
Appeal Decision

Site visit made on 20 October 2015

by G Fort BA PGDip LLM MCD MRTPI

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

Decision date: 30 November 2015

Appeal Ref: APP/L3245/W/15/3129441

Wingthorpe, Mount Drive, Oswestry, Shropshire SY11 1BQ

- 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 and Mrs Colin and Jenny Boswell against the decision of Shropshire Council
 - The application Ref 15/00971/FUL, dated 10 February 2015, was refused by notice dated 14 April 2015
 - The development proposed is the demolition of an existing outbuilding and the erection of a new detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Issue

2. The Inspector's Report on Shropshire's Site Allocations and Management of Development (SAMDev) Plan was published on 30 October 2015. The Report is positive and there are no objections to the policy relevant to this appeal. Accordingly, following the advice in paragraph 216 of the National Planning Policy Framework (the Framework) I have attached due weight to its policies in the determination of this appeal.

Main Issues

3. The main issues in this appeal are the effects of the appeal scheme on the living conditions of the occupiers of Hafod Wynne and Wingthorpe in terms of outlook and privacy; and its effects on the character and appearance of the area.

Reasons

Living Conditions

4. The appeal site is located within a leafy and suburban area framed by mature trees. The area is characterised by substantial two-storey detached brick-faced dwellings. Though the plot sizes are generous their shapes and the spacing between properties vary with little uniformity along Mount Drive. The scale and form of the dwellings is also varied, though there are a number of common elements including prominent gables, chimney stacks and the use of decorative brick bonding patterns in varying colours. To the rear of the appeal site more

- modern residential development of a similar scale to the properties within Mount Drive is visible.
5. Wingthorpe itself is a substantial property set in its own grounds on an access running roughly at a right angle to Mount Drive. It is faced in yellow brick in a Flemish bond pattern, with horizontal courses of darker red bricks. At the upper level the gables, barge boards, ridge tiles and chimney stacks give the roof line a great deal of visual interest and character.
 6. Hafod Wynne, the property that borders the appeal site on its other side employs similar brickwork and stylistic details to those of Wingthorpe. Slightly smaller than Wingthorpe in terms of massing and scale, Hafod Wynne is developed at a level considerably lower than that of the appeal site.
 7. The appeal site is currently occupied by outbuildings that from their materials and style look to be contemporary to their host building. To the front is the access drive, and to the rear Wingthorpe's substantial garden.
 8. The proposal is for a two storey dwelling, in a design that references some of the stylistic elements of the surrounding properties. The existing outbuildings, apart from the garage, would be demolished to accommodate the dwelling which would be sited behind the building lines of Wingthorpe and Hafod Wynne. At its closest points, the proposal would be separated from the boundaries of the adjoining properties by around two metres; its flank walls would be around two and a half meters away from Wingthorpe, and around eight metres away from Hafod Wynne. Substantial gables would face each adjoining property, the apex of which would be around ten metres in height. The appeal scheme includes proposals for windows in both flank walls.
 9. In terms of the proposal's effects on outlook, the adjoining property Hafod Wynn occupies a site several metres below that of the appeal scheme. At my site visit I saw that a substantial area of the garden and the principal windows of a number of habitable rooms are on the side of Hafod Wynne which faces the appeal site. The proposed separation distance is not ungenerous; however, in this case due to the difference in levels and the appeal scheme's orientation, the flank wall would be of an excessive height in relationship to Hafod Wynne. This effect would be exacerbated by the proposal's depth, meaning that the prominent gable would have an overbearing and thus significantly harmful effect on the outlook of the occupiers of Hafod Wynne from both the garden and habitable rooms.
 10. In contrast, the site level of Wingthorpe is slightly above that of the appeal scheme. The orientation and siting of the appeal scheme in relation to Wingthorpe, and the fenestration pattern of the latter property would mean that the proposal would not be unduly prominent in views from Wingthorpe and its garden space. Accordingly, I find that no harmful effects would arise from the appeal scheme in relation to the outlook of the occupiers of Wingthorpe.
 11. The appeal scheme's rear windows would have the potential to overlook the garden of Hafod Wynne, however this would not be significantly different to the current privacy arrangements. The proposed fenestration on the flank wall with Hafod Wynne is a window to the staircase between ground and first floor and a ground floor window serving a habitable room. In both of these cases the windows would only have a limited effect on the privacy of the occupiers of

Hafod Wynn because of existing boundary treatments and the potential for the window to the staircase to be obscure-glazed.

12. Similarly, I have no concerns with regard to the proposal's effect on the privacy of the occupiers of Wingthorpe. The flank wall which faces Wingthorpe proposes two windows to a bathroom and a dressing room wherein the use of obscure glazing would be appropriate.
13. Though having no harmful effects on the privacy of adjoining occupiers, or the outlook of the occupiers of Wingthorpe, the appeal scheme would be unduly overbearing and dominant in the context of Hafod Wynne and cause significant harm to the outlook of the occupiers of that property. The appeal scheme would thus run contrary to the objectives of Policy CS6 of the Shropshire Core Strategy (the CS) (Adopted March 2011) , which seek *inter alia* to ensure that new development respects the living conditions of current and future occupiers.

Character and Appearance

14. Although the appeal scheme is different in terms of scale and massing to Wingthorpe or Hafod Wynne, it would be sensitive to the architectural style and materials palette of the area. The proposal would subdivide Wingthorpe's grounds. However, the resulting plot size would not create a development form that would be unduly cramped in the context of the wider streetscene. Mature planting would be retained, which would help the proposal to harmonize with its surroundings.
15. For these reasons, I do not consider that the appeal scheme would have a harmful effect on the character and appearance of the area, and would not conflict with the objectives of Policy CS6 of the CS and MD2 of SAMDev, which seek *inter alia* to ensure that new development is sensitive to the character and appearance of its surroundings.

Other Matters

16. The appellants submitted a unilateral undertaking in respect of an affordable housing contribution, which would constitute a benefit should permission be granted for this proposal, and a consideration to which I have given due weight.
17. As part of their appeal statement, the appellants submitted plans for an alternative scheme and related correspondence with the Council. However, this appeal deals only with the plans that were submitted with the application referenced 15/00971/FUL, and accordingly my decision turns on the merits of these plans and not the alternative proposals.

Conclusion

18. I have concluded that the appeal scheme, by virtue of its scale, its depth and the difference in levels between its proposed site and Hafod Wynne would have an unduly overbearing and thus harmful effect on the outlook of occupiers of that property. My concerns in this regard outweigh the lack of harm I found in relation to the appeal scheme's effects in regard to privacy, to the outlook of occupiers of Wingthorpe and to the character and appearance of the area. Though an affordable housing contribution would be a benefit, it would not sufficiently outweigh the significant harm to living conditions of the occupiers of Hafod Wynne that I have described.
19. Accordingly, for the reasons outlined above, and in regard to all other matters raised, I conclude that the appeal should be dismissed.

G Fort

INSPECTOR