



Appeal Decisions

Site visit made on 6 February 2018

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2018

Appeal A Ref: APP/L3245/W/17/3190589

5 Old Dalelands, Market Drayton, Shropshire, TF9 1DF.

- 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 T Murray against the decision of Shropshire Council.
 - The application Ref. 17/0248/FUL, dated 23 May 2017, was refused by notice dated 31 July 2017.
 - The development proposed is the erection of a detached 3 bedroom dwelling and on-site parking.
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Appeal B Ref: APP/L3245/W/17/3190598

5 Old Dalelands, Market Drayton, Shropshire, TF9 1DF.

- 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 T Murray against the decision of Shropshire Council.
 - The application Ref. 17/04372/FUL, dated 7 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the erection of a two bedroom dwelling and on-site parking.
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Decisions

1. Both appeals are dismissed.

Main Issues

2. The main issues in the appeals are the effect of the development proposed on the character and appearance of the area, the effect on the living conditions of the existing dwellings in 'Old Dalelands', and in Appeal B there is a further issue on the effect on pedestrian safety.

Reasons

Background

3. The appeal site comprises part of the side garden and parking area of the appellant's property No.5 Old Dalelands, an end of terrace house, which lies towards the end of a short cul-de-sac in a generally residential area. The neighbouring property to the north-west (No.2 Old Dalelands) is a detached two storey house which is set back from the road frontage further than the terrace and there are conifer trees in the front garden.

4. The appeal schemes both involve the erection of a detached house although it is apparent that the latter scheme in Appeal B was submitted in an attempt to overcome the reason for refusal in the first scheme.

Policy Context

5. The development plan includes the Shropshire Core Strategy adopted in 2011 (CS) and the Site Allocations and Management of Development (SAMDev) Plan adopted in 2015. From the relevant policies in these plans it is clear that the Council does not object to the principle of a new house in this part of Market Drayton but to the nature of the appeal site itself and whether the new property would fit in with the character of the area and the relationship with adjacent properties.

Character and appearance

6. At my site visit I considered the effect of either houses proposed in the street scene. When viewed from the south-east around the head of the cul-de-sac the house proposed in appeal A would not be visible as views of it would be screened by the terrace of No's 5-8 which are sited close to the road frontage. In views from the north the proposed house would be screened by the existing conifer trees/hedge to the front of No.2 but the presence and screening effect of this natural feature cannot be relied on in the long term. Even so, the house proposed in both schemes would be most apparent when viewed in Old Dalelands opposite the site.
7. Regarding the scheme in Appeal A, the scheme seeks to be a transition between the siting of the adjacent properties front and back but I have concerns that the close proximity of the new house to the northern boundary of the site would make it appear squeezed into the gap. I recognise that the house of No. 2 appears to have already been extended at the side so as to be adjacent to the party boundary. However, as the proposal would largely replicate this siting the overall effect would be an almost continuous bulk of two storey building. There would also be little separation between the new house and No.5. The degree of building bulk across the site would also be accentuated by the scale and prominence of the parking spaces across the site frontage and adjacent to the remaining spaces at No. 5. Overall, I agree with the Council's view that the present gap makes a positive contribution to the street scene and that the new house proposed would appear cramped and would detract from the visual quality of the public realm along the street.
8. Turning to the scheme in Appeal B, the proposed house has been reduced in width and sited in a forward position where its face would align with No.5. Although this would widen the gap to No.5 and vary the perception of the gap to No.2, the scheme would result in other adverse effects concerning the living conditions and access which I will consider in subsequent issues.
9. Overall, in both schemes I conclude that either proposal would result in an undesirable over-intensive use of the land which would result in the loss of an important gap in the street frontage and the new house would appear cramped and squeezed onto the site and this would materially harm the character and appearance of the street scene. Such harm indicates that the proposal conflicts with the requirements of CS policy

CS6 and SAMDev policy MD2 as it would not conserve, enhance or respect the built environment of the area.

Effect on Living conditions and pedestrian safety

10. This issue is primarily concerned with the scheme in Appeal B. Dealing first with the relationship with the existing house at No.2, the close position of the proposed north-facing flank wall sited close to the boundary would project in front of No.2 to the extent that the building bulk would interfere with the aspect of the front facing windows in this property. This would harm the living conditions of this property as enjoyed by the occupiers.
11. Although the scheme would have a better relationship with No.5 with the increase in the gap between the existing and proposed houses providing an access to the rear, the introduction of parking spaces, and the necessary turning and manoeuvring space to enable vehicles to enter and leave the land in a forward gear, would deprive No.5 of much of its garden. There would also be little useable garden for the new house proposed. This would result in poor living conditions for the existing and new house. Further, while the issue of manoeuvring would be away from the public highway, on the basis of the details shown on drawing 1705-03A I do not consider that the scheme demonstrates how vehicles can manoeuvre within the rear of the site and the shared access in a way that ensures the safety of pedestrians in the residential environment.
12. These concerns about the effect on living conditions and vehicle access and manoeuvring on the overall site indicate that the proposal does not accord with CS policy CS6 in terms of safeguarding residential amenity.

Planning Balance

13. Bringing together my conclusions on the main issues, I have found that in both cases of the two appeal schemes the proposal would result in the loss of an existing gap between properties and the new house would appear cramped on the site and the intensive form of the development would be harmful to the street scene. The alternative proposal in Appeal B would also have further adverse effects in that the siting of the new house would impose on the outlook from existing windows in No.2. Moreover, it has not been demonstrated that the rear area of parking can function in a manner which would be safe for pedestrians and the parking and manoeuvring space would use up most of the garden and amenity space. Overall, for the reasons I have given I find that both proposals would conflict with the stated policies in the development plan.
14. These adverse effects have to be balanced with the benefits of development. I note that the appellant already has tenants in mind for the proposed house and the government seeks to boost significantly the supply of housing generally and deliver a wide choice of homes. Also I acknowledge that the site lies in a location with good accessibility and part of the development plan seeks to ensure an efficient use of land.
15. Nevertheless, I find that the specific adverse effects that I have identified are not outweighed by the benefits derived from the general factors

mentioned above. The conflict with the development plan is therefore not outweighed by other considerations.

Conclusions

16. For the reasons given above I conclude that both of the appeals should be dismissed.

David Murray

INSPECTOR