porch. PCO

24/01905/LBC Removal of crumbling chimney, re-opening of old first floor door/window careful removal of brickwork replace with opening inward windows with glass on exterior for safety.

Removal of 3 floor joists to be able to access the loft for storage as current hatch unsafe and fit

staircase PCO

24/01906/LBC Repositioning of staircase and creation of a bathroom involving: removal of existing door and partition at ground floor adjacent to existing stairs, removal of existing stairs and flooring over with onsite reclamation, insertion of partition walls to new bathroom created, formation of new door from proposed bathroom into adjacent bedroom 3, removal of existing shower room and partitions and floor joists to new stair location and installation of new stairs.

PCO

24/01917/LBC Removal of modern plasterboard ceiling to expose the original timbers and insulate the roof in between the roof joists PCO

24/01918/LBC Erection of a replacement orangery with balcony at first floor to rear following removal of existing PCO

24/01919/LBC Removing existing 20th century lean-to and replacing it with a single storey side extension which will provide a shower room and WC disabled access and a log store. PCO

24/01985/LBC Replacement windows PCO

NS/92/00335/LBC DEMOLITION OF EXISTING TIMBER LEAN-TO AND ERECTION OF CONSERVATORY INVOLVING REMOVAL OF WINDOW AND FORMATION OF DOORWAY PER 1st February 1993

NS/92/00336/FULC PROPOSED ERECTION OF CONSERVATORY TO REPLACE EXISTING TIMBER LEAN-TO PER 15th February 1993

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SCTJRKTDHIA00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
Local Member Cllr Brian Williams
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended).

2. Notwithstanding the details shown on the approved plans the development hereby permitted is limited to that specified in the description of development, ie: 'Removal of modern entrance porch and replace with oak framed enclosed porch.' This consent does not therefore authorise any other works or development shown on the approved plans.

Reason: For the avoidance of doubt and to ensure that the development applied for is carried out in accordance with the approved plans and details and to ensure the satisfactory preservation of the Heritage Asset. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

3. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

4. The new porch structure shall be scribed around historic and architectural features ie timber framing etc when making connection to the existing building.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

5. All new external and internal work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure satisfactory preservation of this Heritage Asset.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

6. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

7. Details of the timber frame material and roof construction including details of connections to the existing building, eaves, undercloaks ridges, verges, framing section sizes and configuration shall be submitted to and approved in writing by the Local Planning Authority before the construction of the proposed porch commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the

Heritage Asset.

8. Prior to the commencement of the relevant work details of the materials to be used for the proposed infill panels to the porch, together with 1:10 sections of the panel makeup shall be submitted to and approved in writing by the Local Planning Authority before this work commences.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

9. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.