
Appeal Decision

Site visit made on 28 February 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 28 March 2017

Appeal Ref: APP/L3245/W/16/3164152
174 Underdale Road, Shrewsbury SY2 5EG

- 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 John Jones against the decision of Shropshire Council.
 - The application Ref 16/03558/FUL, dated 8 August 2016, was refused by notice dated 23 September 2016.
 - The development proposed is the erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the living conditions of the occupants of the neighbouring properties, with particular regard to outlook and daylight, and the character and appearance of the area.

Reasons

Living Conditions

3. The appeal site comprises part of the large garden associated with No 174 Underdale Road. The dwelling would accommodate almost the full width of the site. It would sit forward of No 176 Underdale Road and would be adjacent to the boundary between the two neighbouring properties. The boundary between the site and No 176 consists of a close boarded timber fence with shrubs, which restricts some outlook from its ground floor windows and reduces the amount of light entering them. The proposed two-storey building would rise substantially above the boundary fence and given its close proximity it would significantly reduce the outlook from the windows in the front elevation of No 176 resulting in an unacceptable over bearing impact on the occupants of the property.
4. Furthermore, the amount of daylight entering these windows in No 176 would be significantly reduced, which would be exacerbated by the positioning of the dwelling to the south of No 176, and would have a particularly detrimental effect on the usability of the rooms served by the windows in the front elevation.
5. The dwelling would also be adjacent to the southern boundary of the site with No 174, which has ground floor and first floor windows within close proximity of the boundary. Although it is not clear exactly which windows serve what

rooms, the Inspector for the previous appeal¹ noted that they are principal windows serving a lounge and kitchen. The appellant also confirms that the side window serves the kitchen. Given the proximity of the flank elevation to these windows and its two-storey height, it would significantly reduce the outlook from the windows. In addition, the amount of light serving the kitchen would be significantly reduced due to the proximity of the dwelling and its northern position to the window.

6. I find therefore that the dwelling would significantly harm the living conditions of the occupants of the neighbouring properties, Nos 174 and 176, with regard to outlook and light. As such it would be contrary to Policies CS6 of the Shropshire Council Core Strategy 2011, which, amongst other matters, seeks to safeguard residential amenity. Furthermore, it would also fail to accord with the Shropshire Council Type and Affordability of Housing Supplementary Planning Document (SPD), which seeks to protect the living conditions of neighbouring occupants.
7. In their second reason for refusal, the Council also cite Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015. However, there is no evidence of how this policy relates to living conditions and therefore it seems to me that it is not relevant to this main issue.

Character and Appearance

8. This stretch of Underdale Road is primarily residential and comprises a mix of detached and semi-detached, two-storey dwellings. The western side of the road consists of detached, modern properties, set-back from the road with large open frontages. The eastern side has more modest, traditional semi-detached properties that are much closer to the road. To the north of these semi-detached properties are more modern properties that are set much further back from the road. Overall, the variety of house designs, sizes and building lines make a positive contribution to the character of the area.
9. The width of the appeal site is similar to other plots nearby. Although other properties on the street generally have external access to their rear garden, the spacing between the dwellings is very tight. The dwelling would be adjacent to the boundary with No 174. Whilst the space between the properties would be narrow, I do not consider that it would represent a cramped form of development that would be unacceptably harmful to the streetscene.
10. Furthermore, the dwelling would be set back behind the front elevation of No 174 and the other traditional semi-detached properties, which together form a uniform building line. However, the adjacent property to the north, No 176 Underdale Road, is set back significantly further. As a result of its significant setback position, No 176, and its adjoining neighbour No 178, is not read in the same streetscene context as other properties on the road. The Council argues that the appeal site currently assists in separating these properties. However, I do not see find that this is a negative aspect of the proposal. The proposed dwelling would provide a transition between these properties, thus improving the legibility between the two groups of dwellings.

¹ Appeal Ref APP/B3220/A/08/2081744

11. I find therefore, that the dwelling would not significantly harm the character or appearance of the area. As such, it would comply with Policy MD2 of the SAMDev, which, amongst other matters, seeks to ensure that development responds positively to local design aspirations and respect locally distinctive or valued character. Furthermore, it would also accord with advice contained within the SPD.

Other Matters

12. I have had regard to the previous appeal decision and the Inspector's findings. I note that the Inspector found that the effect on No 176 would be less significant than on No 174. However, the proposed dwelling before me would be sited significantly further forward than the previously considered dwelling. As a result, the effect it would have on the occupants of No 176 would be significantly greater than for the previous scheme.

Conclusion

13. Whilst I have found that the dwelling would not significantly harm the character and appearance of the area, this does not outweigh the unacceptable harm it would have to the living conditions of the occupants of the neighbouring dwelling by way of loss of outlook and light.
14. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR