



Appeal Decision

Site Visit made on 24 August 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2021

Appeal Ref: APP/L3245/W/21/3273829

Ivy Cottage, Walford Heath, Shrewsbury SY4 2HS

- 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 Mario Nicholas against the decision of Shropshire Council.
 - The application Ref 20/04415/FUL, dated 16 October 2020, was refused by notice dated 19 March 2021.
 - The development proposed is the erection of one detached dwelling and alterations to existing vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one detached dwelling and alterations to existing vehicular access at Ivy Cottage, Walford Heath, Shrewsbury SY4 2HS in accordance with the terms of the application, Ref 20/04415/FUL, dated 16 October 2020, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal in the context of the revised Framework, on which the parties have been given the opportunity to comment.
3. There is an extant permission on the appeal site for a similar, albeit smaller, property to the proposal before me. From the submitted evidence I understand the main differences to be that the new proposal has a deeper footprint, lower eaves, and dormer windows. Given the similarities between the schemes and that the permission is still extant my assessment starts from this position.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the site and its surroundings.

Reasons

5. The appeal site is within a small group of houses within a predominantly rural area. The site itself is within the side garden of an existing semi-detached dwelling and is adjacent to some recently erected properties. The dwellings in this area are largely varied and do not create clear building lines. The proposed dwelling would sit forward of Ivy Cottage, but behind the recent development.
6. Whilst the side elevations of the proposed dwelling would be deeper than that permitted, the lower eaves would, by bringing the roof down further on the house, somewhat reduce the apparent scale and visual bulk of these

elevations. Moreover, I noted during my observations on site that there are a number of examples of other similarly deep properties on the opposite side of the road. In particular a row of deep dwellings with half-hipped roofs, and a bungalow with a large flat-roofed rear extension. Within this context the greater depth of the proposed property would not be jarring or out of keeping. Moreover, whilst the proposal would be larger than the previous scheme the increase would be limited in relation to the scale of the plot which, given the areas of garden and parking around the building would retain a sense of spaciousness.

7. As the properties within the surrounding area are varied in appearance and include dormer windows, plain side elevations and various external materials, the proposal would not be harmful to the overall character and appearance of the area. Furthermore, as the dwelling would be set back from the road it would not be an overly prominent feature within the street scene and so any visual impact would be more modest. I also noted a number of parking areas at the front of neighbouring properties, including some of a similar size to that proposed. Although the parking area would be large, it would be shared between two properties and so I find it would not be disproportionate or incongruous.
8. Although I note the concerns regarding the number of large dwellings affecting the character and appearance of the village, no substantive evidence has been provided to demonstrate this is the case. From my observations on site, I found the village to have a good mixture of different sized properties, and that the proposal would not unbalance this.
9. Therefore, by way of its design and appearance, the proposal would be in keeping with its surroundings and would not be detrimental to the character and appearance of the area. As such it would comply with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (adopted 2011) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (adopted 2015). Amongst other matters these policies collectively require that development is of a high quality design which respects and responds positively to local distinctiveness. The development would also comply with the high quality design aims of the Framework.

Other Matters

10. Whilst the appellant, or future occupiers, may desire to extend the proposed dwelling in the future it is not within the remit of my assessment to assume their intentions. As any such future extensions are not part of this scheme, they are not directly relevant to the assessment of this case. The possible price of the permitted or proposed dwellings are also not directly relevant to the case before me. As such, I give these matters limited weight.
11. A number of concerns have been raised regarding a new dwelling on the site, including on highway grounds and sustainability. However, a new dwelling has already been approved at the appeal site and the proposal before me would only replace this scheme, not result in an additional new dwelling. I therefore give these matters very little weight in my assessment.
12. Whilst the proposed front and rear windows are likely to result in some level of overlooking of the neighbouring gardens I find this would be very limited. In

particular, the garden at Ivy Cottage is not exceptionally private given its openness to public views from the road, whilst oblique views from the rear windows towards the new neighbouring property's garden would be no greater than is typical of linear residential development. Given the relationship between the proposed dwelling and the immediate neighbours it is unlikely that it would cause any unacceptable loss of light to the rear gardens. As such I find it would not be detrimental to the living conditions of neighbouring occupiers.

13. The appeal site contains a number of small trees and shrubs, it is likely that some of these would be lost during the development. However, I find that none are of such a size or importance as to cause unacceptable harm to the local environment and wildlife. Moreover, although I note concerns about harm to birds that use the trees no substantive evidence has been submitted to demonstrate that this would occur.

Conditions

14. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording. For certainty, I have set out the timescale for the commencement of works. A condition is also necessary, for certainty, requiring that the development is carried out in accordance with the approved plans.
15. A condition has also been put forward, in the interests of protecting character and appearance, requiring full details to be submitted of the hard and soft landscaping of the appeal site. Given the scope of the development and the site's visibility in public views I find it would be reasonable to impose such a condition.
16. In the interests of highway safety, and given the intensification of the use of the existing access, I have imposed the suggested conditions defining a maximum height of the existing hedgerow and requiring the access, parking and turning areas to be provided and retained in accordance with the approved plans.
17. The Council have also suggested a condition requiring details of external and roofing materials to be submitted for approval in the interests of character and appearance. However, the submitted drawings include the proposed materials and given materials in the area are somewhat varied it would be unnecessary to require further details to be approved.
18. A pre-commencement condition requiring the submission of drainage details would also be unnecessary given submitted evidence which points towards the site being at low risk of surface water drainage problems and within Flood Zone 1. Moreover, I find that the retained areas of garden and the surrounding green spaces could accommodate any additional runoff from the development.
19. Finally, the Council have suggested a condition requiring that the vehicular access meets the Council's specifications. However, these specifications have not been put before me and I am concerned that they could require the access to be significantly altered following approval. As such, and given the other conditions related to the access, I find this condition would be unreasonable.

Conclusion

20. For the reasons given above I find no cause to determine the appeal other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SA36423-BRY-ST-PL-A-20, SA36423-BRY-ST-PL-A-21, SA36423-BRY-ST-PL-A-22, SA36423-BRY-ST-PL-A-23, SA36423-BRY-ST-PL-A-24, Surface Water Management Statement.
- 3) No above ground works shall be commenced until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The landscaping shall thereafter be carried out in full compliance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
- 4) The development hereby permitted shall not be first occupied until the vehicle parking and turning areas have been provided in accordance with the details to be approved under Condition 3. These areas shall thereafter be maintained free of any impediment to their designated uses.
- 5) The development hereby permitted shall not be first occupied until any boundary treatment which is a part of the appeal site and fronts on to the highway has been reduced to a height of 900mm. The boundary treatments shall thereafter be retained at this height.
- 6) The development hereby permitted shall not be first occupied until the improvements to the existing access have been completed. The space shall be maintained thereafter free of any impediment to its designated use.