



Appeal Decision

Site visit made on 23 May 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/L3245/D/24/3340161

Mayfield, Breaden Heath, Ellesmere, Shropshire, SY13 2LG

- 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 Richard Hall against the decision of Shropshire Council.
 - The application Ref 23/04743/FUL dated 8 December 2023, was refused by notice dated 19 December 2023.
 - The development proposed is 2 storey side extension to existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- i) Whether the proposal would result in an oversized house type to the plot within a rural area and whether this would then impact upon the maintenance of a supply of smaller, less expensive properties and retention of a mix of house sizes in accordance with the aims of Local Plan policy, and;
- ii) Whether the design and scale would respect that of the existing dwelling.

Reasons

Whether the proposal would result in an oversized house type to the plot within a rural area and whether this would then impact upon the maintenance of a supply of smaller, less expensive properties and retention of a mix of house sizes

3. The appeal site is a detached, two storey, dwelling which both parties confirm as having been constructed following planning permission having been granted for a replacement dwelling (in 2016) under reference 15/05487/FUL. The host dwelling is located within a large plot with access being gained via a long track leading from the main highway through Breadon Heath. The proposal seeks to extend the dwelling by way of a part two storey, part single storey side extension which would provide a principal bedroom suite, with a walk-in wardrobe, ensuite and a substantial balcony area and, on the ground floor, further living space and some general reconfiguration.
4. The Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) notes with regard to house extensions in paragraph 2.20, that the size of dwellings in the countryside can be of concern, as the market trend is towards providing larger and more expensive dwellings which tends to exclude the less well off, including those who need to live and work in rural areas. The SPD goes on to outline that it is also important to maintain and provide an

appropriate stock of smaller, lower cost, market dwellings. In relation to replacement dwellings, which the appeal site was, the SPD (which was in force at the time the replacement dwelling was approved) outlines that permitted development rights will generally be removed from replacement dwellings in rural areas. The SPD also outlines that in general, multiple successive extensions to dwellings should normally be avoided with the objective of preventing the creation of excessively large properties, where the extensions are often unsympathetic to the character and appearance of the original dwelling or the surrounding area.

5. I note the Council's comments, that the appellant would have been fully aware of the policies and limitations due to the previous application, however, I have no evidence before me given the passage of time since the approval in 2016, that this application is specifically aimed to circumvent and undermine the restrictive replacement dwelling policies. I have, therefore, considered the case on its own merits, taking into account the evidence and Local Plan policies before me at the point of determination.
6. The existing dwelling, according to the existing floor plans, benefits from an open plan kitchen and dining area, separate snug as well as a utility and wet room on the ground floor. The first-floor benefits from three bedrooms and a family bathroom. The existing dwelling, as a replacement dwelling, is already what I would consider to be a larger dwelling which stands in a large plot. As a result of this I consider it highly unlikely that the existing dwelling could be considered to be classified as a smaller, lower cost, market dwelling which is likely to be affordable for the less well off, including those who need to live and work in rural areas, or for the needs of many newly forming households.
7. Whilst it is not the place of this appeal to determine whether something would be permitted development, it is still acknowledged, as submitted by the appellant, that the host property would likely have opportunities for extension which would be beyond the control of the Council insofar as it complies with the limitations of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO), Schedule 2, Part 1, Class A. Whilst I note the appellant outlines potential for extension under the larger homes provisions of up to 8m as a ground floor rear extension, this would still, of course be subject to a prior approval process which, at the point of determination of this appeal, has not been achieved or approved. I place very limited weight upon the utilisation of Class E of the GDPO as, ultimately, for such outbuildings to be considered permitted development they must still be incidental to the enjoyment of the dwelling house and not be something which has been constructed, in terms of size and/or floor area, as a result of the unrestrained whim of an occupier.
8. Moving on from above I find it notable that permitted development rights were not removed as part of the approval under reference 15/05487/FUL and this, combined with the overall size and likely value of the property (in so far as it is unlikely to be lower cost in terms of the aims of policy and the guidance set out within the SPD), in principle, means that I do not find that extension of the host dwelling in some form would necessarily automatically conflict with the overarching objectives of protecting and/or maintaining a supply of smaller, less expensive, properties and retention of a mix of houses as is the aim of the adopted policy. This is given the fact that the appeal site is unlikely to be fairly considered as a smaller, less expensive, property as it stands taking into

account the dwelling itself and the plot within which it stands in a rural area. Furthermore, I do not find that the proposal would introduce an oversized house type to the plot in the literal sense given that the dwelling, with the proposed extension, would still occupy a limited proportion of the overall plot within which it stands in purely mathematical terms.

9. Whilst I acknowledge that the host dwelling was approved, as a replacement dwelling for a small rural cottage, it is not realistically small in terms of floor area as a three-bedroom, five person, dwelling with a floor area in the region of 125 sq./m in an extensive plot. In turn I do not find that the potential for extension, in principle, is unacceptable to some extent taking into account the objectives of the Local Plan and SPD (in so far as it seeks to maintain a supply of smaller, less expensive, properties) and also taking into account that the property still benefits from permitted development rights. The latter, in turn, is a material consideration as I acknowledge it provides the appellant with opportunity, to some extent, to enlarge the property within the scope of the GDPO fully beyond the control of the Council in some circumstances.
10. The principle of extension, in this case, I find would not conflict with the overarching objectives of Site Allocations and Management of Development (SAMDev) Plan 2015 Policy MD7a, Core Strategy 2011 (CS) Policy CS11 or the guidance and objectives of the SPD.

Whether the design and scale would respect that of the existing dwelling

11. The host dwelling is, as existing, a well-proportioned rural dwelling which provides accommodation, as it stands, as outlined above in paragraph 6. The proposed extension would add a new two storey "wing" to its west elevation which would also incorporate a flat roof section with a balcony extending to the north. I do not find that the design and scale of the extension would respect that of the host dwelling. Whilst I acknowledge there is no firm guidance on the size, mass or scale of extensions, it is generally accepted that extensions should be visually subservient to the host dwelling and in this case, whilst set back behind the front gable, the extension would still match the remainder of the front elevation and would have no set down from the existing ridge height.
12. The proposal would not, clearly, read as a later and subservient extension to the host dwelling. I find that this would, in turn, impact negatively upon the character of the host dwelling which still retains the appearance of an appropriately designed rural dwelling. It should be kept in mind that character and appearance (and visual impact) are separate matters and whilst the proposal would be largely screened from residential receptors as well as the users of local roads and public highways, this does not overcome impact to the character of the host dwelling itself taking into account its existing design and qualities. I acknowledge that the dwelling has sought to replicate the established height and materials to achieve a balance to the existing dwelling, however, I find it would not be subservient and would to a large extent, leave the original dwelling (as it stands today) largely illegible within the context of the overall dwelling which would stand as a result of the proposals. The proposal would not be sympathetic to the size, mass, character and appearance of the host dwelling.
13. The dwelling is noted to have been designed to lifetime homes standards with a view to being able to raise a family and the appellant's statement outlines that the need for the extension is due to the appellant's (unspecified) changed

needs. As outlined above, in the context of the first main issue, I do not find that the principle of some form of extension to the host dwelling would automatically be unacceptable for the reasons outlined. Extensions may well be needed to accommodate the needs of a family and I do not find that the Local Plan Policies specifically seek to punish, or force to move, local families from their existing dwellings but in this case the extension proposed does not respect the host dwelling.

14. The proposals that are before me would add a principal bedroom suite, with a walk-in wardrobe and ensuite and a substantial balcony area. On the ground floor, further living space would be provided but at first floor the proposal would add a notable principal bedroom suite as outlined and overall, I am not persuaded that the proposal as submitted represents what would necessarily be for extended family living as is the reasoning provided for the proposal. I acknowledge the appellant's local connections, service and background, set out within the statement of case and understand that an extension is sought to adapt the changing lifestyle needs of the occupants, however, for the reasons I have set out I do not find that the proposal is respectful of the host dwelling and, taking into account the level of accommodation which would be provided, I do not find that this is likely the only scale of or design of extension which could appropriately accommodate the changing lifestyle needs of the appellant.
15. As a result of design and scale I find that the proposal would be contrary to SAMDev Policy MD2 which requires, for a proposal to be acceptable under CS Policy CS6, that it responds appropriately to the form and layout of existing development and reflecting locally characteristic architectural design and details as well as taking account of scale and proportion.

Conclusion

16. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR