
Appeal Decision

Site visit made on 9 November 2015

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 18 December 2015

Appeal Ref: APP/L3245/W/15/3131076

Land west of Grove Terrace, Rear of 40 Bernards Hill, Bridgnorth, Shropshire WV15 5AS

- 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 Bytheway of Bybow Properties Ltd against the decision of Shropshire Council.
 - The application Ref 14/05449/FUL, dated 2 December 2014, was refused by notice dated 5 May 2015.
 - The development proposed is for the erection of two (semi-detached) dwellings and formation of pedestrian access to Grove Terrace.
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Decision

1. This appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the character and appearance of the Bridgnorth Conservation Area (CA) and the living conditions of existing and future occupants.

Reasons

Effects on Bridgnorth Conservation Area

3. The appeal site comprises a steeply sloping garden area that rises up at the rear of 40 Bernards Hill to a public footpath that runs from the residential area high above to the east, down to Bernards Hill. The site would be accessed from this footpath opposite properties on Grove Terrace. The host property forms part of a row of terraced properties fronting Bernards Hill, which is located within the CA. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in accordance with S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 4. I consider the heritage significance of the area derives from the dramatic difference in levels in Bridgnorth on either side of the river valley whereby close knit terraced houses and cottages step up the hillside. Many of the open spaces created by the steep gradients have now been largely infilled with modern housing, which by and large, is respectful of the prevailing vernacular character. Due to the positioning of existing dwellings either side of the appeal site and which are set further back than the host property, this site is one of the last remaining parcels to be developed in the immediate area.
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5. The proposal would involve considerable changes in level to accommodate the dwellings so that the ridge heights would align with the ridge level of the adjoining property, No 39b. By comparison, No 40 is at a substantially lower level. Retaining walls built close to the side boundaries would support the excavated area, the depth of which would range between approximately 1.2m and 1.8m. Access from Grove Terrace would be via a raised ramp and decking area that would be supported by the walls of the two houses. The Council describes this feature as a bridge.
6. Generally, the existing built form of development follows the contours of the hillside within this part of the CA. In contrast, the proposal would cut across the existing contours. Also the combination of features needed to allow the development to take place, such as the bridge and raised decking, and the retaining structures required to enable the building to be positioned centrally and set at a significantly lower level within the site, would represent an incongruous form of development and be particularly jarring when viewed against the traditional dwellings either side and below. From Grove Terrace moreover, the appearance of the dwelling would take the form of a single storey dwelling with a substantial roof structure. This, in addition to the timber detailing to the gable facing Bernards Hill, would appear at odds with the prevailing roof forms. From both principal directions, the elevations would be out of character with the prevailing architecture and thus be discordant features in the street scene.
7. Consequently, the siting, design and mass of the appeal proposal, including the ramped pedestrian access and retaining structures, would fail to preserve the character and appearance of the CA. The proposal would therefore not conform to the conservation and design aims of policies CS6 and CS17 from the Shropshire Local Development Framework: Adopted Core Strategy (CS).
8. In the context of the National Planning Policy Framework (the Framework) the harm to the significance of the designated heritage asset would be less than substantial. That harm would though be real and serious which requires clear and convincing justification.
9. It is acknowledged that the appeal site is in a sustainable location and that there is a need in the locality for starter home accommodation. The proposal would be subject to CIL contributions and there is a willingness to make a financial contribution towards affordable housing. It is also noted that the development may help prevent fly tipping that has occurred in the past. There is a letter of support for the scheme in this respect. However, these public benefits do not outweigh the great weight I am required to attach to the harm to the significance of this designated heritage asset.

Living conditions

10. The proposal would be set back some 15 metres from the rear elevation of No 40, which is some 6 m lower than the proposed houses and the neighbouring property, No 39A. Due to its elevated position and screening proposals, the proposed boundary fence would prevent views from the proposed west facing ground floor windows towards No 40. At first floor, windows would face out over the rooftop of No 40 and over to High Town beyond. In view of this, I find that the privacy of the host property would not be unduly harmed. However, at these distances, the proposed two storey dwelling would loom over the property's garden area making its outlook oppressive and overbearing.

11. Immediately to the south lies No 39b. Given the close proximity to the common boundary, the small secondary lounge window at first floor to the proposed east facing house would give rise to problems of overlooking of the rear garden and potentially the rear facing windows of No 39b; however, this could be controlled by a condition requiring this particular window to be obscurely glazed. I therefore find that the privacy of No 39b would not be unduly harmed. But this neighbouring property would be confronted by the presence of a two storey structure running 12 m along the common side boundary. Despite its southerly aspect, the proposed two storey structure would loom over this garden area to and would make the outlook from the rear facing windows and garden also oppressive and overbearing.
12. Substantial excavation and large retaining structures would be needed to facilitate the development as proposed. This would leave a very steep garden space of limited depth for one of the units. The depth of the garden area to the second unit would be less than 4.3 m. The raised platform would not provide a meaningful private open space. Overall, the development would offer very limited useable outdoor space for future occupants. This would be further constrained by the steep gradients and requirement for the platform, which would significantly enclose and degrade the available outdoor areas.
13. While there is an element of consumer choice with regard to the size of gardens, the achievable layout here would be too restrictive and compromised. This adds to my concerns in relation to the outlook that would be experienced from adjoining properties. Accordingly, I consider that the proposal would not comply with CS Policy CS6 that seeks to ensure that developments safeguards residential amenity.

Other Matters

14. Although the appellant has given notice to the Council of a willingness to make a financial contribution towards affordable housing, there is no section 106 Obligation in place, either by way of agreement entered into with the Council or, alternatively, by way of unilateral undertaking providing the necessary legal commitment to the making of appropriate affordable housing contribution that would be triggered by the grant of planning permission. Irrespective, the inclusion of a properly signed s106 Obligation would not have affected the balance of my consideration or the level of harm that has been identified.

Conclusion

15. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR