



Appeal Decision

Site visit made on 4 March 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 29 May 2019

Appeal Ref: APP/L3245/W/18/3217567

27 Portmans Way Bridgnorth WV16 5AT

- 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 Darren Riley against the decision of Shropshire Council.
 - The application ref 18/01739/FUL, dated 12 April 2018, was refused by notice dated 5 September 2018.
 - The development proposed is the erection of 1 No. dwelling and formation of vehicular and pedestrian access following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - (a) The effect of the proposed development on the character and appearance of the area; and
 - (b) whether the living conditions for future occupiers of the proposed development would be acceptable, particularly as regards privacy.

Procedural matters

3. Since the determination of the planning application, the 2018 version of the National Planning Policy Framework has been replaced with a revised version published in February 2019 (the Framework). My determination of this appeal has taken the 2019 Framework into account.
4. The description of development in the heading above is different to that set out in the original planning application form. Whilst in Part E of the appeal form it is stated that the description of development has not changed, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, the wording set out in the appeal form more accurately describes the full extent of the proposal and so I have used this one in my heading above.
5. I have determined this appeal in accordance with the amended plans submitted as part of the planning application process and as considered by the Council.

6. There appears to be an inconsistency in the plans submitted. Whilst a window is shown on the first-floor plan facing No 27 Portmans Way, this is not shown on that proposed side elevation. Instead a first-floor window is shown on the opposite side elevation which is obviously incorrect. Nevertheless, as the window is small and would only provide light to the stairs, I consider that this inconsistency is of a minor nature, taking into account the judgment given in *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Harborough District Council (1980)*. I therefore consider that the Council and residents of adjoining properties have not been prejudiced by this inconsistency in the plans and I have considered the appeal accordingly.

Reasons

Character and appearance

7. The appeal site is in a predominantly residential area and consists of land formerly in the curtilage of No 27 Portmans Way. There is a noticeable difference between the style of development in Portmans Way and that in Harley Way which backs onto the appeal site.
8. The overall character of the Portmans Way estate is of houses set back from the road with spacious front gardens. The plots are generally larger than the appeal site and of a uniform rectangular shape, giving an open character and appearance.
9. The appeal site is tightly constrained and triangular in shape. The new dwelling would be at an awkward angle to the houses at 21 – 27 (odd) Portmans Way and would sit much further forward on its plot than any of the neighbouring houses. The development would appear unduly cramped within the plot and would introduce an incongruous element into the street scene, out of character with the neighbouring properties. The box hedging proposed for privacy (see paragraph 11 below) being so close to the bay window in the front elevation, would also be at odds with the open appearance of the surrounding gardens.
10. For these reasons, I conclude that the proposed development would constitute over development and would not be in keeping with the character and appearance of the surrounding area. Accordingly, it would be contrary to Policy CS6 of the Shropshire Council Local Development Framework Adopted Core Strategy (2011) and Policy MD2 of the Shropshire Site Allocations and Management of Development Plan (2015) which both seek to ensure that development is appropriate in scale density, pattern and design in relation to local character. It would also conflict with the National Planning Policy Framework (Framework) which seeks good standards of design.

Living conditions for future occupiers

11. The development would include a slight gap of about 2.5m depth between the back of the footway and the front elevation of the dwelling. However, I am concerned that the close proximity of the property to the footway and the turning head would result in privacy issues for future occupiers. Persons using the footway and turning head would be able to look directly in to the property, particularly through the ground floor front window. Whilst the development proposes a box hedge across the entire frontage of the plot, this together with the limited gap would be insufficient to provide adequate levels of privacy. I am also concerned that the box hedge could block light into the room with the bay window, creating gloomy living conditions.

12. For these reasons I conclude that the living conditions of future occupiers of the dwelling would not be acceptable. The proposal would therefore conflict with CS Policy CS6 which includes seeking development that safeguards residential amenity and the Framework which, amongst other things, seeks a high standard of amenity for future users.

Other matters

13. Whilst the proposal would not adversely affect the living conditions of occupiers of neighbouring properties, this lack of harm has a neutral effect that neither supports nor weighs against the proposal.

14. As part of my site visit I saw the properties in Harley Way referred to by the appellant. The character and appearance of the two developments are quite different. The plots in Harley Way are regular and square to the turning heads and footways. Some have low hedges to a part of their frontages, but these do not create a barrier to light to the windows on the front elevations.

15. I also visited Abbeyfield to look at the new property referred to by the appellant. I agree that it is located on an irregular and constrained site at the end of a turning head, but otherwise the circumstances are different to those proposed for the appeal site. The building is one storey and is not close to neighbouring properties. The relationship between the new property and the neighbouring properties is not comparable to the appeal site. In any event, each case must be determined on its own merits.

Conclusion

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

Jan Hebblethwaite

INSPECTOR