



## Appeal Decision

Site visit made on 29 January 2019

**by M Savage BSc (Hons) MCD MRTPI**

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

**Decision date: 25 February 2019**

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**Appeal Ref: APP/L3245/W/18/3213325**

**11 Brooklands, Chester Road, Whitchurch SY13 4QQ**

- 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 Mark Jones against the decision of Shropshire Council.
  - The application Ref 18/01922/FUL, dated 20 April 2018, was refused by notice dated 16 July 2018.
  - The development proposed is a double garage with workshop and office.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appellant has submitted a number of revised plans through the appeal process, following the Council's refusal of permission on 16 July 2018. I have no evidence that consultation on these plans has been carried out, nor has the appellant requested that he would like me to consider these plans as part of the appeal. I have therefore considered the appeal on the basis of the plans submitted to the Council.
3. The application was determined prior to the publication of the revised National Planning Policy Framework (2018)(the 'Framework'). The parties have been given the opportunity to comment on the implications of this on the appeal. Subsequently, a revised Framework was published in February 2019. As policies of the Framework that are material to this case have not changed fundamentally, I have taken it into account in reaching my decision and am satisfied that this has not prejudiced either party.

### Main Issue

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

### Reasons

5. The appeal site is located off a generally rural section of Chester Road which links the A41 to Whitchurch with open fields beyond. There are a number of properties along this section of road comprising a mix of detached, semi-detached and terraced dwellings. The properties are generally located on the same side of the road, fronting onto the highway, with subservient outbuildings typically located between dwellings. Whilst the garages and outbuildings are of varying design, they are generally single storey and as a consequence do not

dominate the street scene, helping to retain a sense of spaciousness characteristic of the area.

6. The host dwelling is a semi-detached property set in a generous plot constructed of a combination of red brick and render with a staggered front elevation. The land is elevated towards the rear, however, given the need for a level development platform I would expect the outbuilding to be constructed at the same level as the driveway. The site has Planning permission for a garage under planning permission NS/07/02424/FUL which has not been built to date. A single storey double garage has been constructed to the side and rear of the adjoining property and a similarly designed garage is located to the side and rear of the adjacent property. A red brick wall and mature hedge borders the property.
7. The proposed garage would be set back from the host dwelling and the highway, towards the edge of the boundary with the adjacent dwelling. Whilst the building would be constructed of materials to match the existing dwelling, the proposed dormer would be uncharacteristic of an outbuilding in this location. The garage would be of a similar height to the host property and, despite its setback, would not be clearly legible as a subservient outbuilding as a consequence.
8. This would disrupt the general pattern and rhythm of built development along this part of Chester Road and would look incongruous in the street scene, contrary to Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) which states that development is required to contribute to and respect locally distinctive or valued character by responding appropriately to the form and layout of existing development and the way it functions, including streetscape, building heights and lines, scale, density, and amongst other things, plot sizes. It would also be contrary to Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy (Core Strategy)(2011) which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, amongst other things.
9. The appellant has drawn my attention to an extension and erection of double garage to No 6 Chester Road. Whilst I do not have substantive details of this before me, I do not consider it to be comparable to the appeal scheme since the extension to No 6 is to the dwelling itself. The double garage would be located much further back from the highway than the appeal building and would be partly obscured from public view by the dwelling. The appellant has also drawn my attention to a number of other schemes which the Council has approved, of which I have no substantive details before me. Nevertheless, I do not consider that the schemes cited would be comparable to the appeal scheme because they have a different context. Furthermore, I must consider the appeal on its own merits on the evidence before me.
10. I acknowledge that the appeal scheme would improve the living conditions of the appellant's family through the provision of more versatile accommodation. However, this would be principally a private benefit and does not outweigh the harm I have identified above.
11. Thus, the development would harm the character and appearance of the area, contrary to Policies CS6 of the Core Strategy and Policy MD2 of the SAMDev

which both seek to ensure that development respects local character, amongst other things.

### **Other Matters**

12. I am advised that the Council did not engage with the appellant during the course of its consideration of the application. The appellant has suggested a series of changes following the Council's determination of the application but as set out in the procedural matters above, this is not something that I am able to take into account through the appeals process.
13. The appellant states that permitted development rights would enable a structure to be built. However, I have considered the appeal on the basis of the development as a whole, and I can give only negligible weight to the purported permitted development element. My findings in relation to the main issues are therefore unaltered.
14. The Council has not objected to the principle of an outbuilding in this location and I agree that given the orientation of buildings in this location there would be no effect on the living conditions of neighbours. The absence of harm in these respects is not a positive benefit of the scheme and thus has only a neutral effect on the overall planning balance

### **Conclusion**

15. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

*M Savage*

INSPECTOR