



Appeal Decision

Site visit made on 17 June 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/L3245/W/20/3244782

Land to the west of 30 Havelock Road, Shrewsbury SY3 7NE

- 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 and Mrs PN and WT Woollaston against the decision of Shropshire Council.
 - The application Ref 19/00035/FUL, dated 21 December 2018, was refused by notice dated 2 August 2019.
 - The development proposed is erection of detached dwelling and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted an amended structural engineer report¹ which was not with the Council before the determination of the application. This report addresses an inconsistency in the documents on the proposed type of foundation. The Council has had an opportunity to comment on the report but I have not been advised it has been the subject of any public consultation. Even so, the report does not significantly amend the proposal and I am satisfied that taking it into account would cause no injustice or prejudice to any party.

Main Issue

3. Since the appeal was lodged, the Council has withdrawn its second refusal reason relating to the effect on tree roots and I find no reason to arrive at a different view to the main parties on this matter. As such, the main issue is whether the development would preserve or enhance the character or appearance of Belle Vue Conservation Area (CA).

Reasons

4. The CA includes the largely residential streets around Belle Vue Road. Its significance lies partly in the prevalent 19th and early 20th century dwellings that reflect its history as an early Shrewsbury suburb. Havelock Road includes buildings of this period, a narrow road and mature vegetation which all reflect the CA's history and adds to its interest.

¹ BJSE Consulting Structural Engineers report dated 02.08.2019, included as appendix 5 to the appellant's statement of case.

5. There are no buildings on the site but mature trees on its borders are prominent features in the locality. The site no longer forms part of the garden to 30 Havelock Road (No 30) and evidence suggests it was originally intended to be a housing plot. Nevertheless, through its openness and the trees it contains the site contributes positively to the street scene by breaking up development and providing an attractive setting for adjacent buildings. As such, the site contributes positively to the CA's character and interest, notwithstanding that neither it nor No 30 is formally identified as a non-designated heritage asset.
6. Retained trees would partially screen the development when looking at the site from the north west and it would be of an appropriate scale to the plot and area. Nonetheless, the house would be a significant distance forward of No 30 so its 2 storey high element would be easily seen from the road to the southeast. From this direction, the development would be uncharacteristically prominent in the street scene, would noticeably reduce the site's openness and would detract from its natural features. Consequently, it would be obtrusive and harmful to the character and appearance of the area.
7. Local properties vary in style and include a nearby contemporary house so the modern design of the proposal would not be incongruous. Furthermore, as a sizeable undeveloped plot, the appeal site is unusual in the largely built up area. However, these factors fail to address or override the identified harm that would be caused by the proposal to the appearance of the site and its contribution to the quality of the local environment.
8. As such, the proposal would harm the overall character and appearance of the CA and diminish its significance. Whilst this would not reach the very high hurdle of substantial harm, it would constitute less than substantial harm to the CA's significance. Due to the separation distance and intervening landscaping, the proposal would not be seen with the listed buildings 7 and 9 Havelock Road and so it would not affect the setting or significance of these properties. No other designated heritage asset would be affected by the development.
9. In line with the National Planning Policy Framework (the Framework), the harm caused to the CA should be weighed against the public benefits of the proposal. Great weight should be given to the heritage asset's conservation in my assessment and I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
10. The Council no longer objects to the proposal's impact on trees and it would have an acceptable effect on wildlife. Also, the scheme would address concerns with previous proposals over the removal of part of the front wall. However, acceptability in these regards is not a public benefit of the proposal.
11. The site is unused and so could be prone to unauthorised entry and anti-social behaviour. However, there is limited evidence of harm caused in this respect and in any case such issues could be addressed through increased security measures rather than the development. Also, there is no evidence that demonstrates the proposal is the only way in which the site could be put to an effective use. Therefore, any benefit in these terms attracts limited weight.
12. The development would add to the housing stock and would represent the more efficient use of land in an urban area close to facilities. Also, it would create construction employment and occupiers would support local businesses.

However, the benefits in these regards would be modest given that a single dwelling is proposed. Overall, I find the harm caused to the significance of the CA would outweigh all of the public benefits of the proposal.

13. For these reasons, I conclude the development would not preserve or enhance the character or appearance of the CA and so, in this regard, it would be contrary to policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted County Core Strategy 2011, policies MD2, MD12 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan 2015 and the Framework. These all aim, amongst other things, to ensure development is in keeping with the character and appearance of an area and to conserve heritage assets and their significance.

Conclusion

14. For these reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR