

Appeal Decision

Site Visit made on 23 August 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/L3245/D/21/3276238

Dowles Cottage, Dowles Road, Bewdley DY12 3AB

- 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 M Bostan against the decision of Shropshire Council.
 - The application Ref 21/00998/FUL, dated 25 February 2021, was refused by notice dated 7 May 2021.
 - The development proposed is described as 'reduce height of roof to outbuilding. Proposed single storey extension, glazed gable and balcony'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the revised Framework in my decision.

Main Issues

3. The main issues are the effect of the development proposed on the character and appearance of the host property and the surrounding area, and the effect on the living conditions of the neighbouring occupiers of 1 Fallowfield, with particular regard to privacy.

Reasons

Character and Appearance

4. The appeal site consists of a detached two storey dwelling and curtilage. The existing dwelling was erected following approval of a planning application for a replacement dwelling¹ and replaced a previous dwelling on the site. The dwelling is attached by a single storey link extension to a large stone outbuilding to the rear which has been converted into ancillary accommodation. There is a small cul-de-sac to the south of the site comprising a small number of chalet bungalows which are situated at a lower level than the appeal site. These share an access road onto Dowles Road with the appeal property. Other than the chalets, the site is set within a landscape of open fields, established hedgerows and woodland, which overall make a positive contribution to the rural setting.

¹ Council ref. BR/APP/FUL/06/0308

5. The Council states that Dowles Cottage is mentioned as part of the Historic Farmsteads Characterisation Project on the Historic Environment Record and they consider the building to be a non-designated heritage asset. However, there is no evidence before me to suggest that the building is on an adopted Local List. Furthermore, I am mindful that Dowles Cottage is a modern new build replacement, whilst the rear outbuilding has been significantly altered and adapted to its current residential use. Accordingly, I have considered the proposal on the basis that it is not a non-designated heritage asset. Notwithstanding this, the outbuilding is clearly of some age and traditional appearance and has retained its ancillary relationship to the main dwelling. Despite having been previously altered, the outbuilding has a pleasing character which contributes positively to its rural surroundings.
6. The proposed development relates to alterations to the ancillary outbuilding to the rear and a single storey extension to the north side of the existing link extension. I accept that the dwelling has already been extended with the conversion and alteration of the outbuilding and the link extension. However, given the reduction in the height of the outbuilding and the modest scale of the proposed single storey extension, the proposed development would not appear out of scale with the main dwelling, which would still be the dominant element with the outbuilding and link extension continuing to appear as subsidiary elements. The single storey extension would not be prominently sited on the building and would have limited impact on the character of the building and the surrounding area.
7. The proposed modifications to the roof of the outbuilding, including a reduction in its height and change to the roof profile, would be harmful to the distinctive character of the building. The glazed gable would resemble a large dormer which would be a dominant feature on the rear roof slope of the outbuilding. Together with the proposed balcony structure, the alterations to the outbuilding would not reflect its simple form and appearance and would appear incongruous. Such harm would be exacerbated by the large amount of glazing to the rear elevation of the gable which would not reflect the existing fenestration of the building, which is characterised by smaller openings, and would therefore further diminish its character.
8. Due to the position of the outbuilding at a lower level than the main dwelling, the alterations to the outbuilding would not be prominent when viewed from public vantage points. However, the development would nevertheless be partially visible from Dowles Road and from the rear of the appeal property itself and the adjoining cul-de-sac, where it would appear as an incongruous and unsympathetic form of development.
9. I conclude that the proposal would be harmful to the character and appearance of the host property and the surrounding area. Thus, there would be a conflict with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS), and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev), which seek to ensure that development maintains and enhances countryside character; respects and enhances local distinctiveness; and, protects the local character of Shropshire's natural environment. It would also fail to comply with paragraphs 130 and 134 of the Framework, where these seek to ensure that development would be well designed and sympathetic to local character.
10. Given my findings above in respect of the building not being a non-designated heritage asset, there would be no conflict with Policy MD13 of the SAMDev which

relates, amongst other things, to the protection and enhancement of heritage assets, or with paragraph 203 of the Framework.

Living conditions

11. The appeal site is bounded to the south by a neighbouring property, 1 Fallowfield, a bungalow which to its northern side includes habitable room windows together with a garden area. Due to the level difference between the site and this neighbouring property, and the low boundary treatment on the southern site boundary, views are possible from the site towards the neighbouring property.
12. The proposed balcony would project from the rear of the outbuilding. Due to its elevated position, the balcony would potentially give views towards the neighbour's windows and garden. However, there would be a reasonably large separation distance between the proposed balcony and the neighbouring property. Furthermore, the appellant confirms that they would be willing to install a privacy screen on the southern side of the balcony, as indicatively shown on the plan extract, which would restrict views from the balcony to the neighbour's property. Details of such a screen could be agreed by means of a condition. Any remaining overlooking of the neighbour's property from the balcony would then be at an oblique angle which I consider would not be unacceptably harmful to the neighbour's living conditions.
13. Therefore, had I been minded to allow the appeal, a condition could have been attached to require the provision of a screen to the balcony, which I am satisfied would reduce the impact on the neighbour's privacy to an acceptable level. Subject to such a condition, the appeal scheme would not be harmful to the living conditions of the neighbouring occupiers of 1 Fallowfield in terms of the effect on privacy. Consequently, it would not conflict with Policy CS6 of the CS or paragraph 130 of the Framework which, amongst other things, seek to ensure that development safeguards residential amenity.

Other Matters

14. The appellant states that, save for the proposed balcony, the alterations and extension to the roof of the outbuilding and the single storey extension would appear to constitute permitted development which should be considered as a material fallback position. However, there is no Certificate of Lawfulness before me to demonstrate that the works would be lawful and there are no details of the construction of the fallback position. I therefore give the fallback position limited weight.

Conclusion

15. Although I have found that the development proposed is acceptable in relation to its effect on the living conditions of the occupiers of 1 Fallowfield, I have found that the proposal would cause unacceptable harm to the character and appearance of the host property and the surrounding area. As such, the proposal is contrary to the development plan as well as the Framework, and there are no other material considerations of sufficient weight to indicate a decision be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR