
Appeal Decision

Site visit made on 26 January 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 5 February 2016

Appeal Ref: APP/L3245/W/15/3137117

106 Primrose Drive, Sutton Park, Shrewsbury

- 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 C Lowe against the decision of Shropshire Council.
 - The application Ref 14/05176/FUL, dated 13 November 2014, was refused by notice dated 24 April 2015.
 - The development proposed is erection of a new 3 bedroom detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effects on the living conditions of the occupiers of 104 and 106 Primrose Drive with regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site comprises part of the rear garden of No 106 Primrose Drive which is a detached house set within a modern estate of other detached and semi-detached dwellings. The frontages of the majority of properties are generally open and this is notable around the junctions where tertiary roads meet Primrose Drive. The overall effect is one of a spacious residential area.
 4. The existing separation distance between the rear elevation of No 106 and the flank wall of No 104 is typical of that found within the estate where this juxtaposition of dwellings arises. The introduction of a new dwelling into the rear space would significantly reduce No 106's rear garden depth and result in a greater concentration of built form within this part of Primrose Drive. This would have an adverse effect on the current spacious character of the area.
 5. Furthermore, the width of the proposed dwelling would not provide sufficient relief between the front elevation and the side boundaries to prevent the impression of it being cramped on its plot.
 6. The appeal scheme would therefore run counter to policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy (2011) (CS) that,
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amongst other things, requires development to safeguard the built environment and take into account local context and character.

Living conditions

7. The proposal would result in a reduction of the rear garden area of No 106 and whilst I recognise that the overall grounds around the dwelling are relatively extensive, given the open plan layout of the estate, it is only the rear garden that provides any privacy. Consequently, I am not persuaded that the overall amount of garden land would mitigate the loss of a significant amount of private rear amenity space although I accept it would still maintain an adequate area for sitting out, drying laundry and for children's play.
8. However, the proximity of the proposed dwelling's flank wall to the rear elevation of No 106 would result in it being omnipresent and overbearing when looking out of the rear habitable rooms and when using the rear garden. This would result in a severe, adverse and therefore unacceptable effect on the outlook of No 106's occupiers and the enjoyment of their private amenity space.
9. For these reasons, the proposal would run counter to CS policy CS6 that also seeks to safeguard residential amenity.
10. Turning to the effects on No 104, which is a semi-detached dwelling, the existing single-storey garage on its eastern side would ensure that an adequate separation distance between the two dwellings would be maintained. There would be no fenestration on the proposed dwelling's western flank thereby preventing the potential for direct overlooking.
11. Further, the proposed dwelling would match the building line of both the front and rear elevation of No 104, and the effects would be no different to those arising from the relationship that it currently shares with its adjoining dwelling. I am not therefore convinced that the effects on the living conditions of No 104's occupiers would be unduly harmed.

Other matter

12. The appellant has submitted a Unilateral Undertaking (UU) that makes provision for a contribution to affordable housing. Whilst representing a potential benefit of the appeal scheme, this is not sufficient to outweigh my serious concerns set out in relation to the main issues. Furthermore, as I am dismissing the appeal, I do not need to assess the acceptability of the UU for the intended purpose or the Council's justification for its necessity.

Conclusion

13. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector