



Appeal Decision

Site visit made on 22 August 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/L3245/W/23/3318783

Reabrook Villa, Hookagate, Shrewsbury, Shropshire SY5 8BE

- 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 Gillon Crow against the decision of Shropshire Council.
 - The application Ref 22/04795/FUL, dated 20 October 2022, was refused by notice dated 24 February 2023.
 - The development proposed is construction of a new family home and associated landscaping sited on the garden plot of an existing neighbouring dwelling. The application involves the change of use from residential curtilage / garden space to a residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form includes reference to Redhill Drive To Shrewsbury Road End Of Annscroft. This is a description of the location, rather than part of the address. For this reason, I have omitted this from the banner heading. I also note that the decision notice and appeal form do not use this part of the address line either.
3. Both main parties and the Longden Parish Council refer to the emerging Shropshire Local Plan (2016 - 2038) (ELP), which has been submitted for examination by the Secretary of State. Paragraph 48 of the Framework enables me to ascribe weight to the policies of an emerging plan depending on its progress, extent of objections against a particular policy, and degree of consistency with the Framework.
4. In their appeal statement, the Council advises that some weight can be afforded to policies of the ELP. However, I have not been provided with copies of the relevant policies of the ELP. The examination process has yet to reach formal main modifications. Consequently, there is no certainty on the outcome of the ELP and whether there are any unresolved objections relating to Hookagate. Due to this early stage, I have afforded limited weight to these policies.

Main Issues

5. The main issues are the effect of the proposed development on:
 - i. highways safety; and
 - ii. the living conditions of the neighbouring occupiers at Corbett Cottage, with particular regard to outlook.

Reasons

Highway safety

6. The appeal site is located on Longden Road, to the side of the existing dwelling, Reabrook Villa, which has an existing vehicle access, and serves a small parking area for two cars. The neighbouring property, Corbett Cottage, on the other side of the appeal site, also has a vehicle access, which provides opportunity for the parking of vehicles on the driveway. The access to Corbett Cottage is located in close proximity to the shared boundary with the appeal site. There is also on street parking on this side of Longden Road within close proximity to the appeal site.
7. The proposed development seeks to widen the existing vehicle access that serves Reabrook Villa, to create a shared driveway, which would provide two car parking spaces each for the existing and proposed dwelling, on the site frontage. An existing red brick wall on the site frontage would be removed and replaced with a low-level wall.
8. The appellant has submitted a Transport Briefing Note that seeks to demonstrate that the proposed visibility splays, whilst a shortfall on the Manual for Streets 2007 guidance, are acceptable following speed survey results and taking into account the number of vehicles recorded on the road, and the traffic to be generated by a single dwelling.
9. The proposed shared driveway layout would be of sufficient size to accommodate perpendicular parking but there would be insufficient space for a vehicle to turn on site and vehicles would need to reverse when either accessing or exiting the site. It also appears that the proposed visibility splays are a shortfall on the recommended splays identified following the speed survey. Additionally, this shortfall would be exacerbated by the parking spaces, which appear to cross the denoted visibility splay lines, due to the layout of the proposed development and the constraints of the site. Therefore, visibility from the proposed parking spaces would be substandard and pose a highway safety risk.
10. I have taken into account the very low accident record for the stretch of road, including outside of the appeal property, as well as the visibility splays provided by the appellant and the likely number of times per day that the access would be used. However, given the restricted visibility and the requirement to reverse on the road, the proposed development would unacceptably increase the risk of accidents and inconvenience to the free flow of traffic on the main road.
11. I note that other properties in the locality have access arrangements which appear to have restricted visibility, but as I am required to do, I have determined the case on the evidence before me and on its own merits. Furthermore, the safety of an access is a site specific matter, given that visibility and physical layout will differ to some extent in each case, even for nearby properties.
12. Consequently, the proposed development would result in an unacceptable impact on highway safety, which would fail to accord with policy CS6 of Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS), and paragraphs 110 and 111 of the Framework, which together, and

amongst other things, seeks to achieve an inclusive and accessible environment, whilst ensuring highway safety for all users.

Living conditions

13. The appeal site forms the spacious side garden of the existing residential property, which is adjacent to the end gable of the neighbouring property, Corbett Cottage. Corbett Cottage has three windows and a door at ground floor and two windows at first floor. The windows and door have a direct outlook over the side garden and towards the side elevation of Reabrook Villa. The proposed dwelling would infill a large amount of the existing gap between the two properties and would be built close to the shared boundary. It would primarily be two storeys in height, with a gable end and rear section set further away from the boundary. A small single storey element would be located closest to the shared boundary.
14. The resultant relationship between the proposed dwelling and Corbett Cottage would mean that the outlook from the neighbouring windows would be towards the side wall of the proposed dwelling, which runs for a large section of the length of the shared side boundary. The parties have been unable to establish what internal rooms the windows serve, but the location and the size, would suggest that they do not serve habitable rooms, or they are secondary windows to habitable rooms.
15. The appellant has referred to and provided a number of examples, within Hookagate, of instances that they believe show minimal separation distances between windows in side walls that face one another. Limited information has been provided and, in any event, each case will differ. Consequently, I have determined the case before me on its own merits.
16. In this instance, the separation distance between the side wall of Corbett Cottage and the main two storey element of the proposed dwelling is shown on the submitted plans. This level of separation distance, although not in accordance with common separation distance standards, would result in ample space between the two side walls. Additionally, the staggered scale of the gable end of the proposed development would further lessen the impact of the outlook from the neighbouring windows and a significant overbearing impact would not be caused to the outlook from these windows. Therefore, the living conditions of neighbouring occupiers would be protected.
17. For the above reasons, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of Corbett Cottage, in respect of outlook. As such, the proposed development would accord with Policy CS6 of the CS, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015), which together, and amongst other things, seek to ensure that new development respects the living conditions of current and future occupiers.

Other Matters

18. The appellant has drawn my attention to a previous appeal decision relating to a development at Snailbeach and whether the amount of development within Community Clusters is limited. I see no reason to disagree, but I need to consider the proposal on its own merits. The appellant has also identified that the Council has raised no concerns with regard to the effect of the proposed

development on the character and appearance of the area and other matters, including conditions that may be appropriate should I allow the appeal. I see no reason to disagree with the parties on these matters.

19. The creation of an additional dwelling at the site would contribute to boosting the supply of new housing, as referenced in the Framework. However, for 1 dwelling this is only a very minor benefit.

Conclusion

20. In conclusion, access to the proposed dwelling would harm highway safety and it would conflict with policies contained within the development plan. I have identified that the proposal would be acceptable in terms of its effect on the living conditions of neighbouring occupiers, this is of neutral effect when weighed in the planning balance. Whilst the proposed development may not conflict with other policies, I consider that it would conflict with the development plan as a whole, as well as the Framework. No other material considerations, including provision of a dwelling towards the supply of housing, would outweigh this conflict.

21. For the reasons given above, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR