



Committee and date

Northern Planning Committee

21st January 2025

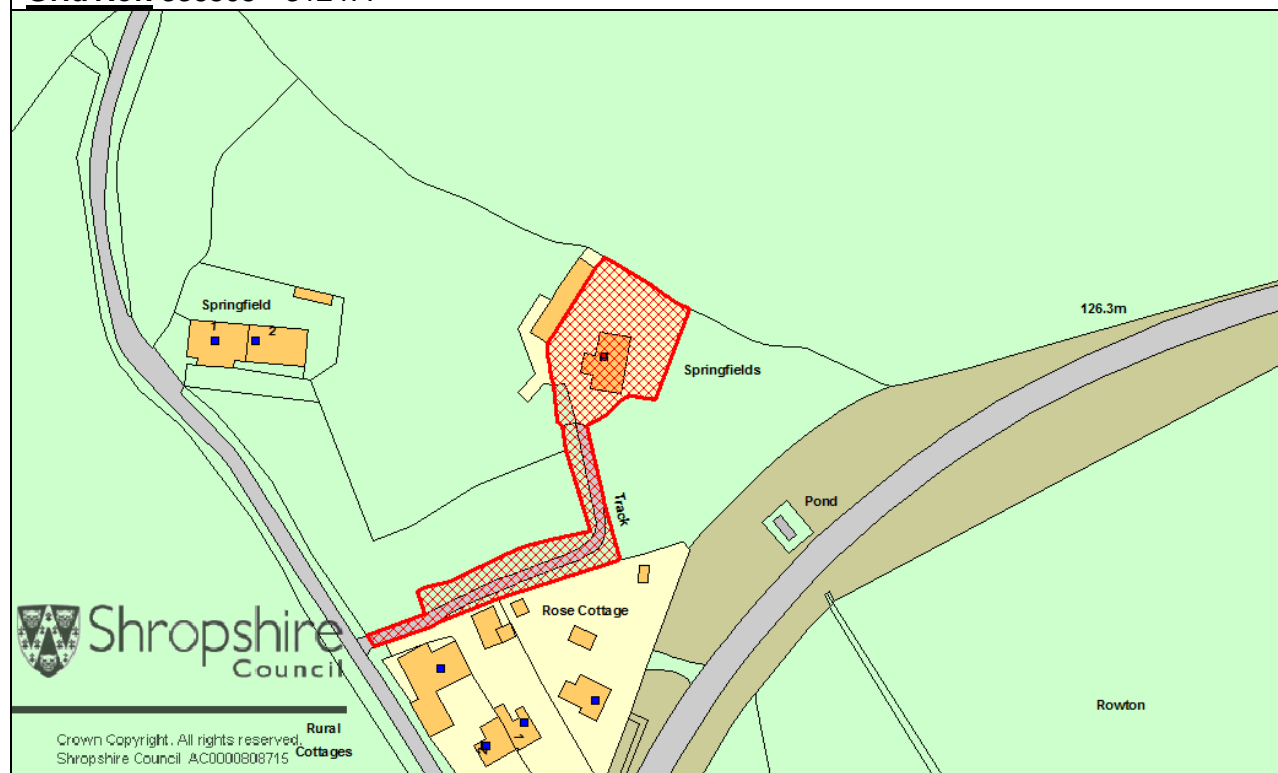
Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

<u>Application Number:</u> 24/04206/FUL	<u>Parish:</u>	Alberbury With Cardeston
<u>Proposal:</u> Erection of replacement dwelling following demolition of existing dwelling		
<u>Site Address:</u> Springfields Rowton Shrewsbury Shropshire SY5 9EJ		
<u>Applicant:</u> TK and L Evans		
<u>Case Officer:</u> Sara Robinson	<u>email:</u> sara.robinson@shropshire.gov.uk	

Grid Ref: 336505 - 312477



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Recommendation:- Refuse for the following reason:

1. The proposed replacement dwelling is materially higher and significantly larger than the existing dwelling and is not sympathetic to the size, mass, character and appearance of the existing structure. In addition, the proposed new dwelling will not meet the policy objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside.

The proposed design and scale for the dwelling does not satisfy SAMDev Policy MD7a Managing Housing Development in the Countryside or para 2.23 of SC Type and Affordability of Housing SPD. Moreover, the proposed replacement dwelling does not respond appropriately to the form of existing development and will be prominent in the rural landscape and have detrimental visual impact where the existing dwelling although of no historic significance in its relatively simple form contributes to the local character. Whilst an appropriately designed and slightly larger replacement dwelling may well be acceptable in principle, the proposed replacement dwelling will not conserve and enhance the built and natural environment or be appropriate in scale and design taking into account local character and context and that of the existing dwelling and would be contrary to SC Policies CS6 and 17 and SAMDev Policies MD2 and 13 and the NPPF.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks permission for the erection of a replacement dwelling and car port following demolition of existing dwelling and outbuilding at Springfield, Rowton.
- 1.2 The dwelling referred to as Springfield is a single storey bungalow. No existing plans of the bungalow have been submitted, however the bungalow measures approximately 15.2m in width and 8.3m in depth. The dwelling has a gross internal floor area of approximately 124.7m².
- 1.3 The replacement dwelling is proposed to be part single storey and part two storey, three bedroom dwelling. The dwelling is proposed to be of a single storey L shape to include the entrance hall, utility and open plan living and kitchen area with a link which will include al-fresco dining area and office. The link will lead into a protruding two storey element which will include two bedrooms and a bathroom on the ground floor and a further master bedroom with en-suite on the first floor. The main single storey element is to measure approximately 6.25m in width and 19.7m in depth and will reach a height to the ridge and eaves of approximately 5.45m and 2.7m respectively. The link will measure approximately 3m in width and 10.5m in depth and the flat roof will reach a height of approximately 2.3m. The two storey element will measure approximately 10.7m in width and 5.9m in depth and will reach a height to the ridge and eaves of approximately 6.5m and 4.5m respectively. It is proposed for the replacement dwelling to be finished in reclaimed Cardeston

Stone and timber for the walls and the roof material is yet to be confirmed.

- 1.4 The proposed replacement dwelling is proposed to have an internal floor area of approximately 246.5m² which is approximately 97% increase on the original floor area of the existing bungalow.
- 1.5 The bungalow which currently sits on site was approved in 1964 as a replacement dwelling for a cottage which originally located on the site. An extension was subsequently allowed to the bungalow in 1976.
- 1.6 Pre-planning application advice was sought in 2022 for a replacement dwelling. The principle was accepted; however, the scale and design of the development was considered unacceptable. An application was subsequently submitted under reference 23/01337/FUL which had not been altered from the pre-application enquiry and was refused under delegated powers. Further pre-application advice was sought in the form of a site visit which discussed the proposed development. Officers outlined that the scale of the development should be reduced and the garage detached. Following the site meeting, another pre-application enquiry was submitted which had resulted in some alterations, however Officers considered that these were not sufficient to overcome the previous refusal reasons. Earlier this year a similar application was submitted. Refusal was recommended by officers due to the design and scale of the proposed development. The application was refused by committee in June.
- 1.7 Following the previous refusal the red line boundary has been amended in order to include the existing residential curtilage only which excludes the Dutch barn. The proposed dwelling has been re-located so as to sit closer to the footprint of the original bungalow and the proposed attached carport has been removed.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The development site is located adjacent to the dispersed settlement of Rowton, however is identified as Open Countryside within the SAMDev. The site is slightly detached from the neighbouring dwellings. It is noted that there is formed of a mix of two storey dwellings, storey and a half, as well as a bungalow to the south.
- 2.2 The site is bound by agricultural land to the north, east and west, and beyond the access track to the south are neighbouring residential dwellings.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the adopted scheme of delegation, the Local Ward Member has called-in the application to be determined at committee, based on material planning reasons and within their relevant 21-day period.

4.0 Community Representations

Full comments can be found on the Shropshire Council website.

4.1 Consultee Comment**4.1.1 Drainage & SUDS - 08/11/2024**

The following item requires attention:

1. A scheme of surface and foul water drainage should be submitted for approval.

The applicant must demonstrate by infiltration test results or ground investigation, that soakaway to ground is not feasible, if it is not utilised within the drainage strategy.

4.1.2 SC Highways - 11/11/2024

No Objection. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Shropshire Council as Highway Authority has concluded that the proposed development is acceptable and subject to the development hereby approved being constructed in accordance with approved Proposed Site Plan Drawing no. SA37096-BRY-ST-PL-A-002, does not wish to object to this planning application.

Observations/Comments:

From the highways perspective there are no objections to the proposal.

4.1.3 Affordable Housing - 21/11/2024

Comments provided by Affordable Housing in relation to the previously refused application (reference 24/01161/FUL) remain relevant to this revised proposal/application

4.1.4 SC Ecology - 26/11/2024

I am satisfied that the Ecology standing advice can be used for this application.

4.2 Public Comments**4.2.1 Local Member - 14/11/2024**

Please could I call in this application should needs be. As with previous applications my reasoning is unchanged.

4.2.2 Following the display of a site notice for the period of 21 days, no public representations were received at the time of writing this report.**5.0 THE MAIN ISSUES**

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highways
Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 Shropshire Core Strategy Policy CS6 seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate;

6.1.3 Policy CS17: Environmental Networks is 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 function of these assets.

6.1.4 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.

6.1.5 Section 12 of the National Planning Policy Framework; Achieving well-designed places, reinforces these goals at a national level, by requiring design policies to reflect local aspirations ensuring developments are sympathetic to local character, visually attractive and establish a strong sense of place.

6.1.7 The proposed development would result in a replacement dwelling and the principle of development is acceptable in this instance. The development would be acceptable subject to the assessment of siting, scale and design of structure, visual impact and landscaping as well as other relevant matters which are assessed in the

report below.

6.2 **Siting, scale and design of structure**

- 6.2.1 The adopted development plan for Shropshire comprises the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. Since the adoption of the Shropshire Core Strategy (March 2011) the National Planning Policy Framework (NPPF) has been published and is a material planning consideration in planning decisions. The NPPF has been further revised (2024) since the publication of the SPD and the adoption of the SAMDev Plan (2016).
- 6.2.2 The proposed site is located outside of the settlement of Rowton. In terms of policy and for the purposes of the development plan, the development site is classified as within open countryside, where new open market housing would not be permitted.
- 6.2.3 Policy CS5 states that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside, and with an overarching aim of maintaining and enhancing the vitality and character of the countryside. Policy CS11 is closely linked with the Strategic Approach (Policy CS1) and particularly with Policies CS4 and CS5, and together these aim to ensure that the development that does take place in the rural areas is of community benefit with local needs affordable housing a priority.
- 6.2.4 SAMDev Policy MD7a, Managing Housing Development in the Countryside, indicates at criterion 3. that replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.
- 6.2.5 Explanatory para. 3.62 provides further detail as to the application of the policy. The control of replacement of dwellings in the countryside needs to be considered in conjunction with general criteria which also highlight and address visual, heritage loss and other impacts associated with proposals for replacement buildings. In the case of residential properties, there is additionally the objective of regulating the size of replacement properties to limit the tendency towards the provision of larger dwellings in the countryside and to maintain a mix of dwelling types.
- 6.2.6 SAMDev Policy MD7b, general management of development in the countryside indicates that (2): proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the

benefits of facilitating appropriate rural economic development.

- 6.2.7 Explanatory para. 3.66 indicates that proposals for replacement of dwellings can significantly impact on the character of the countryside and there is a need to ensure appropriate scale, design and location of new development.
- 6.2.8 The Adopted Type and Affordability of Housing Supplementary Planning Document provides further detail;
- At para. 2.20. the SPD states that the size of dwellings in the countryside can be of concern, as the market trend is towards providing larger and more expensive dwellings and this tends to exclude the less well-off...it is important to maintain and provide an appropriate stock of smaller, lower cost, market dwellings.
 - Para.2.22 indicates that rural replacement dwellings outside of settlements will only be permitted provided that the existing building has established and continuing residential use rights and has not been abandoned.
 - Para 2.23 reiterates that proposals for replacement rural dwellings must meet CS6 and 17. Regard will also be had to the NPPF and to the following:
 - The visual impact of the replacement dwelling or existing dwelling plus extension on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling.
 - A requirement to be sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling.
 - The existing balance of housing types and tenures in the local area, and the need to maintain a supply of smaller and less expensive properties in the local area that are suitable for the needs of many newly-forming households

The proposed replacement dwelling will sit partially on the footprint of the existing bungalow however the orientation would be slightly different to that existing.

- 6.2.9 It was advised within the pre-application written advice that the proposed development should be a storey and a half as Policy MD7a states that;
Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.
- 6.2.10 The NPPF states the following;
131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

6.2.11 It is noted that the bungalow currently on site is out of character for the area and that the proposed development is not cohesive. The design and access statement has referred to some buildings within the vicinity, however, does not refer to neighbouring residential dwellings to the south west of the site.

6.2.12 The proposed design and scale of the proposed dwelling is considerably larger than that of the previous bungalow and therefore would not comply with relevant planning policies. Further consideration needs to be given to the design of surrounding properties and the scale and massing of the dwelling on site.

6.3 **Visual impact and landscaping**

6.3.1 It is noted that the replacement of a bungalow with a part single storey and part two storey dwelling will result in a visual impact. The existing bungalow is of a modest design and scale and is seen against the larger Dutch barn to the rear.

6.3.2 The proposed development will be part single storey and part two storey. The development will visually be different to that of the existing bungalow, however as the development will result in a replacement building.

6.3.3 In light of the above it is considered that the proposed development will not result in an unacceptable visual impact.

6.4 **Highways**

6.4.1 SC Highways have been consulted as part of the proposed development.

6.4.2 SC Highways have raised no objections to the replacement property and the use of the existing access would be acceptable and subject to appropriately worded conditions and informative notes being attached to any grant of permission.

6.5 **Ecology**

6.5.1 Para 187 of the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Core Strategy policy CS17 requires development to protect and enhance the diversity and high quality of Shropshire's natural environment.

6.5.2 An Ecological Assessment has been submitted as part of the proposed development and has been reviewed by the SC Ecologist. The SC Ecologist has requested a number of conditions and informative notes to be attached to any grant of permission.

6.5.3 The development is exempt from Biodiversity Net Gain as it would be a "Self Build and custom build development".

- 6.5.4 In light of the above, in consideration of ecological issues, it is considered that the proposed development complies with relevant planning policies.

6.6 Drainage

- 6.6.1 SC SUDS and Drainage have noted that the application has not been supported by a scheme of surface and foul water drainage. SC SUDS and Drainage have stated that a condition and informative note should be attached to any grant of permission to ensure the drainage details are provided and a suitable means of drainage undertaken following relevant investigations.

7.0 CONCLUSION

- 7.1 The proposed replacement dwelling is materially higher and larger than the existing dwelling and is not sympathetic to the size, mass, character and appearance of the original structure. In addition, the proposed new dwelling will not meet the policy objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside.
- 7.2 The proposed design and scale for the dwelling does not satisfy SAMDev Policy MD7a Managing Housing Development in the Countryside or para 2.23 of SC Type and Affordability of Housing SPD. Whilst an appropriately designed and slightly larger replacement dwelling may well be acceptable in principle, the proposed replacement dwelling will not be appropriate in and would be contrary to SC Policies CS6 and CS17 and SAMDev Policies MD2 and MD13 and NPPF.

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

Core Strategy and Saved Policies:
CS5, CS6, CS17, MD2, MD7a, MD7b

RELEVANT PLANNING HISTORY:

24/01161/FUL Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding REFUSE 19th June 2024

SA/76/0336 Extension to front elevation to provide dining room. PERCON 2nd June 1976

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SMACVNTDLEP00>

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 Ed Potter
Appendices None.