

Appeal Decision

Site visit made on 8 December 2015

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 04 January 2016

Appeal Ref: APP/L3245/W/15/3002706

"Buntings", 108 Abbey Foregate, Shrewsbury, SY2 6BA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs J Bunting against the decision of Shropshire Council.
 - The application Ref. 14/03724/OUT, dated 15 August 2014, was refused by notice dated 23 October 2014.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used the Council's description of the development proposed as the term 'domestic development' as used in the application form is imprecise.
3. The application is in outline format with all detailed matters reserved for subsequent consideration. The application forms suggest three two-bedroom residential units would be built.

Main Issues

4. The main issues are:
 - Whether the proposed development would have a safe means of access;
 - The effect on the character and appearance of the area;
 - The effect on the living conditions of the occupiers of neighbouring residential properties.

Reasons

Background

5. The appeal site comprises part of the rear garden of a large listed property which faces Abbey Foregate but is separated from the street by an enclosed forecourt used for parking. The appeal site is mainly lawn and the northern boundary of the site contains an access to an unmetalled lane which provides rear access to a number of garages to properties fronting King Street as well as Abbey Foregate. To the west of the site lies Abbey Court; a large three storey building in residential use. The appeal site lies close to the town centre and forms part of the Shrewsbury Conservation Area.

Means of access

6. The only vehicular means of access to the site is via an unmetalled track. I agree with the conclusions of the highway authority that this track is not of adequate width, alignment or form to accommodate additional traffic. Further, visibility at the junction with Bell Lane is restricted and the access does not allow for vehicles to pass each other within the lane. Additional traffic using this junction would lead to further traffic movements, including reversing, which would not be in the wider interests of highway safety.
7. The appellant says that the development proposed could be serviced off Abbey Foregate by utilising the existing car park and with a pedestrian access to the side of the property leading to the appeal site. However, I am not aware of the uses within No.108 and whether the existing car park has spare capacity to accommodate additional parking needs. Nor is there any formal mechanism in place to ensure that such parking remains available to the occupiers of the proposed housing development. In any event, such an arrangement would not provide vehicular access to the new housing when necessary such as during the construction stage or to accommodate house removal lorries or emergency vehicles.
8. Overall, although the proposal is in outline format with access as a reserved matter, I am not satisfied on the information put forward that the proposed residential development would be capable of being served by an adequate access or have parking arrangements which would be compatible with highway safety. On this basis I find that the proposal does not accord with the provisions of Policy CS6 of the Council's Core Strategy (2011).

Effect on character and appearance

9. The appeal site lies in an area of hinterland between long established properties along Abbey Foregate and King Street and the character is formed by largely undeveloped garden areas and garages as well as the more modern housing development of Abbey Court which has its own purpose built means of access further to the west. The principle of development on the appeal site also has to recognise and have regard to the setting of the listed building of No.108 and its location in the conservation area.
10. On the basis of the limited information put forward on the proposal I am not satisfied that the nature of residential development envisaged in principle will be able to fit in with the sensitivity of the site and whether the development of this land can be regarded on a piece-meal basis. Backland development on its own would, in principle, appear isolated and is unlikely to fit in with the existing pattern of development. I also agree with the Council that the development proposed would reduce some of the quality of spaciousness which contributes to the setting of the historic building and also the larger mass of new building to the west.
11. I conclude on this issue that it has not been demonstrated that the principle of the development proposed would be likely to fit in with the character and appearance of the area and at least preserve the setting of the listed building and the character and the appearance of the conservation area. As such there is likely to be a conflict with the provisions of policy CS17 of the Core Strategy which seeks to protect and enhance the county's environmental assets including the recognised heritage assets.

Effect on living conditions

12. Many of the letters of representation come from occupiers of flats in Abbey Court and refer to the effect that development would have on the aspect of some of the flats, particularly those windows looking east towards the appeal site. The distance between these windows and the appeal site is relatively short and therefore the proximity of some new development may have a harmful impact on the outlook of these three storey flats even in the context of a general built-up area. The orientation of the site is such that a new building on the appeal site may overshadow some of Abbey Court in the morning.
13. There are some trees close to the party boundary along the western edge of the appeal site which may help to screen the relationship but at this outline stage the proposal does not contain sufficient detail to show that residential development can be accommodated on site without having an adverse effect on the living conditions of the occupiers of neighbouring residential properties.

Planning balance

14. The proposal needs to be considered in the context of government policy in the National Planning Policy Framework (the Framework) in favour of sustainable development. The site generally lies in a sustainable location near the centre of Shrewsbury with commercial and social facilities and public transport links. Further, in the Framework the government seeks to encourage growth and boost significantly the supply of housing and the delivery a wide choice of high quality homes.
15. Nevertheless, while only the principle of residential development is to be considered at the moment, the conclusions I have reached on the main issues indicate that the site has significant limitations particularly in accommodating the access and parking requirement of any residential development. It has also not been demonstrated that there is likely to be clear scope for the development of this garden land in a backland position and still preserve the setting of the listed building and the character and appearance of this part of the conservation area, and without having an adverse effect on the living conditions of the occupiers of neighbouring properties.
16. For the reasons I have given, I conclude that the proposal does not accord with the relevant provisions of the development plan that I have referred to and the proposal does not meet the environmental role to constitute sustainable development. I therefore find that the proposal does not accord with the Framework when this is read as a whole.
17. The conflict with the development plan is not outweighed by any other consideration.

Conclusions

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

David Murray

INSPECTOR