



Appeal Decision

Site visit made on 9 February 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/L3245/W/20/3261199
148 Sutton Road, Shrewsbury, SY2 6QT

- 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 Edward Spragg against the decision of Shropshire Council.
 - The application Ref 20/02096/FUL, dated 31 May 2020, was refused by notice dated 24 August 2020.
 - The development proposed is the subdivision and extension of existing dwelling to create two dwellings and erection of a new dwelling following demolition of existing garages.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 15th March 2021.

Decision

1. The appeal is allowed.

Main issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living standards of future occupants, with particular regard to outlook, overlooking and the suitability of outdoor space.

Reasons

Character and appearance

3. The appeal site contains a large, extended detached house and garage on a large corner plot. It is part of a modern housing estate and is surrounded on both sides by detached bungalows. A long row of 2-storey semi-detached houses forms the opposite side of the street. The bungalows and houses are fronted by a driveway and small front garden. By the time of my site visit, the host house appeared to have been empty for some time and I observed was in a poor state of repair.
4. It is proposed to split the existing house into two detached dwellings and erect a new 2-storey house in place of the detached garage. Vehicular access would be from the main highway of Sutton Road and the large garden would be split between the 3 properties.

5. The site has extant approval¹ for significant alterations to the existing dwelling and erection of a new house, resulting in two dwellings in total. The main visual difference between the two schemes is that a single-storey structure forming the front half of the main house would instead be a 2-storey detached house. Based on the information before me, I consider that there is a greater than theoretical possibility that the approved development will take place and I have therefore had regard to this fallback position.
6. The proposed density of detached houses on the plot is not typical of the adjacent bungalows. However, the overall density of housing is not dissimilar to that of the 2-storey semi-detached houses opposite. In addition, the appeal site is already unusual in its layout and building form, which provides scope for development of a non-typical arrangement. For these reasons, I do not find that the density of housing would be harmful to the character of the area.
7. When viewed from the street, the buildings would be tightly clustered and perpendicular to each other, which is not typical of local character. However, I consider it material that the new houses would be within the overall footprint of the existing building and of comparable bulk, and therefore of similar overall appearance when viewed in passing from the public domain. Critically, the built form would not appear fundamentally different to that already approved.
8. Plot 1 is narrower than that allowed under the extant permission, but in size is still comparable to the semi-detached houses opposite. The rear garden at plot 1 would be similar in size to those associated with the semi-detached houses and, notwithstanding this, has not changed from the extant approval. For this reason, I do not find plot 1 to be harmfully cramped, or out of character for the area.
9. There would be a small loss of openness caused by raising the height of the house in plot 2 to 2-storeys, but I do not consider this harmful when viewed in the wider context of the mix of housing on the estate, and the immediate backdrop of a 2-storey building. I acknowledge that the site is in a prominent position at the entrance to the estate, but I do not find that the open frontage of the property is a key characteristic of the area. Instead, the hedged verge and high trees towards the front of the estate dominate the character of the area during the approach.
10. Plot 2 would sit forward of the building line of neighbouring development, but as this is already the case, and the proposed development would in fact reduce this difference slightly, I do not consider this harmful.
11. The parking area most easily visible from the street has already been approved in the previous permission. I do not consider that the addition of one space between the houses would cause harm to the character of the area. There would be no boundaries between the driveways, which would create an unusually wide expanse of parking. However, the impression of 2 driveways merging can occasionally be observed between semi-detached houses and I noted that several front gardens had been removed to widen driveways locally. I do not consider the extent of unbroken driveway is harmful, given that there are highly varied driveway treatments locally.

¹ 20/00055/FUL (27 May 2020)

12. I do not find that a potential view from the public domain of domestic paraphernalia in the garden of plot 2 would be harmful to the character and appearance of the area. Notwithstanding that this could occur already, it is a residential area and I consider that it would be reasonable to find such paraphernalia in the front gardens.
13. The proposed boundary treatment alongside the highway is not clear from the information provided. I acknowledge that high timber fencing adjacent to the highway could be intrusive, given the extent of the boundary and prominence when viewed from the public domain, but I consider that this can be adequately controlled through a condition on the planning permission.
14. I do not consider that there would be pressure to remove trees to the south west corner of plot 3, given that they are distant from the house and the garden size is sufficiently large that a significant area would not be overhung.
15. I have not found harm to the character and appearance of the area, particularly in the context of the fallback position. The proposal is consistent with the requirements of policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (CS), which requires that development protects the built environment, taking into account local character. I have also not found conflict with Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (December 2015) (SAMDev), which states that development must respond appropriately to form and layout, including building lines, scale and density.

Living conditions

16. The walls of both plots 2 and 3 are the width of a driveway from the side of Plot 1. The side wall contains a bathroom window and a small living room window, which is part of a well fenestrated open plan room. Notwithstanding that the proposed width between the buildings is greater than that approved under the extant scheme, I do not consider that the outlook from this side of the house would be restricted to the extent that it would be overbearing.
17. The extent of overlooking between plots 2 and 3 would be comparable with that of nearby semi-detached houses and I do not find that it would be harmful. The same applies to the relationship between plot 1 and neighbouring 146 Sutton Road. The Council has concluded that there would not be a harmful degree of overlooking to other neighbouring properties and, based on my observations, I concur with this view.
18. The garden associated with plot 2 would potentially be entirely open to the road with no private external space. However, there are landscaping solutions to this that would be protective of the privacy of future residents, consistent with the treatment at other corner plots nearby. The details of this can be secured by a condition.
19. I have found that satisfactory living conditions for future occupiers could be created. There is therefore no conflict with Policy CS6 of the CS or MD2 of the SAMDev, which state that development should safeguard residential and local amenity.

Other matters

20. I note that the highways officer has recommended no boundary treatment should protrude beyond the building line on Sutton Road for the purposes of highway safety. However, I observed that visibility from the driveway was excellent in both directions, and I do not consider such a stringent requirement necessary.

Conditions

21. The Council has recommended 8 conditions. I have imposed 6 of these, with slight amendments to the wording in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.

22. In addition to the statutory time limit I have imposed a condition to secure accordance with the approved plans in the interests of certainty.

23. I have included conditions to control materials and landscaping to protect the character and appearance of the area. I have also imposed conditions relating to car parking and access to protect highway safety.

24. However, I have not imposed a condition restricting front boundaries to 0.9 m height. Details of boundary treatments are secured in condition 4 and those relating to highway safety in condition 6. Taking into consideration the hedging observed around other corner plots in the area, I consider it reasonable that all options are explored as part of a landscape scheme. I therefore do not find the proposed condition reasonable or necessary.

25. I have also not imposed a general condition removing permitted development rights because there is not a clear justification before me to do so, as per the Planning Practice Guidance². No evidence has been provided to demonstrate that the development would only be acceptable if certain PD rights are not exercised in the future. I therefore do not consider the proposed condition reasonable or necessary.

Conclusion

26. The proposal would contribute to the supply of housing in an accessible location, albeit the modest scale of the development means that the benefit from this is minor. I have not identified any harm to the character and appearance of the area when compared to the fallback position, nor have I found that satisfactory living conditions could not be created.

27. The proposal does not conflict with the development plan when read as a whole and I conclude that the appeal should be allowed.

B Davies

INSPECTOR

² Paragraph: 017 Reference ID: 21a-017-20190723. Revised 23 July 2019

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans:
 - Location Plan 1:1250
 - Ground floor plan as existing 577.01, 1:50, Jan 2020
 - Elevations block plan and FF plan as existing 577.02, 1:50, 1:100, 1:500, Jan 2020
 - Plot 1 Proposed plans and elevations 577.03A, 1:50, 1:100, March 2020
 - Plot 2 Proposed plans and elevations 577.04A, 1:50, 1:100, March 2020
 - Plot 3 Proposed plans and elevations 577.05A, 1:50, 1:100, March 2020
 - Proposed block plan 577.06D, 1:500, July 2020
 - Site overlay 577.07B, 1:500, July 2020
- 3) No development above slab level shall commence until details and/or samples of the materials to be used in the construction of the external surfaces of the development 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 and/or samples.
- 4) No development above slab level shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. It shall also include details of the materials and any boundary fences, walls and any other boundary treatments. Development shall be carried out in accordance with the approved details.
- 5) The buildings shall not be occupied until the parking spaces have been laid out within the site in accordance with drawing no. 577.06D and those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 6) The buildings shall not be occupied until full details of the widened access apron have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the access shall be retained thereafter.