
Appeal Decision

Site visit made on 5 July 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 8 August 2016

Appeal Ref: APP/L3245/D/16/3150425

West Lodge, Park Road, Wem, Shropshire SY4 5DA

- 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 I Hotchkiss against the decision of Shropshire Council.
 - The application Ref 16/00411/FUL, dated 1 February 2016, was refused by notice dated 30 March 2016.
 - The development proposed is described as 'erection of a single storey extension to the side elevation; detached open fronted double garage; new pedestrian access'.
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Decision

1. The appeal is allowed. Planning permission is granted for the erection of a single storey extension to the side elevation, detached open fronted double garage and new pedestrian access at West Lodge, Park Road, Wem, Shropshire SY4 5DA, in accordance with the terms of the application, Ref 16/00411/FUL, dated 1 February 2016, subject to the attached schedule of conditions.

Preliminary Matter

2. The Council Officer's report states that the proposed single storey extension and new pedestrian access are acceptable. They were approved by the Council under planning permission ref: 15/0473/FUL along with a garage. This appeal results from a new application which is the same apart from the proposed position of the garage. The Council's reasons for refusal relate solely to the garage. I agree with the Council that the single storey extension and new pedestrian access are acceptable and will concentrate on the matter that is in dispute, namely the effect of the proposed position of the garage, in this decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, including the character and setting of Park House, a Grade II* listed building, and the setting of Wem Conservation Area.

Reasons

4. West Lodge is a detached bungalow built in the 1970's. It is one of a line of four single storey detached properties with pitched roofs and various designs in fairly spacious plots on the southern side of Park Road. Beyond them is Park House, a Grade II* listed building, converted into flats in the 1970's. After Park House on the corner with New Street is a garage and car wash. On the opposite side of Park Road are a number of commercial buildings, a police
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station and housing association officer followed by a two-storey residential property which is across from West Lodge itself. It is a mixed and varied street scene.

5. Looking from east to west along this section of Park Road, West Lodge is the second of the four bungalows. All are set well back from the road and mostly screened from it behind brick wall frontages about a metre or so high, mature trees and vegetation and gated entrances. Views of them from the road are predominantly obscured.
6. The proposed open fronted garage would be constructed of an oak frame and cladding with a clay tiled roof similar to the tiles on the bungalow roof. I note from the Council Officer's reports that the Council has no concerns about the design and appearance of the garage. The point at issue is its proposed position in the garden.
7. The garage would be in front of an approximate building line formed by the bungalows and Park House. I saw on my site visit that the existing street scene on that side of Park Road is not characterised by open frontages or any common design theme. Consequently, the eye would not be drawn to any inconsistency or for that matter a structure in advance of the building line. Furthermore, the proposed garage would in any case still be largely screened from the public highway by virtue of the walls and established planting to which I have already referred.
8. The Council is concerned that there is no guarantee that the existing boundary treatments would remain in perpetuity. I consider that it is likely that they or similar treatments would be maintained as they provide the occupants of those properties with the benefit of screening, improved privacy and reduced noise from the road. It is, therefore, in the interests of present and future occupiers to maintain them. The appellant has also indicated that they do not wish to lose the screening in front of the property.
9. Park House is a late 18th Century red brick, three storey, Grade II* listed building which is an attractive and prominent feature of the western end of Park Road. Its list entry notes the quality of the architectural design and detailing, its internal decoration and local historic interest as the former home of one of the town's foremost families. It also recounts that until the early 20th Century the house had extensive gardens which have now largely been built over. The bungalows along Park Road, including that within the appeal site, were built on some of that land.
10. West Lodge is to the east and separated from Park House by some forty metres or so and two other bungalows, Park Lodge and The Heritage. There are partial public views of the upper storeys of Park House travelling west along Park Road after the corner adjacent to Wem recreation ground. There may also be limited views of it from the shared cycle track and footpath running across the recreation ground towards Park Road.
11. As I saw on my site visit, looking towards Park House, the single storey garage itself would only be potentially visible for a short distance after the corner with possible further limited sight of it from the cycle track and footpath further east. Furthermore, due to the existing built environment, boundary walls and mature vegetation there would only be glimpsed views of it.

12. As already explained, it is likely that the present boundary treatments or similar would remain for the foreseeable future. The Council's suggested condition, included in the schedule below, requiring replacement of any trees or planting removed or damaged as a consequence of the development should also assist in maintaining screening. I have expanded that condition to provide further protection after completion of the development.
13. Within the context that has been set out, I do not consider that the character or setting of the listed building would be adversely affected by the proposal. I have also taken into account the proximity of Wem Conservation Area, the perimeter of which runs along the southern boundary of the appeal site and travels west before turning north, after 'The Heritage', to encompass Park House itself. As the proposed garage would be to the north of the existing property, outside the conservation area and well screened from the road it would not have a detrimental effect on the setting of Wem Conservation area.
14. I conclude that the proposal would not harm the character and appearance of the area, the character and setting of the listed building or the setting of the nearby conservation area. As it would cause no harm, it would preserve the character and settings of those heritage assets in accord with the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It follows that the proposal is not contrary to the objectives of policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) or policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (Adopted Plan 17/12/2015). These are consistent with the National Planning Policy Framework, and, amongst other things, they aim to ensure that development respects local context, character, distinctiveness, responds appropriately to existing forms and layouts and conserves and enhances heritage assets.

Conditions

15. I have added conditions setting a time limit for the commencement of the development and requiring it to be carried out in accordance with the approved plans. They are not included in the Council's suggested conditions but they are necessary in the interests of proper planning and for the avoidance of doubt.
16. Of the Council's suggested conditions, which I have amended slightly, one relating to the new pedestrian access and parking and turning areas is necessary in the interests of highway safety. For the avoidance of doubt, I have referenced an additional drawing number within that condition. The condition relating to planting is required for the protection of trees and landscaping. I have expanded that condition to include further protection for trees and plants for a five year period as the boundary planting is significant in screening the proposal. I note that the appellant has already indicated in their Design and Access Statement that they are content for the planting to remain for the lifetime of the development so the expansion of the condition is consistent with their representations. It should also go some way to addressing the Council's concern about the future retention of boundary treatments.
17. I have added a condition requiring that notice of the commencement of the development and access to the site be given to the Council's Historic Environment Team for an archaeological inspection. Though this was not

amongst the Council's list of suggested conditions, a request for such a condition was contained within the Council Officer's Report in the submission from 'SC Archaeology'. A similar condition was included in the previous recent planning permission ref 15/04734/FUL.

Conclusion

18. For the reasons giving above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathan Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1718D01A; 1718D10C and 1718D11A.
- 3) The new pedestrian access, amended parking and turning area shall be completed and laid out in accordance with the approved drawing nos. 1718D10C and 1718D11A prior to the extension and new garage being first brought into use. The approved parking and turning areas shall thereafter be retained at all times for that purpose.
- 4) Any trees or plants that, during construction, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally present, by the end of the first available planting season. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No development approved by this permission shall commence until the applicant has given written notification to the local planning authority not less than three weeks prior to the proposed commencement of ground works. Such notification shall include a scheme to provide the local planning authority with access to the site in order to monitor the ground works and to record any archaeological evidence as appropriate and no works shall commence until the scheme has been approved in writing by the local planning authority.