



Appeal Decision

Site visit made on 6 January 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2020

Appeal Ref: APP/L3245/W/19/3238792

Prospect House, Belle Vue Road, Shrewsbury, Shropshire SY3 7NR

- 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 Furrows Holdings against the decision of Shropshire Council.
 - The application Ref 19/02572/FUL, dated 3 June 2019, was refused by notice dated 25 September 2019.
 - The development proposed is the erection of 2no. semi-detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2no. semi-detached dwellings at Prospect House, Belle Vue Road, Shrewsbury, Shropshire SY3 7NR in accordance with the terms of the application, Ref 19/02572/FUL, dated 3 June 2019, subject to the conditions set out in Annex A.

Main Issue

2. The main issue in the appeal is whether or not the proposed development would provide adequate living conditions for future occupiers with particular regard to internal and external space.

Reasons

3. The appeal site is a long narrow area of land that currently forms part of the car parking associated with Prospect House. The site is located in a densely developed residential area that comprises mainly terraced housing. Within the area there are examples of houses set perpendicular to the road and set back behind other housing. As such, the location of the proposal at the rear of housing on Belle Vue Road would not appear incongruous or out of keeping.
4. I have not been made aware that the Council has any policies that set out minimum standards for internal or external space for new dwellings, although Policy CS6 of the *Shropshire Core Strategy (adopted March 2011)* (SCS) indicates that developments should achieve applicable national standards. The appellant has indicated that the houses would be 3 bedroomed / 4 person dwellings and would have a gross internal area of 84 sqm which accords with the national space standards. This has not been disputed by the Council.
5. The plans show that every habitable room would be provided with at least one good sized window ensuring good light is provided to each room. In addition, the rooms would have adequate circulation space as well as being able to

accommodate a range of furniture. Given this I am satisfied that the proposal would provide adequate internal space for occupiers.

6. The appellant has indicated that each dwelling would have just over 40 sqm of outdoor space. This would be located at the side of each house with direct access from the kitchen/ dining room as well as the utility room. The external space would comprise a mix of hard and soft landscaping. Although modest in size the gardens would have space for play, storage and the drying of washing. Moreover, as the gardens would be commensurate in size to those associated with many other houses in the locality they would not appear out of character.
7. Therefore, I consider that the proposal would provide adequate living conditions for future occupiers with particular regard to internal and external space. As such, it would not represent the over-development of the site. Accordingly, there would be no conflict with Policy CS6 of the SCS or with Policy MD2 of the *Site Allocations and Management of Development Plan (adopted December 2015)* which require proposals to have a high quality of design that respects and reflects local characteristics and safeguards residential and local amenity. Nor would it be contrary to paragraph 127 of the National Planning Policy Framework that seeks to ensure that developments provide a high standard of amenity for existing and future users.

Other matters

8. The site is located within Belle Vue Conservation Area. A heritage assessment was submitted with the application. The Council has not disputed its conclusion that the proposal would improve the appearance of the site and would at least preserve the character and appearance of the conservation area. Nothing I have seen or read leads me to come to a different conclusion in this respect. Consequently, I am satisfied that the proposal would preserve the character and appearance of the heritage asset.
9. Concerns have been raised that the front doors of the house would open out onto the car park. However, the plans show that there would in fact be a small paved area between the front of the houses and the car park. Moreover, I note that the car park is a private one providing parking for adjacent housing. As such, traffic movements are likely to be limited. As such, I consider the proposal would provide a safe and secure access for future occupiers.

Conclusion and Conditions

10. For the reasons set out above I conclude the appeal should be allowed.
11. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, as this provides certainty. In the interests of the character and appearance of the conservation area conditions are required to control the external appearance and landscaping of the proposal.
12. In order to ensure the adequate drainage of the site it is necessary to control details of the disposal of foul and surface water from the site. As this relates to work that would need to be done during the construction period, it needs to be a pre-commencement condition. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to this pre-commencement condition.

13. The *Planning Practice Guidance* indicates that conditions removing permitted development rights should only be used in exceptional circumstances. Given the close proximity of the proposed dwellings to the common boundary with other properties, in order to protect the living conditions of adjacent occupiers, as well as to ensure adequate external space for future occupiers, I consider the removal of certain of these rights is necessary in this case.

Alison Partington

INSPECTOR

Annex A

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 approved plans: Location and Block Plan Drawing No PL-001; Proposed Site Plan and Site Section Drawing No PL-002; Proposed Plans Drawing No PL-003; Proposed Elevations 01 Drawing No PL-004; Proposed Elevations 02 Drawing No PL-005A Rev A; 3D Visualisations Drawing No PL-006; and Proposed Landscape Plan Drawing No PL-007A Rev A.
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to their installation full details of all external windows (including the roof windows), doors and any other external joinery shall be submitted to, and approved in writing by, the local planning authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. Development shall be carried out in accordance with the approved details
- 5) No development shall take place until a scheme for surface and foul water drainage has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be fully implemented before either dwelling is occupied.
- 6) All hard and soft landscaping shall be carried out in accordance with Drawing No PL-007A Rev A. The landscaping works shall be fully implemented before either dwelling is occupied. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 1 Class A, B or D shall be erected, constructed or carried out.