



Appeal Decision

Site visit made on 26 June 2018

by Kevin Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2018

Appeal Ref: APP/L3245/W/18/3200195

Plots 3/4, Land off Bearstone Road, Norton in Hales TF9 4AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by JRT Developments Ltd against the decision of Shropshire Council.
 - The application Ref 17/03636/REM, dated 15 June 2017, sought approval of details pursuant to condition No 1 of a planning permission Ref 14/00790/OUT, as granted on 5 June 2015 under appeal Ref APP/L3245/A/14/2229145.
 - The application was refused by notice dated 30 November 2017.
 - The development proposed is the erection of 14 dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access).
 - The details for which approval is sought are: appearance, landscaping, layout and scale relating to Plots 3 and 4.
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Decision

1. The appeal is allowed and reserved matters are approved for appearance, landscaping, layout and scale relating to Plots 3 and 4, pursuant to Condition No 1 attached to planning permission Ref 14/00790/OUT, granted on 5 June 2015 under appeal Ref APP/L3245/A/14/2229145, and subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues in this case are 1) the effect of the proposal on the character and appearance of the area, including on the character and appearance of the Norton in Hales Conservation Area, and 2) the effect on the living conditions of existing residents, with particular regard to outlook, light and privacy.

Reasons

3. The appeal site is located to the edge of the village of Norton in Hales, adjacent and to the rear of existing development on Bearstone Road. Outline planning permission was granted on appeal in June 2015¹ for the erection of 14 dwellings. On site, building works were well underway, with the access road constructed and several of the plots being developed. The external walls and roof of Plot 2 had been constructed. Plots 7, 10 and 11 appeared to be undergoing internal fit outs and were nearing completion. Plots 8 and 9

¹ Appeal Ref APP/L3245/A/14/2229145

appeared to be complete and indeed occupied. No other plots appeared to be underway, except for initial ground works.

4. The appeal relates to Plots 3 and 4, located adjacent to Plot 2, and to the rear of two existing dwellings on Bearstone Road, Beckside Cottage and Owls Nest.

Effect on character and appearance

5. Norton in Hales is a small village with a historic core of notable buildings, including the church and public house, and a village green. The historic pattern of development has been generally linear, along Main Street and Bearstone Road, and the boundary of the Norton in Hales Conservation Area (CA) takes this general shape. Some modern clusters of development lie outside of the CA. The buildings within the CA are traditional in design and predominantly in red brick, providing a consistent appearance and sense of identity, which contribute to its significance.
6. In respect of appearance, the Council accepts that the style of the dwellings would reflect that of others approved as part of the wider development. I was able to view these other dwellings on site and note that they draw from a consistent palette of materials, with some variety introduced through use of painted render or timber cladding. Whilst their contemporary style differs from the more traditional built form prevalent within the CA, the estate is located to the edge of the village and to the rear of existing development, reducing its visibility from many parts of the CA, in particular from the public realm. It would be viewed as a discrete development with its own form and character. I therefore agree with the Council's conclusions in respect of the appearance of the dwellings for Plots 3 and 4.
7. No reference is made by the Council to the proposed landscaping. On site, I observed the occupied dwellings to have open front boundaries, with gardens laid to lawn. Plots 3 and 4 would be similarly laid out with the gardens laid to grass, trees planted to the rear boundary and front lawn, with side boundaries comprising shrub hedgerows to the front portions and close boarded timber fencing to the rear. This would reflect the emerging landscaping to the wider site and would be acceptable in this context.
8. The Council's reason for refusal focuses therefore on the matters of layout and scale, describing the size, scale and mass of the dwellings as inappropriate to the area, and leading to a contrived and cramped development.
9. The other dwellings under construction are generally large in scale, occupying broad plots. Plot 11 rises to three storeys, with the other dwellings at two storeys, albeit some with prominent roof forms adding to their overall height, and one bungalow with accommodation in the roof (Plot 10). By contrast, the proposed dwellings to Plots 3 and 4 would stand on narrower plots, with a footprint elongated from front to back. Each dwelling would stand three storeys in height, taller than the adjacent Plot 2. The dwellings would be taller than the existing dwellings to the rear, but with a similar overall ridge height owing to a slight fall in the ground level.
10. The narrower width of Plots 3 and 4, and as indicatively shown for Plots 5 and 6, would result in a denser development to this part of the site. The submitted street elevations, however, indicate a discernible and consistent separation distance between Plots 2, 3 and 4. I note that other dwellings within the site,

despite their wider plots, also stand close to each other. The proposed layout of Plots 3 and 4 would not be inconsistent, therefore, with the approach taken elsewhere on the site.

11. Whilst taller than the adjacent Plot 2, the buildings' form would narrow to the upper floors, with the roofs sloping in on all sides, moderating the massing to the uppermost parts of the building. The additional height of the proposed dwellings would, however, act as a counterpoint to the narrow width of the plots and provide an appropriate overall scale which would appear comfortable within an emerging street scene of substantial buildings.
12. For these reasons, I find that the proposed scale and layout of Plots 3 and 4 would not harm the character and appearance of the area. The proposal would accord with Policies CS6 of the Shropshire Local Development Framework Adopted Core Strategy (March 2011) (the ACS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015), which together require development to be designed to the highest quality, including by responding appropriately to the form and layout of existing development and the way it functions, embracing contemporary design solutions which create a positive sense of place, and providing safe, usable and well-connected outdoor spaces.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Given my findings above, in particular with respect to the limited visibility of the dwellings from within the CA, I find that the proposal would not harm the character and appearance of the CA.

Effect on living conditions

14. The proposed dwellings would be laid out with the rear elevations facing the rear windows and gardens of Owls Nest and Beckside Cottage. The appellant states that the separation distances between Plot 3 and Beckside Cottage would be 28m, and 38m between Plot 4 and Owls Nest. The Council, however, points to the depth of the proposed rear gardens being 8m, thereby permitting views over the neighbouring properties at closer range.
15. Owls Nest, however, has a large outbuilding to the rear of its garden, on the boundary with Plot 4. The boundary with Beckside Cottage includes some screening from trees, a fence and a detached garage to one side. Whilst the provision of first and second floor windows within the proposed dwellings would permit some views over the neighbouring properties, these would all serve bedrooms which would not generally be occupied during the day. Given this, the separation distances and the presence of the outbuildings and intervening boundary features, the views possible from these windows would not be invasive or constant and would not demonstrably undermine the privacy of the neighbouring occupants.
16. The Council further raises concern that the dwellings, at the scale proposed, would lead to an overbearing impact on neighbouring residents. As described, the neighbouring dwellings include several outbuildings within their rear gardens, which would be prominent in views from their rear windows. Whilst these dwellings would have previously enjoyed an outlook over an undeveloped area, the surrounding context is changing. I observed that the rooflines of Plots

2 and 7 are visible from the neighbouring properties. The proposed dwellings to Plots 3 and 4 would form part of this emerging context. As I have indicated, the massing of the dwellings would narrow to the upper floors, reducing their overall bulk in views from neighbouring properties. The dwellings would clearly be visible from Owls Nest and Beckside Cottage, but given their position and form, they would not create an overbearing effect which would be detrimental to the living conditions of neighbouring residents.

17. The Council also refused the application in respect of loss of light to the same neighbouring properties, based on their height and position relative to the sun's path. I acknowledge that given this orientation and the height of the dwellings, some shadowing is likely to occur. However, the gardens of the properties are generous in size, and the presence of the existing outbuildings and trees would already cause shadowing at certain times of the day. Although taller, the proposed dwellings would be set well behind these outbuildings, and given their relatively slender form, they would not block significant portions of the sky. Therefore they would not lead to a significant increase in shadowing or loss of light that would undermine the living conditions of neighbouring occupants.
18. For these reasons, I find that the proposed dwellings would not result in demonstrable harm to the living conditions of neighbouring occupants. The proposal would accord with Policies CS6 of the ACS and MD2 of the SAMDev, which require all development to safeguard residential and local amenity.

Other Matters

19. The Local Highway Authority raises concern in its consultation response regarding failure to discharge a condition of the outline permission relating to the layout of the access and internal roads of the wider site. Similarly, the Council's Flood and Water Management Team has commented requesting the imposition of a condition relating to the implementation of a drainage scheme approved under another application. Neither of these matters, however, is relevant to the reserved matters before me for Plots 3 and 4, and I have not taken them into consideration.

Conditions

20. The Council has suggested conditions in the event that the appeal is allowed, which I have considered in light of the advice set out in both the Planning Practice Guidance and in the National Planning Policy Framework. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.
21. A condition specifying the relevant plans is necessary as this provides certainty. A condition requiring the dwellings to be constructed in the specified materials is also necessary in order to ensure a satisfactory appearance.
22. The Council has requested a further condition to require the landscaping to be undertaken prior to the first occupation of the dwellings, which is necessary to ensure a satisfactory appearance. However, given that planting is not advisable at certain times of the year, and to avoid potential delay in occupation as a result, I have amended the condition to require works of planting, seeding or turfing to be undertaken no later than in the first planting season following completion of the development or first occupation, whichever occurs sooner.

Conclusion

23. For these reasons, the appeal is therefore allowed.

Kevin Savage

INSPECTOR

Schedule – Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Both Plots

AL(0)001 A (Location Plan); D1011 (Topographic Survey); 'Cheshire Red Multi' brick details; 'Garsdale Fibre cement slates' details; AL(0)302 H (Proposed Boundary Treatments Plan); AL(0)011 C (Proposed Street Elevation).

Plot 3

AL(0)001 A (Proposed Site Plan); AL(0)002 A (Proposed Ground Floor Plan); AL(0)003 A (Proposed First Floor Plan); AL(0)004 A (Proposed Second Floor Plan); AL(0)004 A (Proposed Roof Plan); AL(0)0010 A (Proposed East and West Elevations); AL(0)0011 A (Proposed North and South Elevations)

Plot 4

AL(0)001 A (Proposed Site Plan); AL(0)002 A (Proposed Ground Floor Plan); AL(0)003 A (Proposed First Floor Plan); AL(0)004 A (Proposed Second Floor Plan); AL(0)005 A (Proposed Roof Plan); AL(0)0010 A (Proposed East and West Elevations); AL(0)0011 A (Proposed North and South Elevations)

- 2) Those external surfaces of the development hereby permitted which are indicated on the approved drawings as comprising brickwork and roof tiles shall be constructed respectively in the materials shown on plans titled 'Cheshire Red Multi' and 'Garsdale Fibre cement slates.'
- 3) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied, with the exception of all planting, seeding or turfing comprised in the approved details of landscaping, which shall be carried out in accordance with the approved details not later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

END OF SCHEDULE