
Appeal Decision

Site visit made on 28 November 2013

by J D Westbrook BSc(Hons) MSc MRTPI

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

Decision date: 17 December 2013

Appeal Ref: APP/L3245/A/13/2200473

Land to rear of 110-112 London Road, Shrewsbury, SY2 6PP

- 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 The Planning Group Ltd against the decision of Shropshire Council.
 - The application Ref 12/03556/FUL, dated 17 August 2012, was refused by notice dated 17 April 2013.
 - The development proposed is the demolition of an existing garage and the erection of three residential dwellings with associated vehicular access.
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Application for Costs

1. An application for costs was made by The Planning Group against Shropshire Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issues

3. There is no disagreement regarding the acceptability of residential use of the site in principle. The main issues in this case are, therefore, the effect of the proposed dwellings on:
 - The character and appearance of the area around London Road, Ebnal Road and Wenlock Road,
 - The living conditions of the occupiers of neighbouring houses by way of outlook and disturbance, and
 - Highway safety by way of access and off-street parking provision.

Reasons

4. The appeal site comprises a large proportion of the rear garden areas of Nos 110 and 112 London Road. Nos 110 and 112 are a pair of semi-detached properties on the western side of the road. No 110 has an authorised use as part Bed and Breakfast and part residential, while No 112 is a dwelling. The two properties share a common front garden area which is currently given over
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to car parking. No 110 has an integral garage and No 112 has an attached garage. Both properties are accessed from a service road that runs parallel to London Road itself.

5. The proposed development would involve the demolition of the attached garage at No 112 and the formation of an access road to land currently forming part of the rear garden areas to Nos 110 and 112. On this land would be constructed three detached dwellings. Two dwellings (Plots A and B) would be sited to the rear of the site and a third (Plot C) would be sited nearer to the front of the site and close to the boundary with the adjacent No 108 London Road.

Character and appearance

6. The appeal site is surrounded by residential properties on London Road, Ebnal Road and Wenlock Road. These are semi-detached and detached houses with long, and in some cases very long, back gardens which are, in the main between 25 metres and 40 metres in depth. Moreover, between them they contain a significant number of mature and semi-mature trees. The overall character of the area is one of a spacious, well landscaped residential estate.
7. Plots A and B would have short rear gardens of between 11 and 13 metres depth, at the south western end of which are three large Beech trees. The submitted plans show the houses as having solar panels on the south-western facing roof plane. The trees currently overhang the proposed rear gardens by a significant amount and the Council has expressed some concerns regarding the overshadowing effects of these trees. I share these concerns and consider it likely that there would be pressure from the occupiers of the houses on Plots A and B to cut back or otherwise reduce the size of these trees because of the effects of overshadowing on the small rear gardens and the solar panels.
8. The distance between habitable room windows in the houses on Plots A and C is only a little over 21 metres. Whilst this may be adequate, it is barely so and is an indicator of a somewhat cramped layout within the site. Plot C is only 24 metres from the rear elevation of Nos 110 and 112 London Road and is only 0.7 metres away from the boundary with No 108. The proposed access driveway would be close to the southern elevation of the house on Plot C, which would have only a relatively small private amenity area in the context of the surrounding area.
9. In conclusion on this issue, I find that the layout of the proposed development would appear somewhat cramped and out of character with the area around London Road, Ebnal Road and Wenlock Road. It would not respect local distinctiveness, nor would it be appropriate in scale taking into account the local context and character. It would, therefore, conflict with policy CS6 in the Council's Core Strategy (CS).

Living conditions

10. The proposed house on Plot C would be only 0.7 metres from the boundary with No 108. There would be a gable end with a roof ridge some 7 metres high and a lower garage with bedroom above running alongside the boundary. This northern elevation would have a small living room window at ground-floor level and a bathroom window at first floor level. The house would be sited approximately half-way along the length of the rear garden of No 108.

11. The Council and the occupier of No 108 contend that the proposed house would appear overbearing and that there would be loss of privacy. The house would be very close to the boundary, but it would be sited well away from the dwelling at No 108 and issues of overlooking could be dealt with by way of a suitable condition. On this issue, therefore, I find that there would be some harm to the living conditions of the occupiers of No 108, but that this would not be significant. It would not, on this basis, conflict with Policy CS6 of the CS, which requires new development to safeguard residential amenity. Nevertheless, the siting of the proposed house on Plot C, and the resultant proximity to the boundary of No 108, adds to my concerns regarding the cramped nature of the development on its plot.

Access and parking

12. The proposed development would require the demolition of the garage at No 112. There would be a new access road constructed which would be some 4.2 metres wide for the first 6 metres, reducing to 3 metres for the next 20 metres or so, and then widening to 4.2 metres as it passes Plot C. The highway authority has indicated that the width of the access at its junction with the service road followed by the short length of 3 metre width would be acceptable and, in terms of highway safety, I concur with this point of view.
13. The creation of the access would result in the loss of two car parking spaces serving Nos 110 and 112. These spaces would be replaced with two spaces provided in tandem between Plot C and the rear boundary to Nos 110 and 112. Whilst on the face of it this appears to leave parking provision unaltered, I have concerns that the creation of the access road would result in turning space for vehicles attempting to park at the front of No 112 being compromised, and resulting in noisy manoeuvring of vehicles to the front of the property.
14. Moreover, the new tandem spaces to the rear would be only around the minimum width of 2.4 metres, but would apparently have boundary fencing along one full side and part of the other side. There would also be limited scope for manoeuvring into and out of these spaces from the narrow access road. Since these spaces will be unallocated and may well be used for patrons of the Bed and Breakfast at No 110, I find that the tandem arrangement could prove to be awkward and noisy, with limited space for exiting and entering vehicles together with additional turning movements to the front of Plot C.
15. The access driveway to Plots A and B would be created in very close proximity to a protected tree on the southern boundary of the site. Whilst the driveway could potentially be constructed using techniques that would protect the tree to some extent, it would appear that a significant degree of crown lifting would be necessary to allow clear passage of vehicles. Furthermore, the house on Plot C would appear to encroach, albeit slightly, into the root protection area (RPA) of the protected tree. The overall effect could potentially be harmful to the future health of the tree.
16. The appellants have noted the existence of a recent planning permission where a narrow access drive has been permitted at 94 London Road. However, it appears that this drive is intended to serve only a single dwelling and it would, therefore, not have the same level of traffic or impact on neighbouring properties as the current proposal.

17. In conclusion on this issue, I find that there are a number of concerns regarding the detrimental impact of the new access road and parking provisions arising from this proposal. In my opinion, none of these are sufficient on an individual basis to cause significant harm to highway safety or the residential amenities of the surroundings. However, their cumulative effect would be to add to my already substantial concern that the overall proposal represents a cramped development which is uncharacteristic of the area, and which would, in addition, be likely to result in disturbance to the occupiers of Plot C and No 112 London Road. On this basis, it would conflict with Policy CS6 of the CS with regard to its requirements to protect the natural environment, respect the local context, safeguard residential amenity, and provide appropriate car parking provision.

Conclusion

18. I find that the proposed development would be cramped on its plot. The private gardens for the houses would be very small in the context of the area and this would be likely to result in pressure to cut back or otherwise reduce the size of mature trees on and around the site. It is likely that there would be noise and other disturbance caused by the position of the access road and the need to replace parking spaces from the front of Nos 110 and 112 to the rear. The house on Plot C would be very close to the side boundary with No 108, and also relatively close to the house on Plot A and to Nos 110 and 112 in the context of the spaciousness of the surrounding area.

19. All of these factors combine to result in a development that would not respect the context of the surrounding area, and that would cause significant harm to the character and appearance of that area and also to the living conditions of the occupiers of the house on Plot C and adjacent houses. I dismiss the appeal.

J D Westbrook

INSPECTOR