

Appeal Decisions

Site visit made on 17 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal A Ref: APP/L3245/W/24/3340920

Sandwell Cottage, A458 from Cardeston Park Junction to Ford B4393 Junction, Cardeston, Ford, Shropshire SY5 9NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R Walker against the decision of Shropshire Council.
 - The application Ref is 23/04841/FUL.
 - The development proposed is erection of two storey extensions to rear and side utilising existing access from highway.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two storey extensions to rear and side utilising existing access from highway at Sandwell Cottage, A458 from Cardeston Park Junction to Ford B4394 Junction, Cardeston, Ford, Shropshire SY5 9NG in accordance with the terms of the application, Ref 23/04841/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have dealt with another appeal APP/L3245/W/24/3340949 on this site. That appeal is the subject of a separate decision.
3. I have taken the description of development from the appeal form and the decision notice, as this more accurately describes the proposal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

5. Sandwell Cottage is a detached two-storey dwelling which lies in open countryside fronting the A458 Trunk Road. Other than the road, the site is surrounded by agricultural land. The property sits within a large plot, behind an attractive boundary wall.

6. Sandwell Cottage is considered a non-designated heritage asset (NDHA). The property is a traditional dwelling of stone construction with gable dormers to the front elevation and decorative chimneys. I consider that the significance of Sandwell Cottage, as a NDHA, lies partly in its historic past use as two stone semi-detached cottages. The building is shown in its linear form on historic maps dating from at least 1881. The attractive cottage, and location of the appeal property within its generous plot, make a positive contribution to the picturesque rural character of the area.
7. Paragraph 209 of the National Planning Policy Framework (the Framework) requires that the effect of a proposal on the significance of a NDHA should be taken into account in determining the application and states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
8. Whilst the proposed side extension would be visible from the road, the side extension would not appear as unacceptably incongruous, or significantly alter the character and appearance of the appeal property. The height of the side extension would be lower than that of the existing building and would be set back from the host property. This would ensure that the side extension would appear visually subordinate and would not excessively overwhelm or over dominate the original building. I consider that the significance of the original building in terms of its age and previous use would not be harmed.
9. The proposed rear extensions, along with the side extension, would cumulatively increase the size of the host property markedly and result in a much larger dwelling. However, the proposed rear extensions would not overwhelm the property, with the proposed gables being equal to or lower than the existing ridge line, and would include the removal of an earlier, albeit smaller extension. The host property sits within a generous plot, and the extensions are not overly excessive in scale and design in relation to the site context, and would not cause the site to appear cramped or overdeveloped. Furthermore, the use of appropriate facing materials, which are in keeping with the original dwelling, would ensure that the proposal would have an acceptable appearance that would assimilate well with the host dwelling, and would not detract from the character and appearance of the area.
10. Guidance within Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (2012) (SPD) seeks to control the size of extensions in the rural area, in part to help maintain the stock of smaller, lower cost market dwellings. The guidance warns against multiple successive extensions as this tends to lead to the creation of excessively large properties. Although the SPD does not give specific guidance on what would be considered excessive, it is my view that, in this instance, the proposal would not lead to an excessively large dwelling out of character with the surrounding area, nor to the loss of a small, low cost dwelling.
11. The appeal property is situated fairly close to the road in a rather isolated and prominent position. The surrounding topography is relatively flat, which adds to the visibility of the dwelling. However, the proposed extensions would sit comfortably within the context of the host property when viewed from public vantage points. Furthermore, views of the proposed development are likely to be in the form of fleeting glimpses from motorists travelling at some

speed along the Trunk Road, with well established hedgerows helping to screen the dwelling.

12. For the reasons outlined above, the design of the proposed development is acceptable, and would not result in harm to the character and appearance of the host building. On this basis, the effect of the proposal would be neutral and on balance it would not be harmful to the significance of the NDHA.
13. I therefore conclude that the proposed development would not harm the character and appearance of the host property and the surrounding area. The proposal would accord with Policies CS5 and CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011), along with Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These, taken together and amongst other things, seek development that is of a high-quality design, that protects, restores, conserves, and enhances the built environment, historic context, and the character of heritage assets. It would also comply with guidance contained within the SPD which seeks to protect an appropriate stock of smaller, lower cost open market dwellings and ensure that larger dwellings do not harm the character and appearance of the area.

Conditions

14. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have amended the conditions where necessary in the interest of clarity.
15. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans in the interest of certainty.
16. Although not included in the Council's list of conditions, National Highways suggested a pre-commencement condition relating to a Construction Traffic Management Plan. Due to the location of the appeal site adjacent to the A458 Trunk Road, I consider this to be reasonable and necessary to mitigate any adverse impacts on the Trunk Road. The appellant has agreed to the pre-commencement condition. I do not consider a drainage condition necessary, as suggested by National Highways, as the proposal is a minor development and not located within a Sustainable Urban Drainage (SUDs) consultation area.
17. Conditions regarding the materials to be used for the roofing and external walls, details of the roof windows, and details of external windows, doors and other external joinery are necessary in order to protect the character and appearance of the area and the architectural and historic interest of the NDHA.
18. The Council's ecologist has suggested conditions to ensure the provision of roosting and nesting opportunities. As the proposed development is within open countryside, I consider this to be reasonable and appropriate. As no external lighting is shown on the proposed plans I have not thought it necessary to include a lighting plan condition.
19. I have considered the Council's suggested condition regarding the removal of permitted development rights (Schedule 2, Part 1, Classes A-E of the Town

and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance advises that conditions restricting the use of permitted development rights may not pass the tests of reasonableness and necessity. The Council considers that the removal of permitted development rights is necessary to maintain the scale, appearance and character of the development and to safeguard residential and/or visual amenities. Whilst I note the Council's suggested reasoning, I do not find it to be an exceptional justification to restrict permitted development rights.

Conclusion

20. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

21. As a result, the appeal should be allowed.

L C Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 2145-PL-04; Proposed Site Plans 2145-PL-03; and Proposed Plans and Elevations 2145-PL-02.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority in consultation with the Highway Authority for the A458 Trunk Road. The Statement shall provide for:
 - i) the parking of vehicles of site operatives;
 - ii) loading and unloading of plant and materials;
 - iii) measures to control the emission of dust and dirt during construction; and
 - iv) assurance that all construction vehicles exit the site in forward gear.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development above ground level shall take place until details / samples of the roofing materials, roof windows and the materials to be used in the construction of the external walls of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 5) Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery to be used in the extension hereby permitted 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. The development shall be carried out in accordance with the approved details.
- 6) Prior to first use of the extension, the following boxes shall be erected on the site:

A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 1 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), and/or small birds (32mm hole, standard design).

A minimum of 1 artificial nests, of integrated brick design, suitable for swifts (swift bricks). The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting.

The boxes shall thereafter be maintained for the lifetime of the development.

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the buildings wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred.

*****END OF SCHEDULE*****