

TWC/2017/0232

Site of 68 Wellington Road, Muxton, Telford, Shropshire

Demolition of existing dwelling and erection of 2no. detached dwellings *** Red line change and additional information ***

APPLICANT

Mr A Ellis

RECEIVED

20/07/2017

PARISH

Donnington and Muxton

WARD

Muxton

OFFICER Daniel Owen

OBJECTIONS RECEIVED: Yes.

This application is before Committee following a request from Councillor Adrian Lawrence that the application be considered by Planning Committee.

1. PROPOSAL

- 1.1 This is a full planning application for the demolition of No.68 Wellington Road, a Duke of Sutherland cottage, and for the erection of two, four-bedroom, detached houses.
- 1.2 A shared access point is proposed from Wellington Road in the middle of the site frontage.

2. SITE AND SURROUNDINGS:

- 2.1 Muxton is an ancient village located towards the north eastern edge of the built-up-area of Telford, as defined in the policies/proposals maps of the Telford & Wrekin Local Plan and the Wrekin Local Plan. The site is located towards the north eastern edge of the village and fronts onto Wellington Road that links Muxton to the village of Lilleshall.
- 2.2 The site adjoins No.5 Westlands to the south west, Nos.52 and 54 Sutherland Drive to the south and No.70 Wellington Road to the north east. Wardsdell and No.55 Wellington Road are situated to the north, on the opposite side of the highway.

3. RELEVANT PLANNING HISTORY:

- 3.1 There are no previous planning applications for this site.
- 3.2 TWC/2015/0441: Demolition of existing dwelling and the erection of 4no. apartments and associated access at No.19 Wellington Road, Muxton. Withdrawn: 29/06/2015
- 3.3 TWC/2015/0939: Erection of a single-storey rear extension and a two storey rear extension at No.19 Wellington Road, Muxton. Full Granted: 12/02/2016.

4. PLANNING POLICY CONTEXT:

4.1 National Planning Policy Framework (the NPPF) – the NPPF is a material consideration in the determination of planning applications.

- Section 6: Delivering a wide choice of high quality homes,
- Section 7: Requiring good design,
- Section 12: Conserving and enhancing the historic environment

4.2 Core Strategy policies

- CS14: Cultural, Historic and Built Environment
- CS15: Urban Design

4.3 Saved Wrekin Local Plan policies

- UD2: Design Criteria
- HE26: Duke of Sutherland Cottages

4.4 Telford & Wrekin Local Plan (Publication Version)

4.4.1 The emerging Telford & Wrekin Local Plan (TWLP) has been submitted for independent examination. The Examination in Public hearings took place between 30 January and 10 February 2017. The Inspector has now published his proposed Main Modifications and they were subject to public consultation which closed on 22nd September 2017.

4.4.2 Paragraph 216 of the NPPF advises that from the day of publication, decision takers may give weight to relevant policies in emerging plans according to:-

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- The degree of consistency with relevant policies in the framework.

4.4.3 Given that the plan is at an advanced stage a significant amount of weight should be given to those policies. The emerging policy that is relevant to this application is:

- BE1: Design Criteria

5. SUMMARY OF CONSULTATION RESPONSES:

Standard consultation responses

5.1 Councillor Adrian Lawrence: Requested that the application is considered by the Planning Committee as residents support this application on what is currently a piece of land in poor condition out of place with the rest of the Road.

- 5.2 Donnington and Muxton parish Council: No objection.
- 5.3 Shropshire Fire Service: No objection.
- 5.4 West Mercia Police: No objection subject to a condition relating to the applicant aiming to achieve the Secured by Design award status for the development.
- 5.5 Environmental Services (Arboricultural): The attached block plan has highlighted that the Ash tree growing on the boundary of the site and the neighbouring property is to be removed. It fails to highlight the other trees within the curtilage of the plot. Should consent be afforded to the proposal a tree replacement/ landscaping condition will be required.
- 5.6 Environmental Services (Drainage): No objection subject to conditions relating to surface water drainage, soakaway tests and a detailed drainage design.
- 5.7 Environmental Services (Highways): No objection subject to conditions relating to the details of the parking and turning areas, the provision of a visibility splay and the access drive being bound.
- 5.8 Ecology: No objection subject to conditions requiring an ecological method statement, the erection of bat and bird boxes and the submission of a lighting plan. In addition informatives are requested relating to bats and nesting wild birds.
- 5.9 Built Heritage Conservation: Objects to the proposal. Muxton and in particular Wellington Road is a nucleus for Duke of Sutherland cottages and this makes up the identity of Muxton and its local distinctiveness. The property is a non-designated heritage asset and regard should be had to the scale of harm or loss of the heritage asset. It is clear that there is direct harm to this asset due to its wholesale loss. Therefore any replacement should be at least equal or enhanced to justify the scale of harm proposed to the asset.

5.2 Neighbour consultation responses

- 5.2.1 A total of seven letters were sent to the occupiers of neighbouring properties. In response three letters of support have been received along with one letter of objection. The main issues raised in the letters of support relate to:
- The property is an eyesore and is rat infested;
 - The proposed houses are of a sensible size.
- 5.2.2 The letter of objection states that there is a covenant that prevents the house being demolished and that it was supposed to be renovated and restored to its former glory rather than be demolished.

6. PLANNING CONSIDERATIONS:

- 6.1 Having regard to the development plan policies and other material planning considerations, including comments received during the consultation process, the planning application raises the following main issues:
- The principle of the development;
 - The loss of a heritage asset and the design of the proposed dwellings;
 - The impact on neighbours;
 - Other matters

The principle of the development.

- 6.2 Section 38 (6) of the Planning and Compulsory Act (2004) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan and that proposed development that conflicts with it should be refused unless other material considerations indicate otherwise.
- 6.4 The site is located within the built-up-area of Telford as defined within the proposals maps for both the Wrekin Local Plan and the Telford & Wrekin Local Plan. Telford will be the principal focus for growth to meet the borough's housing needs, as set out in T&WLP policy SP1. As such the principle of the proposed development is acceptable.

Loss of a heritage asset and the design of the proposed dwellings

- 6.5 The NPPF defines a heritage asset as being "*a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest*". It is not necessary for a building to be listed (either nationally or locally) for it to be regarded as a heritage asset.
- 6.6 The Duke of Sutherland held a seat at Lilleshall Hall and was one of the largest landowners in the borough. The Duke of Sutherland estate cottages, with their immediately recognisable vernacular and replicated design, represent a tangible part of the borough's past. They are an important group of structures that make up the character and historic environment unique to Telford. Their retention is vital to the understanding of the borough, its history, development and economy. Muxton and in particular Wellington Road is a nucleus for Duke of Sutherland cottages and this makes up the identity of Muxton and its local distinctiveness. It is considered that the application property is a non-designated heritage asset as it meets the above NPPF definition.
- 6.7 The NPPF advises that heritage assets are irreplaceable and that any harm or loss should require clear and convincing justification. Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-

designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal would result in the total loss of the heritage asset and the impact of the application is clear.

- 6.8 It is acknowledged that due to a severe lack of maintenance the property has become unsightly in the streetscene and that a balanced judgement should be applied relative to its significance as a heritage asset. The applicant has also submitted a structural report that concludes that the building exhibits substantial structural defects and that the renovation of the existing building would be expensive, although the survey is limited by the fact that it is not supported by any details of the financial costs that would be involved and that it is not a full building survey report.
- 6.9 Saved WLP Policy HE26 states that *“the council will seek to preserve and protect the District’s stock of Duke of Sutherland cottages from demolition...”* The proposal is clearly contrary to this policy and as stated above the proposal should therefore be refused unless there are material planning considerations otherwise.
- 6.10 Based on the information that has been submitted, officers do accept that a reasonable justification has been put forward by the applicant to justify the potential loss of this heritage asset. However the proposal remains contrary to a number of policies in the development plan, and it is for the applicant to demonstrate that there are sufficient material considerations that weigh in favour of the proposal to justify granting planning permission. Officers consider that a proposed development that would be equal to, or better than the existing cottage in terms of its design quality, would amount to sufficient justification to recommend the application for approval.
- 6.11 The scheme proposes the demolition and replacement with two dwellings, there is no justification for this and there is no argument for why it could not be replaced with a ‘like for like’ dwelling that offers the same design qualities and character as the existing building and within the streetscape. The Council’s Built Heritage Conservation officer has advised that the erection of two detached houses on this site would not be acceptable.
- 6.12 The proposed design, at a first glance may offer basic features of a Duke of Sutherland cottage, e.g. a gable, dormer, casements and chimney. However, it would be overly simplistic to say that these features alone constitute a Duke of Sutherland cottage. These features are the make-up of a basic house. On a typical Duke of Sutherland cottage the chimneys and their pots are more ornate, the gables are steeper than a ‘standard’ gable, the gable itself is not deep and usually often just a porch depth and more of an architecture gesture where often the facades are flat and the emphasis is on the detail than the protrusion of the gable. The overhang of the eaves is much greater and the detailing on the principal gable is decorative. Casement windows would be longer in proportion the use of glazing bars to echo this effect, with hood

moulds above. It is considered that the proposed development is deficient in this regard.

- 6.13 T&WLP Policy BE1 states that the council will “*support development that respects and responds positively to its context and enhances the quality of the local built and natural environment*”. The unjustified loss of the heritage and its replacement with the proposed houses would clearly not enhance the quality of the local built environment. Core Strategy policy CS14 aims to protect and enhance the borough’s existing, unique built heritage and cultural assets and policy CS15 states that the design of new development should positively influence the appearance of the local environment.
- 6.14 The application property is an irreplaceable heritage asset and the proposal would result in its loss. The proposal is contrary to policies HE26, CS14 and BE1 and as such the development should be refused unless material considerations indicate otherwise. The applicant has sought to demonstrate that the current property is in a poor state of repair and that it is beyond economic repair (although no detailed financial information has been submitted). In accordance with paragraph 135 of the NPPF a balanced judgement is required when considering proposals that would result in the loss of a heritage asset. In this instance officers consider that the demolition of the building would be acceptable, despite it being contrary to policies HE26, CS14 and BE1, subject to the quality of the proposed development being of an equal or greater quality (this would provide the material planning considerations in favour of the application that are required).
- 6.15 During the pre-application stage and during the course of this planning application officers have sought to provide the applicant with potential design solutions that would be acceptable. Whilst it is considered that a single dwelling would be the most appropriate form of development on this site an option has been presented to the applicant of a pair of semi-detached dwellings that would be designed to retain the appearance of a single dwelling on the site (there are examples of how this can work successfully along Wellington Road), however the applicant has opted not to take that option forward.
- 6.16 For the reasons set out above it is considered that the applicant has failed to demonstrate that there are sufficient material planning considerations that weigh in favour of the application to justify its approval contrary to the provisions of policies HE26, CS14 and BE1. As such, and as set out in the NPPF, the proposal should be refused.

The impact on neighbours

- 6.17 There are a limited number of existing houses around the site that have the potential to be affected by the proposal. The houses on the opposite side of Wellington Road would be in excess of 21m away from the proposed houses which is generally recognised as being a sufficient distance to ensure an acceptable level of amenity. No.70 Wellington Road adjoins the application site to the north east and is set well back from the site frontage. There would

be a separation distance of approximately 9m between a first floor bedroom window in Plot 2 and a front facing dormer window in No.70 Wellington Road. This limited separation distance has the potential to have a detrimental impact on the amenities of the occupiers of No.70 and the proposed house (Plot2). However the angle of site between the two windows would be relatively oblique and it is considered that any overlooking would not be to such a significant degree that it would render the application unacceptable.

- 6.18 Nos. 52 and 54 Sutherland Drive adjoin the rear boundary of the site and No.5 The Westlands adjoins the site to the south west. There would be a separation distance in excess of 21m from the proposed houses to the rear of the properties within Sutherland Drive which would be acceptable. The rear of Plot 1 would be relatively close to the rear garden areas of No.5 The Westlands and No.54 Sutherland Drive (6m and 8m respectively) and there would be the potential for a degree of overlooking as a result. However, as above, whilst a greater degree of separation would overcome any overlooking, it is not considered that the proposal would have such a significant detrimental impact on the amenity of the occupiers of those properties that it would justify refusing the application on this basis.
- 6.19 Conditions would need to be imposed to ensure that that windows in the side facing elevations are fixed and obscure glazed but subject to that it is considered that the proposal would not have a detrimental impact on the amenity of the occupiers of neighbouring properties.

Other matters

- 6.20 Subject to the imposition of a number of conditions and informatives the Council's Highways, Ecology, Drainage and Arboricultural Officers have all confirmed that they have no objection to the proposed development.
- 6.21 Reference has been made in the representations to the presence of a covenant on the property that prevents its demolition. No further detail has been submitted to substantiate this, however this should not be regarded as a material planning consideration. If such a covenant exists the granting of planning permission would not supersede it and it would also be possible for the applicant to try and get the covenant removed.
- 6.22 A similar proposal for the demolition of a Duke of Sutherland cottage at No.19 Wellington Road (TWC/2015/0441) was submitted to the Council in 2015. Officers provided advice to the applicant that the application would not be supported due to the loss of the heritage asset despite the applicant stating that the retention of the building was not viable. The application was subsequently withdrawn and a subsequent application was received, and approved, for an extension to the property.

7. CONCLUSIONS

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material

considerations indicate otherwise. In this case the proposal is contrary to policies HE26 and BE1 and the application should be refused unless there are sufficient material planning considerations to indicate otherwise.

- 7.2 As the NPPF states, there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation because they are mutually dependent.
- 7.3 The proposal would provide a limited amount of employment associated with the development and additional spending in the local economy to support businesses and services. This would be a benefit of the proposal. The provision of one additional market house is also a benefit of the proposal despite the fact that the Council has a five-year supply of housing land.
- 7.4 The loss of an irreplaceable heritage asset that represents a tangible part of the Borough's past and contributes to the local distinctiveness of the area would result in significant environmental harm. As such the proposal should not be regarded as sustainable development.
- 7.5 The erection of two detached houses on the site is not considered to be acceptable and the design and appearance of the proposed houses would fail to enhance the quality and appearance of the streetscene.
- 7.6 There are no additional material planning considerations that weigh in favour of the proposal that outweigh the harm caused and the fact that it is contrary to the development plan.

8. RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **PLANNING PERMISSION IS REFUSED** for the following reason:
 - The loss of a Duke of Sutherland cottage, an irreplaceable heritage asset, has not been clearly and convincingly justified, and its replacement, with two inappropriately designed and detailed detached dwellings will fail to enhance the quality and appearance of the local built environment and the streetscene. The proposal would therefore be contrary to 'Saved' policies UD2 and HE26 of the adopted Wrekin Local Plan, Policies CS14 and CS15 of the Core Strategy; policy BE1 of the Telford & Wrekin Local Plan and the NPPF and there are no material planning considerations that would justify the proposal.