



## Appeal Decision

Site visit made on 25 February 2014

**Siobhan Watson BA(Hons) MCD MRTPI**

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

Decision date: 17 March 2014

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**Appeal Ref: APP/L3245/A/13/2210760**

**5 Penybryn Crescent, Whittington, Oswestry, Shropshire, SY11 4DP**

- 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 Peter Pritchard against the decision of Shropshire Council.
  - The application Ref 13/00923/FUL, dated 3 January 2013, was refused by notice dated 4 July 2013.
  - The development proposed is "to create vehicular access for two vehicles at the front of the property. This would either be a sloped driveway or preferably cut the parking bays out of the bank. We would keep a right of access to other properties on the terrace. We would require a dropped kerb for the two vehicles".
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The plans show the proposed parking spaces to be cut into the grassed bank and surrounded by retaining walls and some steps. I have dealt with the appeal on this basis.

### Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area in respect of visual impact.

### Reasons

4. I acknowledge that the property is within the built up area of Whittington which contains a variety of building styles. However it is situated at the edge of the village very close to the open countryside which gives this part of the street a rural feel. The grass bank in front of the stretch of dwellings within which the appeal house is located provides an attractive length of greenery and open space along the side of the road. Therefore, the bank positively contributes to, and reinforces, the character and appearance of the area which is that of a village set within the countryside.
  5. The construction of the parking spaces would necessitate the cutting into the bank and the construction of retaining walls with a fence/railings on top in order to provide a safety barrier. Whilst the materials could be controlled by
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the use of a planning condition, they would be hard and the development would have the appearance of a man-made construction which would erode the current appearance of soft and natural landscaping. The safety barriers would be particularly prominent in the street scene due to the rising height of the bank. I note the appellant's offer to plant hedges to screen the development but as I have do not have full details of where such planting would be I am unconvinced that this could be satisfactorily achieved.

6. Although there are other steps leading up the bank, the steps are of a much smaller scale and in less prominent positions than the proposed development. Whilst there are other drives and fences in the vicinity none are within this grass bank and therefore they are not directly comparable to the appeal proposal.
7. I therefore conclude that the proposed car parking spaces would harm the character and appearance of the area and would be contrary to CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, 2011 which both seek to ensure that development is of a high quality design which respects and enhances local distinctiveness and character.

### **Other Matters**

8. The appellant has questioned the need for planning permission. Whether or not planning permission is required is not a matter for me to determine in the context of an appeal made under Section 78 of the above Act. It is open to the appellant to seek a determination under S192 of the Act in relation to this matter. My decision on this appeal under Section 78 of the Act does not affect the issuing of a determination under Section 192 of the same Act.
9. The application was amended to overcome the Council's concerns in respect of highway safety but this does not alter my findings in respect of the main issue.
10. I am conscious that the appellant has to park some distance from the house and that this is inconvenient and impacts on car insurance premiums. However, this matter does not outweigh the harm I have found especially as it is not unusual for dwellings to have no off-street car parking.

### **Conclusion**

11. I have considered all other matters raised but none outweigh the conclusions I have reached and the appeal is dismissed.

*Siobhan Watson*

INSPECTOR