
Appeal Decision

Site visit made on 12 October 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: 7 January 2016

Appeal Ref: APP/L3245/W/15/3097715

Victoria Terrace, Castlefields, Shrewsbury, Shropshire SY1 2LB

- 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 R & R Partnership against the decision of Shropshire County Council.
 - The application Ref 14/05383/FUL, dated 28 November 2014, was refused by notice dated 7 April 2015.
 - The development proposed is described as Development of a single market residential dwelling on land off Victoria Terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly, whether the proposal would preserve or enhance the character or appearance of the Shrewsbury Conservation Area, and; secondly, the effects of the proposal on living conditions.

Reasons

Character and appearance

3. The appeal relates to an irregularly shaped narrow parcel of land comprising the rear garden of No. 17 New Park Street but having closer spatial relationship with Victoria Terrace and residential flats opposite at New Park House off Newpark Road, from which it takes its pedestrian access. It is located within the Shrewsbury Conservation Area (CA) and more specifically, the Castlefields and Spring Gardens Special Character Area. I have been provided with limited information on the Conservation Area as a whole, including the Special Character Area, and its significance. In the absence of a conservation area appraisal for this heritage asset, I have relied upon my observations of the area gleaned during my site visit.
 4. The area is characterised by tightly knit groupings of small terraced Victorian properties interspersed by more modern infill developments and mixed uses. There is a distinctive linear pattern of narrow roads with the fronts of terraced properties usually having dwarf stone or brick walls behind which are very small front gardens often planted with privet and other hedges. Most properties have long rear gardens. The overall significance of the CA is derived from its diverse form and character, together with the range of uses that contributes to the area's vitality and character.
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5. The appeal proposal would be built directly opposite the front of Victoria Terrace, which is covered by an Article 4(2) Direction that the Council explains prevents unsympathetic alterations taking place to the front elevations in order to help retain the visual character of the unlisted terraced properties. It has been put to me that there is no concern in relation to either the policy principle of development at this sustainable location or indeed to its design form and use of appropriate materials, which would reflect the vernacular of the area.
6. Nonetheless, the introduction of a two storey detached dwelling here would introduce a solid mass at a point where the narrow road splits into two. This would appear incongruous and erode what little sense of openness that exists at this location despite the unattractiveness of the existing garden fencing that separates the site from Victoria Terrace on the one side and the rear of the adjoining public house and the New Park House housing complex on the other. As a consequence, the development would appear cramped on site and be out of context with the predominant layout and pattern of development in the immediate vicinity. The proposed dwelling would particularly dominate the view of the traditional terrace and background terraces beyond as Newpark Road turns the corner and where its incongruous nature would be readily apparent.
7. Given these factors I consider that the proposed development would fail to preserve or enhance the character or appearance of the CA. Consequently, there would be conflict with policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (*Core Strategy*). Amongst other matters, these seek to ensure that all development conserves and enhances the natural, built and historic environment taking account of the local context and factors such as density and pattern.
8. Whilst I have concluded that the proposal would have a seriously detrimental effect on the character and appearance of the immediate surroundings, this impact would be relatively localised and the harm caused to the character and appearance of the conservation area more widely would thus be less than substantial. Where any harm to the significance of designated heritage assets would be less than substantial, paragraph 134 of the National Planning Policy Framework (*Framework*) states that this harm should be weighed against any public benefits arising from the proposal.
9. The appellant has explained that the site is located within a 15 minute walk of the town centre and is close to a bus route. It would provide an attractive contribution to the local housing stock and assist the Council in delivering its housing targets. In terms of economic benefits, it would help boost the local economy by generating increased custom for local businesses and trades people. The appellant also makes the point that an additional family home would help strengthen the local community and, in turn, strengthen and enhance local services and facilities in the area. However, despite these benefits, I do not consider that these matters, to the extent that they constitute public benefits, would outweigh the harm that would be caused to the CA and its significance as a heritage asset.

Living conditions

10. The side gable wall of the proposed dwelling would be located within approximately 7 metres of the front façade of No's 5 and 6 Victoria Terrace with its front and rear garden within similar distances of the frontages to No's 7

and 4, respectively. In addition, the closest property within the New Park House complex on the other side would be some 8 metres from the side gable wall of the appeal proposal. Although windows serving a staircase on the one side and a bathroom on the other are proposed, any overlooking could be controlled through the use of an appropriate condition requiring that the first floor window be glazed with obscure glass and be non-opening.

11. However, occupiers of properties either side would be confronted by the presence of a stark two storey brick gable. The height, scale and massing of the proposal at such close quarters to the habitable room windows at the front of neighbouring properties would have an oppressive and overbearing impact on the occupiers of neighbouring properties on both sides.
12. The appellant indicates that adequate private garden space would be provided both to the front and back of the proposed house. However, given the previously described separation distances, there would be substantial overlooking of the garden areas, particularly from first floor windows of existing properties. Whilst the Council's decision notice states that the proposal would have an overbearing and intrusive impact on the amenity of neighbouring properties, I also find that the private garden space of the proposed dwelling would be subjected to significant overlooking from existing neighbouring properties, which would provide unacceptable living conditions for future occupiers.
13. I therefore conclude that the proposed dwelling would be in serious conflict with Policy CS6 which seeks, amongst other things, to safeguard residential and local amenity.

Other matters

14. A number of other matters have been raised by the Council and third parties, including the traffic generated by a single dwelling and the requirement on the part of the Council to require a financial contribution to be made towards the provision of affordable housing off-site.
15. On the issue of parking, it is acknowledged that due to the tight knit arrangement of houses and narrow roadways within the immediate area, there is a lack of off street parking facilities generally. Whilst the Council recognises that parking is extremely limited within the area, it also suggests that there is some limited capacity to park on the access road leading to the site from Newpark Road. There is no evidence before me to demonstrate that this is an overriding issue and despite the prevailing conditions, I do not believe the lack of parking facilities associated with a modest dwelling at this location would be harmful to conditions of highway safety. This conclusion is strengthened by the reasonably close proximity of the appeal site to the town centre and public transport facilities. Future occupiers would not necessarily require the use of a private car at this location to access services and facilities in the local area.
16. I have also noted the appellant's reference to a Written Ministerial Statement (WMS) on 28 November 2014 concerning the provision of affordable housing as recently expressed in the amendment to the Planning Practice Guidance. However, a subsequent declaration Order was issued on 4 August 2015 confirming that the policies in the WMS must not be treated as a material consideration in development management and development plan procedures and decisions, or in the exercise of powers and duties under the Planning Acts

more generally. In the event, given my findings on the main issues, it is not necessary to consider the matter raised in respect of affordable housing contributions.

Conclusions

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

Gareth W Thomas

INSPECTOR