
Appeal Decision

Site visit made on 1 April 2014

by K Nield BSc(Econ) DipTP CDipAF MRTPI

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

Decision date: 7 April 2014

Appeal Ref: APP/L3245/A/13/2205748

Land between Severn Brow and Fairfield, Oldbury, Bridgnorth, WV16 5EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs P Stock against the decision of Shropshire Council.
 - The application Ref: 13/01421/FUL, dated 12 April 2013, was refused by notice dated 13 August 2013.
 - The development proposed is the erection of a detached six bedroom dwelling with separate 4-car garage and associated driveway.
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Decision

1. The appeal is dismissed.

Procedural matters

2. An Agreement executed under section 106 (referred to later as the "s106 Agreement") of the Act between the Appellants and the Council is submitted. The Agreement is signed and dated appropriately and prepared as a deed. The s106 Agreement deals with a financial contribution that would be required by the Council in connection with the proposed development in respect of affordable housing in the event that the appeal is allowed. I shall deal with the s106 Agreement as a material consideration in the appeal and consider the matter dealt with at a later stage in my decision.
3. The Government issued planning guidance on 6 March 2014 in final form. I do not consider that its contents materially affect the thrust of the arguments on the main issue before me.

Main issue

4. The Council stated in its Statement of Case (dated 18 November 2013) that it has withdrawn Reason 1 of its reasons for refusing the application, which expressed the Council's concerns regarding the principle of development at the appeal site located outside the defined development boundary for Bridgnorth and the dispersed pattern of development that might result.
5. The Council explains¹ that it has reached that view as it has a significant shortfall in its supply of housing land such that it is below the level required by the Framework². Consequently, it states that relevant development plan

¹ Paragraphs 4.6 and 4.7 Shropshire Council Statement of Case

² National Planning Policy Framework (the Framework)

policies “*should not be considered up-to-date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”. From the evidence before me I have no reason to reach a different view as to the present shortfall of housing land.

6. However, I have a number of representations before me which deal with aspects of the site location from interested parties including Bridgnorth Civic Society and some local residents and I can address those in my reasons below.
7. Accordingly, the main issue in the appeal is the effect on the character and appearance of the locality including the Oldbury Conservation Area (CA) within which the site is located.

Reasons

8. The locality of the appeal site is characterised predominantly by an irregular pattern of dwellings of various styles and ages in a semi-rural setting. The appeal site lies to the east side of Oldbury Grove Lane, a private access lane serving a number of dwellings. There are only a small number of dwellings to the east side of the access lane with more closely grouped development to the west side.
9. The appeal plot lies in a wide gap between two substantial dwellings (*Severn Brow* and *Fairfield*) both located in large plots and it comprises an open grassed area originally part of the grounds to *Severn Brow*, the adjacent dwelling to the south. The appeal site contains a number of mature trees protected by a TPO³, some of which are adjacent to the access lane and provide a degree of visual screening. A strip of land leading from the present gated access to Oldbury Grove Lane and leading to land at the rear of the site would be excluded from the dwelling plot.
10. Amongst other matters, CS⁴ policy CS17 reflects the general duty, at s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The Framework stresses the importance of good design, indicating, amongst other matters, that it should respond to local character, reflect the identity of local surroundings and contribute positively to making places better for people.
11. The appeal scheme is for a substantial six-bedroom detached dwelling, located centrally to the existing gap between *Fairfield* and *Severn Brow*, and a detached quadruple garage with storage space above which would be positioned close to the common boundary with *Severn Brow* with little separation between the garage and the garage to that dwelling.
12. A new access from the lane into the site would be provided which would require the removal of one small tree at the site frontage. An arboriculture report submitted by the Appellants indicates the proposed development has been designed to retain the good quality trees within the site and retain almost all the boundary vegetation. Retained trees would be protected during the proposed construction phase.

³ Tree Preservation Order relating to: Shropshire Council (Land at and adjacent to Fairfield, Oldbury Grove Lane, Oldbury) Order Number: SC/00157/13 (TPO)

⁴ Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS)

13. The proposal is for a broadly T-shaped dwelling designed in a Georgian period style with a central portico and porch on the front elevation and some other Georgian design references. Nevertheless, its design and appearance bears little relationship to the form and design of the dwellings to either side neither of which is constructed in a Georgian design style.
14. Paragraph 128 of the Framework requires an applicant to describe the significance of any heritage assets affected which has not been the case with the appeal scheme. However, the Design and Access Statement does not consider the design in terms of the location of the site within the CA.
15. I agree with much of the Council's architectural critique of the design that the proportions of the façade of the dwelling appear low and squat and the roof appears large and out of proportion with the scale of the rest of the building. In addition, the street scene views indicate that the proposed dwelling would appear out of context with the adjacent dwellings and would appear to have a lower height viewed from the public domain of Oldbury Grove Lane although I accept that trees would provide some screening of the building. In those respects the scheme conflicts with CS policy CS6.
16. Taking all the above points into consideration I am of the view that the appeal scheme fails to respond to the character of the locality or the CA such that the proposed dwelling would appear out of context in this location. It would not preserve or enhance the CA and as such it would be harmful to its character and appearance in conflict with CS policies CS6 and CS17 and also the design requirements of the Framework.

Other matters

17. The s106 Agreement provides a means for the Council to secure a financial contribution towards the provision of affordable housing elsewhere in Shropshire in accordance with CS policies CS9 and CS11. The contribution sought is based on a methodology set out in the Agreement having regard to a number of factors including the cost of construction of an affordable dwelling. No alternative means of calculating the amount required has been suggested and, consequently, I have no reason to doubt the appropriateness of the sum sought. I consider that the s106 Agreement satisfies CS policies CS9 and CS11 and meets requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
18. I noted at my visit that the site is within reasonable walking distance of shops and a wide range of facilities within Bridgnorth where there are also public transport services and in that regard I consider the site to be a sustainable location.
19. Concern is expressed by some local residents that Oldbury Grove Lane is of a poor standard and not able to accommodate additional traffic movements. However, I note the consultation response of the local highway authority that the proposed entrance arrangement onto the lane would give a satisfactory layout with adequate visibility. It is also considered that the junction of Oldbury Grove Lane with the B4363, Oldbury Road is satisfactory to accommodate the likely additional vehicle movements that the development would generate. I have no reason to reach a different view on those matters.

20. Some residents comment upon the potential effect of the scheme on perceived ecological interest within the site. However, I have no substantive evidence before me to indicate that the site is a habitat for protected species and I have not attached significant weight to that concern.
21. The Appellants point out that the site and some additional land was indicated as a potential area for development in the Council's search for future development sites⁵ for Bridgnorth and weight should be attributed to that position. I note that that is an ongoing process and there are no firm outcomes at this stage. Consequently, I have not attached weight to the possibility of the site being included in a future development area. It is also indicated by some interested parties that development of the appeal site would be a precedent for future development in the area. I am not aware of other development schemes in the locality and, in any event, I have determined the appeal scheme on its own merits.
22. None of the other matters alters my view as to the main issues on which the appeal turns.

Conclusions

23. The Council accepts that it cannot provide a 5 year supply of housing land and that, consequently, its policies towards the supply and location of new housing cannot be afforded full weight at the present time. That factor weighs in favour of the appeal scheme. However, I found that the appeal scheme would not preserve or enhance the CA and as such it would be harmful to its character and appearance and to the locality in conflict with CS policy CS6 and also the design requirements of the Framework. That harm outweighs the lack of an adequate housing supply.
24. For these reasons and having regard to all other matters raised I conclude that the appeal should not succeed.

Kevin Nield

INSPECTOR

⁵ Referred to as the Site Allocations and Management of Development (SAMDev) process