



Appeal Decision

Site visit made on 8 November 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2024

Appeal Ref: APP/L3245/W/23/3321693

1 Discovery Close, Craven Arms, Shropshire SY7 9EJ

- 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 and Mrs S Seal against the decision of Shropshire Council.
 - The application Ref 22/05311/FUL, dated 22 November 2022, was refused by notice dated 27 February 2023.
 - The development proposed is erection of a new 2-storey dwelling, including garage and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published on 19 December 2023. Insofar as it is relevant to the matters at hand in this appeal, the Framework is consistent with the previous iteration. References to the Framework in this decision are to the new paragraph numbers.

Main Issues

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

Reasons

Character and appearance

4. Discovery Close is comprised of detached houses set within spacious plots. The landscape bund at the rear of the appeal site forms part of the appellant's garden. This is part of a cohesive landscape feature that extends along the rear of houses on Discovery Close (the road). It is visible from the road, in gaps between buildings. Furthermore, due to the space between Nos 1 and 3 Discovery Close, the landscape bund on the appeal site is visible from Aldon View, with the wooded hills beyond. These gaps between buildings and the resulting visual connectivity with the surrounding landscape are defining positive features of the character and appearance of the area.
5. The proposed dwelling is designed to avoid the root protection area of existing trees on the landscape bund. Growth of those trees may result in pressure from future occupants of the proposal to prune or seek to remove the nearest

trees. However, given the number of trees present, which extend across the top of the bund within the appeal site, I am not persuaded that the extent of pruning or removals likely to be sought, would unacceptably harm the character and appearance of the area.

6. Nevertheless, the proposed house would be of a substantial width, resulting in its two storey built form extending across much of the appeal site. Also, the proposed house would extend relatively close to No 1, and its linked garage would extend close to the garage at No 3. Consequently, the proposed building would be of considerable bulk and would occupy much of the gap between Nos 1 and 3. This would appear prominent in views outside the site on Discovery Close and from Aldon View, considerably curtailing views through to the landscape bund and, where visible, the countryside beyond.
7. I recognise that the footprint of the proposal and extent of garden space would be broadly comparable to some houses in the locality. Also, that the proposal was modified following pre-application advice, including by removing the integral garage. Nevertheless, the proposed scale and bulk of the built form would result in a notable loss of openness and visual connectivity with the surrounding landscape, at odds with the spacious character of Discovery Close.
8. Therefore, the proposed development would unacceptably harm the character and appearance of the surrounding area. Consequently, it would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (Core Strategy), and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015). These generally seek to achieve high quality design that takes into account local character and distinctiveness.
9. Similarly, the proposal would conflict with paragraph 135 of the Framework, which, amongst other matters, requires that proposals are sympathetic to local character, including its landscape setting. Policy MD13 of the SAMDev Plan, relating to Shropshire's heritage assets, is not relevant to this matter.

Privacy

10. The north elevation of the proposal shows a single first floor bathroom window adjacent to the boundary with No 1. In the event that the appeal were to be allowed, a condition could reasonably be imposed to require that the window is obscure glazed, thus avoiding the potential for unacceptable loss of privacy for the occupants of No 1 from overlooking.
11. Also, a first floor door is proposed facing the boundary with No 3, leading on to a first floor terrace. However, much of that boundary adjoins the garage at No 3, which is without windows facing on to the appeal site. Furthermore, a condition could reasonably be imposed requiring installation of boundary treatment that could further limit the potential for overlooking of the grounds of No 3 from the appeal site.
12. Therefore, I am satisfied that the proposal could avoid unacceptable harm to the living conditions of neighbouring occupants, with particular regard to privacy. As such, in respect of this main issue, the proposal would not conflict with Policy CS6 of the Core Strategy.

Other Matters

13. The appellant highlights that part of the landscape bund was removed to allow for a neighbour's garage. Also, that terracing of that neighbour's land has taken place and a building has been erected on the bund. Nevertheless, the effect of such alterations on the character and appearance of the area appears relatively modest in comparison to that associated with the erection of the proposed substantial two storey dwelling.
14. The proposal would achieve an incremental increase in housing supply on an accessible site within an existing settlement, in support of the Government objective of boosting the supply of homes. Small sites can make an important contribution to housing supply and can be built-out relatively quickly. There would be small economic advantages of construction of the proposal which would be short term, and a further modest benefit from occupation of a single dwelling and associated spending in the locality. That the proposal would be acceptable with respect to matters such as highway safety, ecology, privacy, and could be suitably drained, are neutral considerations.

Conclusion

15. Nevertheless, the proposal would harm the character and appearance of the area in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Rachel Hall

INSPECTOR