

---

# Appeal Decision

Site visit made on 9 March 2015

**by Mr A Thickett BA(Hons) BTP MRTPI DipRSA**

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

**Decision date: 26 March 2015**

---

**Appeal Ref: APP/L3245/A/14/2228392**  
**40 Longden Road, Shrewsbury, SY3 7HE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Douglas Davies against Shropshire Council.
  - The application Ref 14/00267/FUL, is dated 16 January 2014.
  - The development proposed is two dwellings.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appellant originally sought planning permission for 3 dwellings but this was reduced to two following negotiations with Council officers. I have determined the appeal on the basis of the amended scheme for two dwellings.
3. The Council has indicated that had it determined the planning application it would have refused to grant planning permission on the grounds that the proposed development would have an adverse impact on highway safety and that it would harm the Shrewsbury Conservation Area.
4. The appellants seek to rely on the statement in the Planning Inspectorate's letter of 23 December 2014 that the development '*would not be likely to have significant effect on the environment by virtue of factors such as its nature, size or location*'. That conclusion relates solely to a screening opinion under the Environmental Impact Assessment Regulations<sup>1</sup> and is not a judgement regarding the acceptability or otherwise of the proposed development.

## Main Issues

5. The main issues are:
  - whether the proposed development would preserve or enhance the character or appearance of the Shrewsbury Conservation Area
  - the impact of the proposal on highway safety

---

<sup>1</sup> Town and Country Planning (Environmental Impact Assessment) Regulations 2011

## Reasons

### Conservation Area

6. The site comprises a rectangular piece of land to the rear of properties on Longden Road. It is accessed by a narrow track which serves two other 'backland' dwellings (Nos. 38 and 40) and a garage to the rear of No. 42. There is a large commercial greenhouse on the site and the Council do not dispute the appellant's contention that it was once used as a market garden. The site lies within the Kingsland Special Character Area which forms part of the Conservation Area and is part of the Rad Brook valley which provides an important 'green lung' extending into the heart of Shrewsbury and which makes a significant contribution to the setting of this historic town.
7. The fence and large trees on the northern boundary mark a clear delineation between the site and the rest of the Rad Brook Valley. Further, the site extends no further into the valley than No. 38, which lies at the end of the track and the houses along Vane Road. The site is previously developed land, it is in within the city and the Council concede that, in principle, it is an acceptable location for housing. I agree but share the Council's concerns with regard to the size and design of the proposed dwellings and their impact on the trees on the site.
8. There are a number of self set trees within the site and I do not consider that their loss would be significant. The trees on the northern and western boundaries are, for the most part, more substantial specimens. Although the proposed dwellings are shown to be outside their root protection areas they would restrict light to the proposed dwellings. This would have an adverse impact on the living conditions of prospective residents (which does not represent good design) and I have no doubt that, as a consequence, it would be difficult to resist pressure to remove them. The loss of these trees would in itself have an adverse impact on the character and appearance of the area and the proposed dwellings would become more obvious as a result.
9. The proposed dwellings would be larger and taller than the two bungalows currently accessed off the track. I acknowledge that there is a building on the site but I consider that the proposed houses, because of their size (footprint and height), would result in an unacceptable visual intrusion into the valley. Consequently, I conclude that the proposed development would neither preserve nor enhance the character or appearance of the Shrewsbury Conservation Area and that it conflicts with policies CS2, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011.

### Highway safety

10. The track is too narrow for two vehicles to pass and the additional traffic generated by the proposed development would increase the possibility of vehicles having to wait on the public highway for the track to clear of a vehicle entering the highway. Further, there are walls on either side of the access and visibility is poor in both directions.
11. I have considered the concerns of local residents and the objections of the Highway Authority. However, as indicated above the site was previously used as a market garden and, although it clearly has not been in operation for some time, I have seen nothing to show that the use has been abandoned. A market

garden business would doubtless generate traffic and possibly large delivery vehicles. Notwithstanding the shortcomings of the proposed access described above, I have seen nothing to suggest that the proposed two dwellings would generate significantly more traffic than if the site returned to a commercial market garden. I do not consider, therefore, that the proposal's impact on highway safety justifies the withholding of planning permission and, as a consequence, find no conflict with Policy CS6 of the Core Strategy (insofar as it relates to this issue).

### **Conclusions**

12. Notwithstanding my findings with regard to highway safety, the harm I have identified to the Conservation Area provides compelling grounds to dismiss this appeal. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Anthony Thickett*

Inspector