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## Appeal Decision

Site visit made on 18 December 2018

**by Beverley Wilders BA (Hons) PgDurb MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> January 2019**

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**Appeal Ref: APP/L3245/W/18/3208599**

**Holmwood, Clive Avenue, Church Stretton, Shropshire SY6 7BL**

- 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 Mario Nicholas against the decision of Shropshire Council.
  - The application Ref 17/03840/FUL, dated 2 August 2017, was refused by notice dated 13 March 2018.
  - The development proposed is erection of an extension to the existing building to create two residential flats.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of an extension to the existing building to create two residential flats at Holmwood, Clive Avenue, Church Stretton, Shropshire SY6 7BL in accordance with the terms of the application, Ref 17/03840/FUL, dated 2 August 2017, subject to the conditions set out in the attached schedule.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal site is located in the Church Stretton Conservation Area (CA). The CA is large in size and Clive Avenue is characterised by and derives its significance from large individual houses set in spacious gardens with the presence of mature street trees. Clive Avenue becomes more verdant and spacious in character further away from the site. The appeal site is located in a prominent position at the junction of Clive Avenue and Ragleth Road, with the latter being less verdant and more suburban in character and appearance than Clive Avenue. A modern property constructed in a traditional style is located in an elevated position adjacent to and set back from the host building on Clive Avenue. Another modern property and mature trees are located in an elevated position to the rear of the site, providing a backdrop to it.
4. The appeal site comprises a substantial three storey building set back from the road behind a tarmac forecourt and red brick low level boundary walls. The host building has previously been extended at the side towards Ragleth Road. The other side of the host building is the site of the proposed extension and comprises an area of land bounded by retaining walls to the side and rear. There is a lack of mature landscaping within the site though at my site visit I

did note a number of immature trees planted in various positions as shown on the submitted site plan.

5. The proposed side extension would be set back within the site towards the rear of the side elevation of the host building. It would also be set away from the side boundary with the adjacent property and its height relative to the host building and adjacent buildings means that it would have a subservient appearance. Though it would partly infill and reduce the width of the gap between the host building and adjacent buildings, its limited height, setback position and relative position of adjacent buildings to the common site boundaries means that it would not result in a cramped form of development or unduly erode the character of this particular part of Clive Avenue which is less spacious and verdant than other parts of the avenue and the CA.
6. Though I note the concerns raised in respect of the impact that previous development at the site has had on the character and appearance of the area, these matters are not before me and I note that the Council appears satisfied that any planting required in connection with a previous permission has now been carried out. A raised lawned area is proposed to the rear of the proposed extension together with additional planting including trees within the appeal site, some of which would be adjacent to Clive Avenue. Such planting together with existing planting elsewhere on the site and mature trees to the rear of the site would help to soften the impact of the proposal and over time would result in a more verdant appearance to the site. The area of additional hard surfacing associated with the proposal would be relatively limited and its visual impact would be reduced by the proposed soft landscaping which would be secured by the imposition of a suitably worded condition. Whilst the proposed landscaping cannot be described as substantial, I consider it to be sufficient and in reaching my decision note the comments of the Council's tree officer and conservation officer, neither of whom objected to the proposal.
7. Taking the above matters into consideration, I conclude that the proposal would preserve the character and appearance of the CA in accordance with the expectations of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the same reasons it would also accord with the development plan and in particular policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011, policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 and with relevant paragraphs of the National Planning Policy Framework. These policies seek, amongst other things, development to be of a high quality design, to be sympathetic to the character of the area including historic environments and where relevant to preserve or enhance the character or appearance of conservation areas.

### **Other Matters**

8. In reaching my decision I have had regard to a number of other issues raised by interested parties including the Town Council.
9. Firstly I am satisfied that the proposed extension would not be harmful to the character and appearance of the host building. As stated, it would be set back and subservient in scale and I consider that its design would be reflective of that of the host building.

10. Some concerns have been raised regarding the status, structural integrity and appearance of the retaining walls on the site. These walls are existing and do not appear to form part of the proposal. I have seen no substantive evidence regarding their structural condition and therefore have no reason to believe that their construction is not sound. Whether or not they require planning permission is a matter for the Council. The construction of the extension would serve to screen the rear retaining wall and partially screen the side wall.
11. The extension would adjoin the host building and would be close to existing side windows and a rear patio serving an existing flat. Having regard to the scale, position and internal layout of the extension relative to these windows and rear patio, I am satisfied that the proposal would not result in any significant and material loss of outlook, privacy or light noting that the rear patio is already overlooked by existing flats. Similarly there would be no material impact on the living conditions of the occupiers of the adjacent dwelling, noting the relative height and position of the extension and raised lawn and this property.
12. I am satisfied that the two parking spaces proposed are sufficient to meet the needs of the proposal having regard to the scale of the flats and their location and that the proposal would not result in any harmful increase in traffic generation. I note that the Highway Authority did not object to the proposal. Concerns raised in relation to the proposed pedestrian access from the site into the parking area of the host building are noted but do not affect the consideration of the proposal.
13. Some concerns have been expressed regarding drainage and water run-off. However I note that the Council's flood and water management team were consulted on the application and raised no objections to the proposal. In light of this and the relatively small scale of the proposal, I do not consider that significant drainage issues resulting from it are likely.
14. The site is located in the Shropshire Hills Area of Outstanding Natural Beauty (AONB), close to a number of Sites of Special Scientific Interest (SSSIs) and some concerns have been raised regarding a loss of ecological value of the site. However the proposal is small in scale and having regard to the nature of the site and its location, I am satisfied that there would not be any adverse impact on either the AONB, nearby SSSIs or on the ecological value of the site.
15. My attention has been drawn to the findings of another Inspector when dealing with an appeal on Clive Avenue (Ref APP/L3245/A/13/2206454) who dismissed the appeal due to concerns regarding the impact on the same CA. However it appears that the site in this case was in a semi-rural location, unlike the appeal site which is more suburban in character. I do not therefore consider that the two proposals are directly comparable and give limited weight to this decision. In any event I must determine the proposal before me on its own merits.

### **Conditions**

16. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition regarding tree protection and landscaping, this is necessary to ensure the protection of existing trees and the implementation of a suitable landscaping scheme in the interests of the character and appearance of the area. In addition details of materials, roof materials and fenestration are

required by condition having regard to the nature of the proposal and the site's location in a conservation area. I have imposed a condition requiring details of surface water drainage in order to prevent excessive run-off and flooding. Finally I have imposed a condition requiring the proposed shower room windows to be obscurely glazed. This is having regard to the position of the windows and the need to protect the privacy of existing and future occupiers.

17. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. The drainage and landscaping conditions require details to be agreed by the Council prior to works starting given the nature of the requirements. This has been formally agreed by the appellant.
18. I have not imposed the construction management plan condition suggested by the Council. This is having regard to the relatively small scale of the proposal, the nature of surrounding roads and the fact that no such condition was suggested by the Highway Authority.

### **Conclusion**

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

*Beverley Wilders*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: amended location plan, drawings 273.07, 273.09 and 273.10B.
- 3) No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include:
  - a. Identification of existing trees, shrubs and hedgerows which are to be retained
  - b. A tree protection plan in accordance with BS 5837:2012, and which includes identification of appropriate construction exclusion zones and tree protection fencing
  - c. Details of existing and proposed ground levels, and of the grade of topsoil to be used in connection with any level changes
  - d. Details of proposed planting schedules, methods and aftercare provision
  - e. Details of the type/construction, alignment and height of all walls, fences, trellises, retaining structures and other boundary treatments/means of enclosure
  - f. Details/samples of hard surfacing materials
  - g. Timetables for implementation

The landscaping works shall be completed in accordance with the approved details. Any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) No development shall commence until details of surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall be implemented in full prior to the first use/occupation of the development, and shall thereafter be retained.
- 5) No above-ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained thereafter.
- 6) Before construction of the roof begins, samples/details of its materials and finishes, to include ridge treatments and detailing of eaves, valleys, verges and verge undercloaks as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained thereafter.
- 7) Prior to their installation, full details of all external doors, windows, roof lights and other fenestration/joinery, to include details of window styles, glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be completed in accordance with approved details and thereafter retained.

- 8) The two left-hand (shower room) windows on the front (northwest) elevation of the development hereby permitted shall be fitted with obscured/frosted glazing and thereafter maintained in that condition, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order).