
Appeal Decision

Site visit made on 20 September 2016

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

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

Decision date: 09 November 2016

Appeal Ref: APP/L3245/W/16/3148650

Land adjacent to No 1 Kingston Drive, Shrewsbury, Shropshire SY2 6SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alan Reynolds against the decision of Shropshire Council.
 - The application Ref 15/02483/OUT, dated 4 June 2015, was refused by notice dated 25 November 2015.
 - The development proposed is 3 bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline. The original planning application form indicated that approval was also sought for appearance, layout and scale. However, it is clear from the Council's decision notice, report and statement of case and the appellant's appeal documentation that it is agreed that all detailed matters are reserved except for access. I have, therefore, considered the appeal on that basis and treated the submitted plans as illustrative.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of the occupants of 237 Wenlock Road with particular regard to outlook, privacy and overshadowing.

Reasons

Character and appearance

4. The appeal site is a rectangular plot located to the rear of 239 Wenlock Road and adjacent to 1 Kingston Drive. It is a reasonably sized plot though not as large as many others in the area. Kingston Drive is a modern development characterised by two storey detached dwellings of generally uniform design with open frontages and gardens creating a sense of spaciousness. In contrast, Wenlock Road comprises more traditional two storey villas set back from the road but with enclosed front gardens and long rear gardens.
5. The development would front on to Kingston Drive and, therefore, be seen within the context of that more modern open development. The bushes and

greenery along the site's border with the road appear visually as a continuation of the trees and planting along the side boundary of the rear garden of No 239. This leafy border provides a pleasant introduction to Kingston Drive and contributes towards the verdant appearance of the area.

6. It is significant that the appeal site once formed part of the large garden of No 239, associating it more with the character of Wenlock Road. Notwithstanding that the now separate plot could physically accommodate a dwelling, a new house on a plot sandwiched between the rear of No 239 and No 1 would reduce the spacious and open character of Kingston Drive and the area.
7. It is also relevant that this appeal follows the refusal of various previous full planning applications for both two storey and single storey dwellings on the site. The Council has drawn my attention to two appeal decisions¹. In both, the Inspectors found that the proposals would appear cramped and somewhat shoehorned into the site and consequently cause harm to the open and spacious character of Kingston Drive. Though this appeal relates to an outline application, previous proposals have failed to avoid significant adverse effects which I give some weight. Nevertheless, I am considering this appeal on its own merits.
8. The illustrative plan, Ref 2015:002, indicates that the dwelling would be small and that is also confirmed in the appellant's statement. Therefore, though scale is a reserved matter, it is reasonable to conclude that a small dwelling is envisaged for the site. A small dwelling would be out of character with the larger dwellings along Kingston Drive and those along Wenlock Road. Therefore, whilst the site is located within an area where the Council accepts residential development in principle, the relative size of the plot and the nature and pattern of the surrounding built environment means that the proposal would be discordant.
9. Furthermore, though landscaping is a reserved matter, the illustrative plans submitted indicate that it is envisaged that the existing bushes and vegetation would be largely retained, save for the proposed access. Therefore, it would, as with previous proposals, continue to contrast with the open frontages of other properties along Kingston Drive.
10. Consequently, I conclude that the proposed development would harm the character and appearance of the area. It follows that it would conflict with the objectives of policies CS6 of the Shropshire Local Development Framework: Adopted Core Strategy² (Core Strategy) and MD2 of the of the Site Allocations and Management of Development (SAMDev) Plan³, which amongst other things aim to ensure that development takes account of the local character of an area.

Living Conditions

11. The appeal site backs on to the rear garden of 237 Wenlock Road. The appellant argues that it must be possible to produce a design that is acceptable bearing in mind the constraints of the site and that overlooking would be negligible when compared with any modern housing development.

¹ APP/L3245/A/10/2142644 & APP/L3245/A/11/2165249

² Adopted March 2011

³ Adopted 17/12/2015

12. Whilst I understand the appellant's frustration, the proposal for a new dwelling within an existing and fixed surrounding built environment can be more problematic in terms of ensuring that changing that environment does not result in harm. It is clear from the planning history that a number of attempts have already been made with a range of designs to produce acceptable proposals which do not unduly compromise the living conditions of occupants of adjoining properties.
13. Nevertheless, as appearance, layout, scale and landscaping are reserved matters it is not possible to carry out a detailed assessment of the effects of the proposal on outlook, overlooking or overshadowing. Therefore, I am unable to conclude that there would be significant harm to the living conditions of the occupiers of No 237.

Conclusion

14. Although there is insufficient detail to conclude that the proposal would harm the living conditions of the occupiers of No 237, the significant harm that I have identified to the character and appearance of the area is decisive. It leads me to conclude that, for the reasons given above and having regard to all other matters raised, the appeal should be dismissed.

Jonathan Tudor

INSPECTOR