



Appeal Decision

Site visit made on 25 October 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/L3245/W/22/3301168

Land West of 13 Beech Street, Woodhill, Highley WV16 6HL,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mark Pritchard against the decision of Shropshire Council.
 - The application Ref 22/00527/OUT, dated 4 February 2022, was refused by notice dated 24 May 2022.
 - The development proposed is described as 'Outline application with all matters reserved for the erection of a pair of semi-detached dwellings (resubmission of application 20/03697/OUT).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved for future consideration. I have consequently treated the submitted drawings as being for illustrative purposes only.

Main Issues

3. The main issues are:
 - The effects of the proposal on the character and appearance of the area; and
 - Whether appropriate living conditions would be provided for future occupiers of the proposed development and maintained for the occupiers of 13 Beech Street, with particular regard to daylight and garden area.

Reasons

Character and appearance

4. The appeal site is a corner plot at a junction of Beech Street and Ash Street, forming the side garden of 13 Beech Street. Beech Street and Ash Street are characterised by residential properties of mixed styles, sizes and forms. The dwellings on Beech Street are, predominantly, set behind front gardens as are the dwellings on Ash Street in the vicinity of the site.
5. The site, together with several other open corners on Beech Street and a number of long rear gardens that can be glimpsed between properties, provides a sense of spaciousness. This openness is a significant characteristic of Beech Street that positively contributes to the character of the area. The soft edge provided by the appeal site enhances the street scene.

6. Whilst the appeal site could accommodate two dwellings in a position that would maintain the building line, the proposed scheme would, nonetheless, remove a key space which contributes to the spacious character and appearance of the surroundings. Furthermore, due its close relationship with the side elevation of 2 Ash Street and the limited plot size, the form of development would give rise to a cramped appearance at odds with the prevailing character of the area.
7. I note that the side elevation of 11 Beech Street and its driveway, on the opposite corner of Ash Street to the appeal site, extends to Ash Street and does not have an open side garden. This does not, however, reduce the importance I attach to the soft edge formed by the appeal site in its current form.
8. Overall, the proposed dwellings would have a significant detrimental effect on the street scene and the spacious character and appearance of the area. I am mindful that the appeal site is not affected by any landscape or heritage designation, is not within a Conservation Area, an Area of Outstanding Natural Beauty or the Green Belt, and is not near to any listed buildings. However, this does not alter my findings in this regard.
9. The large green space adjoining Ash Street and Oak Street contributes to the open character of the wider area. However, it is not readily apparent in views from Beech Street and as such does not reduce the importance of the open corner of the appeal site to the sense of spaciousness of Beech Street.
10. Even if a 2 metre high boundary treatment and/or outbuilding were to be erected on the appeal site utilising permitted development rights, as suggested by the appellant, that the scale and massing of the proposal would be greater and more harmful as a result. Such a possibility would not, therefore, justify development that I find to be harmful to the character and appearance of the area.
11. My attention has been drawn to other development on corner plots in the wider area. However, these differ from the case before me as there is a greater space between the side of the identified properties and the highway than could be achieved on the appeal site given its limited scale. Any loss of open corner plots that has occurred in the wider area does not justify such loss on Beech Street.
12. Consequently, I consider that the proposal would cause unacceptable harm to the character and appearance of the area. Therefore, it would fail to accord with Policy CS6 of the Shropshire Core Strategy (CS) and Policy MD2 of the Shropshire Site Allocations and Management Development (SAMDev) Plan which seek to ensure, amongst other things, that new development is designed to a high quality which respects and enhances local distinctiveness. It would also be contrary to the design aims of the National Planning Policy Framework (the Framework).

Living conditions

13. The indicative plan shows the dwellings fronting onto Beech Street with their rear gardens backing onto the side boundary of 2 Ash Street. The remaining garden to 13 Beech Street although not extensive would provide sufficient space to be utilised and enjoyed by the occupants.

14. The indicative plans show the rear elevations of the proposed dwellings facing the side elevation of 2 Ash Street. The two-storey extension to 2 Ash Street is very close to the rear boundary of the site. What are likely to be relatively short rear gardens would therefore be closely enclosed by No 2 and the proposed dwellings. Consequently, the amount of daylight reaching the proposed rear gardens would be substantially reduced, thereby affecting the quality and amenity value of the space. This would be to the detriment of the living conditions of the future occupiers of the proposal. Even if the proposed dwellings were to face towards Ash Street, the same issue would arise due to the proximity of the side elevation of 13 Beech Street.
15. No 13, and the other properties identified by the appellant at para 4.13 of the statement, however, back onto rear gardens with angled views to adjoining buildings and such gardens are not as enclosed as the proposed gardens would be. In any event, the fact that the amount of daylight reaching existing properties may be affected by their neighbours is not a reason to allow unacceptable development.
16. As the proposed dwellings are likely to be sited next to, and broadly in line with, No 13, the amount of daylight reaching the remaining garden and windows of that property would not be materially and harmfully reduced.
17. I conclude that, while living conditions at No 13 would not be harmed, the proposal would not provide appropriate living conditions for future occupiers of the proposed development with regard to daylight. Therefore, it would fail to accord with CS Policy CS6 and SAMDev Plan Policy MD2 which seek to, amongst other things, achieve good standards of sustainable design and safeguard residential amenity. It would also be contrary to such aims of the Framework.

Other Matters

18. I acknowledge that the Council has raised no concerns regarding the principle of residential development on the appeal site. In addition, I note that there were no third-party comments, objections from consultees and that the Parish Council support the application. However, these factors do not outweigh the harm that I have identified.

Conclusion

19. For the reasons set out above, having considered all the policies drawn to my attention, I concluded that the proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR