



Appeal Decision

Site visit made on 18 February 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/L3245/W/24/3354910

Land off Millar Row, Craven Arms, SY7 9RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Marnick against the decision of Shropshire Council.
 - The application Ref is 24/01692/FUL.
 - The development proposed is described as “proposed new three bedroom dwelling.”
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on; the living conditions of future occupiers; the character and appearance of the area; and trees.

Reasons

Living Conditions

3. The appeal site is located to the north of a fire station. Close to the boundary of the appeal site is a drill tower used for training. The proposed dwelling would have a small garden to the rear, adjacent to the drill tower. Windows for the dining room, a bedroom and an ensuite would face the rear garden and towards the drill tower.
4. Due to the layout of the surrounding area, there would be views of existing rear gardens from the drill tower. However, no other dwellings are in such close proximity, nor do they have such a limited garden space, as the appeal proposal. The proximity to the boundary of the appeal site combined with its elevated nature means that anyone using the tower would have direct views into the rear garden area of the proposed dwelling as well as into the rear facing windows. The use of the tower in proximity to the proposed dwelling would therefore have harmful impacts to the privacy of future occupiers.
5. Further, the noise and disturbance associated with the drill tower during a training event, would likely involve shouting and potentially the use of sirens which would result in activity that would be disruptive to future occupants. In the absence of any technical evidence to the contrary, I conclude that future occupiers would suffer from harmful impacts relating to noise and disturbance.
6. In their submission the appellant argues that the drill tower is used on a quarterly basis for approximately 2 hours. Nevertheless, I have not been provided with any evidence that the use of the drill tower is limited to this and could therefore be used

on a more regular basis and for longer period of time. Whilst there are other dwelling close to the fire station, none are in as close proximity to the drill tower as the proposed dwelling would be.

7. Whilst there are buildings located close to the appeal site, the rear windows and rear garden would be south facing, benefitting from natural light. The existing buildings are set sufficiently away from the boundary with the appeal site to not cause any harmful levels of overshadowing.
8. Whilst I have not found harm in relation to overshadowing, I conclude that the proximity of the proposed development to the existing drill tower would result in harmful impacts on privacy and unacceptable levels of noise and disturbance. It would therefore be contrary to Policy CS6 of the Shropshire Council Local Development Framework Core Strategy (2011) (CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2017) (SAMDev) which seek to ensure that developments safeguard amenity.

Character and Appearance

9. The appeal site is located in a predominantly residential area with a fire station to part of its southern boundary. Dwellings on Millar Row vary in their design characteristics, with both single and two-storey terraced dwellings and differing brick colours and differing garden sizes. Dwellings are largely set back from the highway behind area of garden and parking, which creates a pleasant sense of spaciousness that contributes positively to the character and appearance of the area.
10. The proposed dwelling would be a detached single storey dwelling fronting on to Millar Row, access via a new access from the existing turning head. The dwelling would be set back from highway by a small garden area, and a parking/turning area would be located to its side. The proposed dwelling would have a small garden area to the rear. Whilst this would be limited in scale, it would be sufficient in size for the scale of the dwelling. Further, it is of a similar size to the gardens of nearby dwellings.
11. Given the small scale of the proposed dwelling, combined with its set back from the road and parking/turning area to the side, the proposed development would maintain the spacious character of the area and not create a cramped appearance.
12. In light of the above, the proposed development would maintain the character and appearance of the area. It would therefore comply with CS Policies CS1, CS3 and CS6 SAMDev Policies MD1, MD2 and MD3. Together these seek to ensure that developments that respect locally distinctive or valued character.

Trees

13. During my site visit I saw that the appeal site was largely laid to gravel with small trees planted around its boundary. The proposed development would cover much of the appeal site to one side, with a permeable parking/turning area to the right. A garden would be located to the rear.
14. As part of the proposed development, two ornamental trees would be removed in order to facilitate the proposed access. These appear to be fairly newly planted trees that are small in scale. Further opportunities for planting would be available

to the front of the appeal building and in the proposed rear garden to mitigate the loss of the trees and protect those remaining, this could be secured via an appropriately worded condition.

15. In light of the above, I conclude that the proposed development would not have a harmful impact on trees. The proposed development would comply with CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD12 which seek to ensure that developments that consider the design of landscaping, including trees.

Conclusion

16. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR

