

Appeal Decision

Site visit made on 13 September 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 17th October 2016

Appeal Ref: APP/L3245/D/16/3155467

Willow Ridge, Hexham Way, Shrewsbury SY2 6QY

- 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 Tobin Aspinall against the decision of Shropshire Council.
 - The application Ref 16/01524/FUL, dated 8 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is erection of a boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal development has already taken place. However, the planning application seeks permission for the erection of a boundary fence. I am determining this appeal in accordance with that description of development and the plans before me.

Main Issue

3. The effect of the appeal proposal on the setting of the grade II* listed former Church of St John.

Reasons

4. The appeal proposal includes a timber fence which would sit on top of a retaining wall structure. It would surround the garden to the appeal property.
 5. The former Church of St John sits close to the appeal site. Its significance is as a small chapel, with a 13th century core with later modifications and alterations. It was most likely formerly part of a larger building and complex being close to a historic wall which encloses one side of the open space to its front, some of which is currently being developed. Its sandstone random rubble walls, decorative western window, handsome timber door and plain tiled roof, together with some internal features including a simple bowl font and single early 17th century roof truss, contribute to its significance as a heritage asset.
 6. Its former open and rural setting and distant relationship to the settlement of Shrewsbury and the intervening open countryside has been historically important to the listed building and remains so today. Whilst some development has taken place in the intervening space, the former Church of St John still has an intimate relationship with the surrounding open countryside. Skyline views to Shrewsbury are still present and contribute to its setting.
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7. The proposal would include timber on a solid wall. It would have an urban appearance which would erode the remnants of the Church's former open and rural setting. It would be high with a mainly solid appearance and as it would be close to the church, it would interrupt the skyline views from it towards Shrewsbury. This would seriously diminish its historic visual relationship with that settlement and the intervening open countryside and its significance as a designated heritage asset.
8. The appeal development would fail to preserve the setting of the grade II* listed former Church of St John and thereby would result in unacceptable harm to its significance. For this reason it would fail to accord with Shropshire Local Development Framework: Adopted Core Strategy (2011) Policies CS6 and CS17. Together, these aim for all new development to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. Other policies are referred to, but I have concluded against those most relevant to this appeal.
9. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. In this case, I consider that the unacceptable harm identified would be notable, although in the context of the significance of the former Church of St John, less than substantial. Paragraph 134 of the Framework requires that where the harm identified would be less than substantial, the harm should be weighed against the public benefits of the proposal. I have taken into account the appellant's concern regarding the development underway close by at Sutton Grange, the need for privacy and to prevent the adverse effects of noise and dust from that development. I acknowledge that the appeal development would help achieve that and they would be benefits to the occupiers of the appeal site. However, no matters of public benefit are before me to outweigh the unacceptable harm identified.

Other Matters

10. I have noted the appellant's concern that the noise and pollution from the development close by at Sutton Grange is seriously affecting their right to enjoy their home. However, the Council confirms that measures to deal with noise and pollution during construction have been put in place by provisions of that planning permission (Ref. 13/00893/FUL)¹.
11. Whilst the appellant intends to plant a hedge in place of the fence once that development is completed, no such proposal is before me. I have determined the appeal on the basis of the development proposed, which is for a permanent fence.

Conclusion

12. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR

¹ Condition 6 to planning permission Ref. 13/00893/FUL