



Appeal Decision

Site visit made on 25 February 2014

Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 27 March 2014

Appeal Ref: APP/L3245/A/13/2206165

Former MEB Sub Station, Block of Four Garages, Copthorne Road, Shrewsbury, Shropshire, SY3 8NW

- 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 Michael Stafford against the decision of Shropshire Council.
 - The application Ref 13/02712/FUL, dated 4 July 2013, was refused by notice dated 20 August 2013.
 - The development proposed is the change of use of one of the garages into a one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed development would preserve or enhance the character or appearance of the Shrewsbury Conservation Area; and (ii) the appropriateness or otherwise of contributions sought in relation to affordable housing.

Reasons

Conservation Area

3. The site is within the Shrewsbury Conservation Area which is characterised by high density development of a mixture of size, style, height and age. As the site encompasses the town centre the conservation area is also characterised by mixed uses although this part of the conservation area is predominantly residential in character. There is no set pattern of scale or design and the overall impression of the conservation area is that of an eclectic mix of use and form.
 4. The existing block of garages is in a prominent site as it is on a main road. The block is of a rectangular footprint with a pitched roof and has plain brickwork and garage doors. As it is very plain it contributes little to the visual interest of the area. The proposal would add to the architectural interest of the building by introducing a gabled dormer and replacing the garage door with a window and a front door. The door and window would have headers/lintels above them to add
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decoration. There would be 2 new windows in the side elevation which would add visual detail to the existing blank wall. Whilst the dormer would be an extension to the building, it would be small in scale in comparison to the overall size of the existing garage.

5. I noted on my visit that dormer windows are a common feature in nearby buildings and the houses opposite the site have headers/lintels, similar to those proposed, over their front doors and windows. The external alterations to the building would therefore respect the styles surrounding it. I consider that the alterations would enhance the appearance of the garage block by adding visual interest to an otherwise unremarkable and plain building.
6. The Council comments that the provision of a small amount of amenity space would provide unsatisfactory accommodation which is not in keeping with the scale and pattern of residential development. The Council does not explain what it means by "unsatisfactory accommodation". However, in my view, the addition of amenity space at the front of the building would have no greater impact upon the character and appearance of the Conservation Area than the existing hardstanding. I note that the application was recommended for approval to the planning committee and that the Council officer found that the proposal was acceptable in respect of any effect upon the character and appearance of the area.
7. For the above reasons, I conclude that the proposed development would preserve the character and appearance of the Shrewsbury Conservation Area and there would be no conflict with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy 2011 (CS) which seeks to ensure that development protects, restores, conserves and enhances the built and historic environment and is appropriate in scale, density, pattern and design taking into account local context and character. I find no conflict with the National Planning Policy Framework which requires good design.

Affordable Housing

8. The Council indicates that a financial contribution is required towards the provision of affordable housing. CS Policy CS11 seeks to ensure the creation of mixed, balanced and inclusive communities and to meet diverse housing needs. It says that in order to do this the Council will ensure, amongst other things, that all new open market housing makes appropriate contributions to the provision of local needs affordable housing.
9. The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) says that one of the primary ways of achieving the provision of affordable homes is through developer contributions from open market developments. Where affordable housing cannot be provided on site a financial contribution will be required from the developer which will be pooled to be spent on facilitating the delivery of additional affordable and/or supported housing in Shropshire.
10. The appellant has provided a draft S.106 agreement in this respect, however, due to his personal circumstances it is not signed. Nevertheless, the amount of contribution indicated therein is not contested by the Council. Although the appellant refers to the proposed dwelling as being "affordable" it does not fall

into any of the standard definitions of affordability as expressed in chapter 4 of the Council's SPD.

11. I therefore conclude that the contribution sought in relation to affordable housing is appropriate. In the absence of a completed obligation I am unable to secure such a contribution and the proposal is therefore contrary to CS Policy CS11 and the Council's SPD.
12. I note the appellant's request to secure the contribution through the use of a condition. However, the Planning Practice Guidance *Use of Planning Conditions* says that conditions requiring financial payment should not be used. It also advises against conditions requiring a legal agreement to be entered into except in exceptional circumstances such as in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. This is not such a proposal and therefore such a condition would not be appropriate.

Other Matters

13. Third parties have raised the issues of over development and lack of amenity space. The footprint would not alter and therefore there would not be a significant amount of additional development on the site. The Officer's committee report says that many one bedroom properties close to and within the town centre do not have private amenity space and that there is a park nearby which is easily accessible on foot. Therefore, I find the proposed amount of amenity space to be acceptable for the small dwelling proposed and I do not consider that the site would be overdeveloped.
14. The Council's highway officer says that he does not raise any objections in principle to the garage being converted but he is concerned that if others were converted there would be no usable parking space for the dwellings. However, it is for the Council to determine applications based upon the particular circumstances of each application and in this instance there is sufficient space for a car to park; turning is available on the forecourt; and the access off the highway already exists for the garage use. I therefore find no harm to highway safety.
15. I acknowledge the appellant's comments that he has found himself without a permanent home and he needs to find accommodation in the area to be near work and family and that this would provide a home which he could afford. However, planning permission runs with the land rather than with the appellant and therefore I can only give the personal circumstances of the appellant limited weight.
16. I also acknowledge that the proposed dwelling would provide accommodation in a location close to day to day facilities; that it would be energy efficient; and that the appellant is willing to improve the site access. However, these matters do not outweigh the harm I have found.

Conclusion

17. Although I do not find harm to the conservation area I do find harm in respect of affordable housing and the appeal is therefore dismissed.

Siobhan Watson

INSPECTOR