



## Appeal Decision

Site Visit made on 29 October 2020

**by R Morgan MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> December 2020**

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**Appeal Ref: APP/L3245/W/20/3256372**

**Land to rear of Beechcroft & Maroc, Off Vicarage Lane, Highley  
BRIDGNORTH, WV16 6JT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr R Whittle against the decision of Shropshire Council.
  - The application Ref 19/04424/OUT, dated 3 October 2019, was refused by notice dated 30 May 2020.
  - The development proposed is the erection of 5 No dwellings; formation of new access road and vehicular access to include layout incorporating open space (with all other matters reserved).
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mr Whittle against Shropshire Council. This application is the subject of a separate Decision.

### Procedural Matters

3. During the course of the application, a revised scheme was submitted in which the number of dwellings proposed was reduced from 6 to 5. The Council's decision relates to this amended scheme, which I have referred to in the description of development above.
4. The application was submitted in outline with access and layout included. Matters of appearance, landscaping and scale were reserved for future approval. I have considered the appeal on this basis, and have treated the details of landscaping and dwelling types shown on the submitted layout plan as being indicative.

### Main Issues

5. The main issues are the effect of the proposal on:
  - i) the character and appearance of the area;
  - ii) the living conditions of the present and future occupiers of Beechcroft, Maroc and the proposed development, with particular regard to privacy, noise, disturbance and odour; and

- iii) whether the proposal would provide a safe and suitable access, with particular regard to parking arrangements.

## **Reasons**

### *Character and appearance*

6. The appeal site is located within the built up area of Highley, on land which previously formed part of residential gardens and is now overgrown with long grass and self-seeded saplings. There is no vehicular access onto the site, which fronts onto Vicarage Road and is bounded by a substantial brick wall with flying buttresses and a high beech hedge. The site is also bounded by residential gardens and a public footpath, with an electricity sub station in one corner.
7. Vicarage Lane is narrow, and shortly beyond the appeal site turns into a country lane. The significant vegetation along this side of Vicarage Lane, together with views of the countryside beyond, contribute to the area having a green and semi-rural character.
8. Residential properties around the appeal site vary in style and size, but are generally set back from the road in generous plots, with substantial gardens. The houses on the opposite side of the road are semi-detached, whilst Maroc and Beechcroft, which border onto the site, are large detached properties. I acknowledge that there are dwellings set within smaller plots on St Peters View close by, but as noted by the previous Inspector, the significant difference in levels means that these bungalows are not viewed in the same context as the appeal site.
9. The proposed site layout has a significant area for turning and parking in the centre, but this has resulted in small plot sizes for the 5 dwellings, with narrow widths and short gardens. The layout would not reflect the spacious character and generous plot sizes of the majority of properties in the surrounding area.
10. The proposed terrace on plots 1-3 would front directly onto Vicarage Lane with an adequate set back. However, the overall site layout, with two properties at the rear and a separate parking area, would not reflect the general form of development in the area, in which properties front directly onto the road with curtilage parking. The access road would rise quite steeply but would provide views into the site, which would be dominated by a significant area of hardstanding. This would fail to respect, and would cause harm to, the verdant character of the surrounding area.
11. As a result of the proposed site layout, with small plots, a large area of hardstanding and houses set back from the road frontage, the scheme would cause harm to the character and appearance of the area. It would conflict with Policies CS6 and CS17 of the Shropshire Core Strategy 2011 (Core Strategy) and Policy MD2 of the Shropshire Site Allocations and Management of Development Plan 2015 (SAMDev). Amongst other considerations, these policies require that development contributes to local distinctiveness and is appropriate in scale, density, pattern and design, taking into account the local context and character.

12. There would be further conflict with the paragraph 127 of the National Planning Policy Framework (the Framework) regarding the need for high quality design which is sympathetic to local character.
13. The Council has also referred to SAMDev Policy MD12 but there is no suggestion that the proposal would cause significant harm to any of the natural assets included in this policy.

#### *Living conditions*

14. Beechcroft is a two storey detached property and is situated at a significantly higher level than the appeal site. A retaining wall runs along the shared boundary with proposed plot 1, at the height of Beechcroft's lawn. Above the level of the wall, there is no boundary fence or hedge on the Beechcroft side, although individual ornamental trees provide some, limited screening.
15. Beechcroft has a number of windows on the rear elevation which would directly overlook the rear garden of plot 1, albeit at a slight angle. Although the windows would be a reasonable distance away, the greater height of Beechcroft would result in the existing property feeling overly dominant when viewed from the garden area of plot 1, with windows looking down into the private amenity space resulting in a loss of privacy.
16. The site layout plan shows landscaping along this boundary which would provide additional screening, although it is unclear which, if any, of the existing trees on the appeal site would be retained. Due to the differences in levels, it would take a considerable period of time for any new vegetation to grow sufficiently to provide screening from the upper floor windows of Beechcroft. As a result, there would be harm to the living conditions of the future occupiers of plot 1, due to loss of privacy.
17. The proposed dwelling at plot 1 would be close to the shared boundary with the rear garden area of Beechcroft, but due to the level differences and the proposal to limit the height of this building, it would not be unduly dominating or overbearing when viewed from Beechcroft house or garden area. I acknowledge that this is an outline application which does not include scale, and that a bungalow on this plot would not necessarily result in a building of reduced height, but I am satisfied that these are matters which could be addressed at reserved matters stage, together with the position of windows, to avoid any potential overlooking from the proposed dwelling to the rear garden of Beechcroft. The impact of the proposed dwelling at plot 1 on Beechcroft would therefore be acceptable.
18. The side elevation of the proposed semi-detached house on plot 4 would be close to the rear garden of Maroc, which is a large bungalow, set at a higher level than the appeal site. There is currently significant vegetation within the appeal site which provides effective screening along this boundary, although it is unclear whether any of this would be retained, and the layout plan shows no landscaping along the side boundary of plot 4. The garden area of Maroc is wide and the proposed house would only affect part of it, but the new house would nonetheless appear as a dominant feature when viewed from the garden, despite the level differences.

19. The proposal would introduce activity in the form of vehicle movements, use of outdoor areas and general comings and goings. This activity would take place in an area where there currently is none, close to the private rear gardens of Beechcroft and Maroc, where occupiers have a reasonable expectation of peace and quiet.
20. Parking for plot 4 would be adjacent to the rear garden of Maroc. This alone would not involve many vehicle movements, but the effect of vehicles associated with all five dwellings using the turning area would have the potential to cause unacceptable noise and disturbance to the occupiers of Maroc. This would not be adequately mitigated by the proposed retention of a small landscaped area adjacent to the shared boundary.
21. Furthermore, I share the Council's concerns that occupiers of, or visitors to, plots 1-3 may prefer to park closer to their properties, on or next to the landscaped area, rather than using the parking area on the other side of the site. This would further contribute to the potential for noise and disturbance from vehicle movements close to the rear garden of Maroc. The effect on Beechcroft would be less pronounced, as it would be separated from the turning area by plot 1.
22. Large refuse vehicles would not be able to access the site, so the layout shows an area for bins to be left whilst awaiting collection. This would be sited on the Vicarage Lane frontage, adjacent to plot 3. I acknowledge that this area would be designed to be used for bin collections only, with the expectation being that bins would be stored at the individual properties at other times. However, it would be necessary for occupiers of plots 4 and 5 in particular to move bins a reasonable distance to reach the collection area. Unless all residents consistently used the collection area in a responsible manner, including moving bins promptly, there would be potential for littering and odour to occur, resulting in harm to the living conditions of the occupiers of plot 3. The location of the bin storage area would also have the potential to cause harm to the appearance of the area.
23. I conclude that the proposed layout would result in harm to present occupiers of Maroc due to noise and disturbance, and future occupiers of plots 1 and 3, due to privacy and odour. It would therefore conflict with Core Strategy Policy CS6 which requires that new development safeguards residential amenity, and Framework paragraph 127f) which requires a high standard of amenity for existing and future users.
24. Core Strategy Policy CS17, concerned with environmental networks, and SAMDev Policies MD2 and MD12 regarding sustainable design and the natural environment, are not directly relevant to this second main issue.

#### *Access and parking*

25. The layout provides for two spaces for each of the five dwellings, with an additional two visitor spaces. I agree with the Council that it would be preferable for plots 1-3 to have parking within their curtilages, and that the proposed layout could result in residents choosing to park closer to their properties, with implications for noise and disturbance, as described above.

However, the proposal would provide enough spaces to meet the needs of the proposed dwellings within the site.

26. The parking spaces would not be in a location which would not be particularly secluded or tucked away. The majority of the spaces would be visible from the dwellings on plots 4 and 5, and, depending on the location of windows, plot 3 also. The appellant has confirmed that low level lighting could be provided. In terms of surveillance and public safety, I consider that the proposed parking arrangements would be acceptable.
27. A small number of the spaces would be partially underneath overhanging branches of lime trees, which can cause a sticky residue and other detritus. Regular pruning would be needed to overcome this problem, without which, these spaces may well be less attractive for residents to use at certain times of the year. However, even excluding those spaces, which could be left for less frequent visitor use, there would be sufficient spaces for residents.
28. I acknowledge that there may, at times, be problems with inappropriate parking on Vicarage Lane, but the site makes adequate provision for parking on site and I see no compelling reason why residents would choose to park on Vicarage Lane instead.
29. I note that the highways officer has made no objection to the proposal on the grounds of access or highway safety.
30. I conclude that the proposal would be capable of providing a safe and suitable access, with particular regard to parking arrangements. I find no conflict with Core Strategy Policy CS6 which requires development to be safe and accessible to all, with appropriate car parking provision. No conflict would exist with Framework paragraph 109 regarding highway safety.
31. Core Strategy Policy CS17 and SAMDev Policies MD2 and MD12 are not directly relevant to this particular issue.

### **Other Matters**

32. The proposal does not make provision for public open space, as required by SAMDev Policy MD2, although I note the appellant's comments that on-site provision could be made available next to plot 5. The precise requirements for open space, which relate to the number of people, have not been made clear, but as I am dismissing the proposal on other grounds, I have not pursued this matter any further.
33. The appeal site is located within an existing built up area, a short distance from local services and facilities in Highley. The principle of residential development on the site is not disputed, and the proposal would provide additional housing which, notwithstanding the Council's ability to demonstrate a five year supply of deliverable housing sites, would be a benefit of the scheme. However, this does not overcome the significant deficiencies of the scheme which I have identified.
34. I have found that the proposal would be acceptable in terms of the access and parking arrangements, and that, subject to appropriate conditions, the Council has made no objections on ecological grounds or in relation to trees. However,

these factors represent a lack of harm and are neutral within the planning balance.

35. I note the appellant's comments that the proposal would make efficient use of land, but whilst promoting this, Framework paragraph 117 also highlights the need for development to safeguard the environment and ensure safe and healthy living conditions. I have found that the proposal would cause harm to the character and appearance of the area, and would result in noise and disturbance, which could impact adversely on the quality of life of existing occupiers. As such, it would not comply with paragraph 117.
36. The Council has referred to Framework paragraph 11 in its reason for refusal, but the proposal fails to comply with relevant development plan policies which are not out-of-date. The provisions of paragraph 11 therefore do not apply in this case.

### **Conclusion**

37. Material considerations do not indicate that I should conclude other than in accordance with the development plan as a whole. I therefore conclude that the appeal be dismissed.

*R Morgan*

INSPECTOR

