
Appeal Decision

Site visit made on 14 August 2018

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th September 2018

Appeal Ref: APP/L3245/W/18/3196990

Oak Street Garage, Oak Street, Oswestry, Shropshire, SY11 1LJ

- 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 Cosgrove against the decision of Shropshire Council.
 - The application Ref 17/00387/FUL, dated 15 January 2017, was refused by notice dated 11 January 2018.
 - The development proposed is erection of 4 no. one bedroom apartments and one dwelling following demolition of existing boxing club.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development given above is taken from the Decision Notice rather than the planning application form. This wording reflects changes that were made to the scheme at the application stage. The Council based its decision on the revised scheme and I have therefore taken the same approach.

Main Issues

3. The main issues are the effect of the development on:
 - (a) The character and appearance of the area;
 - (b) The living conditions of future occupiers of the development with regard to internal living space and outdoor amenity space; and
 - (c) The living conditions of the occupiers of neighbouring properties with regard to loss of outlook, natural light, and privacy.

Reasons

Character and appearance

4. The appeal site contains a commercial building that is currently occupied by a martial arts club. It is set within a predominantly residential area and is largely surrounded by terraced housing.
5. The development would introduce a short terrace of dwellings onto the site. The terrace would have a significant depth and this would create large gable walls on either side. Due to the orientation of the surrounding buildings, the southern gable would be particularly prominent in views from the south across the nearby junction. From this direction, it would appear noticeably larger and

wider than other nearby end terrace gables, and would have an awkward appearance within the street. Its size and width would be out of keeping with the scale and character of the surrounding terraces in this regard. Whilst the proposed design includes a smaller side gable finished in render, that would not significantly mitigate the impact of the larger gable in my view, which would remain clearly visible. Moreover, the positive design elements such as the traditional chimneys, stone heads, and cills do not alter my concerns regarding this gable.

6. For the above reasons I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policy CS6 of the Shropshire Core Strategy (2011) and Policy MD2 of the Shropshire Site Allocations and Management of Development Plan (2015). These policies seek to ensure, amongst other things, that new development is appropriately designed and takes account of its local context.

Living conditions – future occupiers

7. The Technical Housing Standards¹ set out a nationally described space standard for new dwellings. Planning Practice Guidance states that "*where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard*"². These standards are not adopted in Shropshire's Local Plan and so cannot be given full weight in this case, albeit they are a useful point of reference.
8. The proposed 2 storey end terrace house would contain 2 bedrooms and would have a Gross Internal Area (GIA) of 49 square metres. This would be significantly below the minimum standard for this type of dwelling, which is set at 70 square metres in the Technical Housing Standards. This results in an excessively cramped internal layout, which is particularly apparent at ground floor level. In this regard, the proposed lounge area is clearly inadequate in size for a 2 bedroom property, and there is little space available to accommodate a dining table. In my view, this arrangement would result in unacceptably poor living conditions for future occupiers.
9. The appellant states that the minimum GIA for a dwelling such as this is 50 square metres. However, the RIBA publication 'Space Standards for Homes' (2015), submitted by the appellant, does not set out alternative internal space standards to the ones contained in the Technical Housing Standards.
10. In terms of the proposed 1-bedroom apartments, the appellant states that they would have GIAs of 33, 35, 37, and 39 square metres respectively. The bedrooms would each be below 11.5 square metres and so would constitute a single bedspace for the purposes of the Technical Housing Standards. All 4 apartments would therefore either exceed or marginally fall short of the minimum standard of 37 square metres for this type of dwelling. In my view, they would provide adequate living space for a small 1 bedroom property and would not be an unduly cramped form of accommodation.
11. Separately, the development would be built up close to the boundaries of the site and would provide very little outdoor amenity space for future occupiers. In this regard, it is not clear that the proposed amenity space would be large

¹ Technical housing standards – nationally described space standard (DCLG, 2015)

² Paragraph: 018 Reference ID: 56-018-20150327

enough to accommodate the bins associated with the development, a cycle storage area, and provide sufficient space to dry clothes. The lack of an adequate outdoor area such as this would be particularly harmful given the limited internal space within the properties. Whilst the appellant has indicated that a communal bin store would be provided, it is questionable whether this could be manoeuvred in and out of the narrow alleyway down the side of the development. It is therefore unlikely to be a practical solution in this case.

12. For the above reasons, I conclude that the development would result in unacceptable living conditions for future occupiers with regard to internal living space and outdoor amenity space. It would therefore be contrary to Policy CS6 of the Shropshire Core Strategy (2011), Policy MD2 of the Shropshire Site Allocations and Management of Development Plan (2015), and guidance contained within the Type and Affordability of Housing Supplementary Planning Document (SPD) (2012). These policies and guidance seek to ensure, amongst other things, that new development is of an appropriate density and provides an acceptable standard of accommodation.

Living conditions – neighbouring occupiers

13. As set out above, the proposed side gables would have a considerably greater depth than those in the surrounding terraces. In this regard, the northern gable would extend significantly to the rear of the adjacent property at No 1 Oak Street.
14. The existing building occupies a similar footprint to the proposed development, and also extends to the rear of No 1. However, it has a front facing gable with a roof profile that slopes away on either side. Accordingly, the side elevation closest to No 1 Oak Street is below the eaves height of that property. In contrast, the development would introduce a significantly taller gable wall along the boundary. This would largely enclose the rear of No 1 along one side and would significantly reduce the outlook from, and light to, the rear facing windows. In this regard, it would lead to a significant deterioration compared to the existing situation.
15. The development would also introduce first floor bedroom windows around 2 metres from the rear boundary. These would directly overlook the gardens to the rear at close quarters. Whilst these gardens are fairly generous in size for terraced properties, the development would still result in a significant loss of privacy in my view.
16. Whilst the relocation of the martial arts club would result in a reduction in activity and associated disturbance, that does not provide a justification for a development with these shortcomings. In any case, this benefit could similarly be achieved with a different design.
17. For the above reasons, I conclude that the development would significantly harm the living conditions of the occupiers of neighbouring properties with regard to loss of outlook, natural light, and privacy. It would therefore be contrary to Policy CS6 of the Shropshire Core Strategy (2011), Policy MD2 of the Shropshire Site Allocations and Management of Development Plan (2015), and guidance contained within the Type and Affordability of Housing SPD (2012). These policies and guidance seek to ensure, amongst other things, that new development is well designed and does not result in an unacceptable loss of outlook or privacy.

Other Matters

18. A number of local residents have written in support of the development. However, a neighbour objection letter has also been received. It is therefore not the case that the proposal is locally uncontentious.
19. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.

Conclusion

20. As set out above, I conclude that the development would significantly harm the character and appearance of the area, and the living conditions of both future and neighbouring occupiers of the development. Whilst it would provide new housing in a relatively accessible location, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR