



Appeal Decision

Site visit made on 20 April 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2021

Appeal Ref: APP/L3245/W/20/3265556

Land to rear of 12 Honeysuckle Row, Sutton Farm, Shrewsbury, SY3 7TW

- 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 Craig Edwards against the decision of Shropshire Council.
 - The application Ref 20/02760/FUL, dated 9 July 2020, was refused by notice dated 16 October 2020.
 - The development proposed is erection of a self-build dwelling and formation of vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. No description of development is provided on the planning application form and the description given above is therefore taken from the Council's Decision Notice.
3. The site has been subject to a previous dismissed appeal decision¹ for a new dwelling in a similar position. I attach significant weight to the previous Inspector's findings, albeit I note that the previous appeal scheme had a slightly larger built footprint and did not propose a self-build dwelling.

Main Issues

4. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of neighbouring occupiers with regard to privacy, outlook, and the provision of adequate private garden space.

Reasons

Character and appearance

5. The appeal site consists of part of the rear garden to No 12 Honeysuckle Row. The surrounding area is characterised by modern estate development with a mix of house types. The pattern of development is generally open plan with houses set back from the road.

¹ APP/L3245/W/17/3173395

6. The appeal proposal would introduce a new dwelling fronting onto Primrose Drive, with only a limited setback from the road. This would be in a similar position to the previous appeal scheme, albeit it would not include a setback single storey element to the side. The previous Inspector expressed a number of concerns regarding that scheme, including that it would have a relatively shallow front garden area and that the two-storey element would be furthest forward, accentuating its visual impact. She concluded that the proposal would be highly visible and prominent in the street resulting in an obtrusive feature that would not blend in with its surroundings.
7. The previous Inspector's concerns clearly focused on the undue prominence of that scheme within the street, which resulted largely from its siting. In this regard, I do not accept that those concerns related primarily to the single storey element to the side as this was the least prominent part of that scheme, being setback from the front elevation and alongside the adjoining garage to Garden Cottage.
8. The current appeal proposal would also introduce a 2 storey dwelling that would be significantly closer to the road than any neighbouring property. This would jut out into the street scene and would contrast sharply with the prevailing pattern of development in the area. In my view, it would be a discordant feature within the street that would draw the eye. Moreover, the development would fail to address a number of concerns raised by the previous Inspector.
9. The previous Inspector also found that other nearby built elements that are close to the public highway, such as boundary walls, are small scale and characteristic features of the estate. They do not lend support to the introduction of a 2 storey dwelling in this location. She also noted that the existing impact of the conifer hedge is not comparable to a 2 storey house, and that its removal would not justify the development of the site. I concur with that view.
10. The area does not benefit from Conservation Area status, or any local character designation. However, that does not mean that the character of the area does not merit protection.
11. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to the relevant sections of Policy CS6 of the Shropshire Core Strategy (2011) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These policies seek to ensure, amongst other things, that new development is of good design that responds appropriately to the form and layout of existing development.

Living conditions

12. The development would occupy part of the rear garden to No 12 Honeysuckle Row, which is relatively generous in size. Whilst part of the existing garden space would be lost, the occupiers of No 12 would still have access to an appropriately sized rear garden and would also continue to benefit from a large patio area to the side of the property. In my view, this arrangement would provide adequate private outdoor amenity space for the occupiers of No 12.

13. The separation distance between the rear elevations of the proposed dwelling and No 12 Honeysuckle Row would be around 18 metres. However, of the 3 proposed rear facing windows, 2 would be obscurely glazed. Whilst there would be a single rear facing bedroom window that would be clear glazed, given the proposed separation distance, this would not result in any significant overlooking or loss of privacy in my view.
14. The development would also be positioned near to Garden Cottage to the north. However, an existing garage is located between the proposed dwelling and the rear garden of that property. This would adequately mitigate any overbearing impact on the rear garden of Garden Cottage. Moreover, given the distance from the proposed side elevation to that garden area, any loss of light or overshadowing would be limited.
15. For the above reasons, I conclude that the development would not significantly harm the living conditions of neighbouring occupiers with regard to privacy, outlook, and the provision of adequate private garden space. It would therefore accord with the relevant sections of Policy CS6 of the Shropshire Core Strategy (2011) which seeks, amongst other things, to safeguard residential and local amenity.

Other Matters

16. It is common ground that the Council is currently able to demonstrate a 5 year supply of deliverable housing sites. However, my attention has been drawn to Paragraph 33 of the National Planning Policy Framework ('the Framework'), which states that local plans should be reviewed to assess whether they need updating at least once every five years. It is argued that as the Council's policies have not been updated during this time, they are therefore 'out of date'. In this regard, it is contended that the proposal benefits from the 'tilted balance' set out at Paragraph 11 d) of the Framework.
17. However, I am not persuaded by that interpretation of the Framework. In this regard, I note that Paragraph 33 contains no explicit link to the 'tilted balance' set out in Paragraph 11 d). Moreover, Planning Practice Guidance ('PPG') states that:

"Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework."²

PPG is therefore clear that existing policies should not be considered out-of-date simply because a review has not yet been completed.

18. The Council has a duty under the Self Build and Custom Housing Act 2015 to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. However, the extent to which the Council is meeting demand for this type of housing is disputed. I return to this matter in my Overall Balance and Conclusion, below.

² Paragraph: 064 Reference ID: 61-064-20190315

19. It is asserted that the development comprises an intermediate affordable dwelling. However, from the information before me, the proposal does not appear to meet the definition of affordable housing set out at Annex 2 of the Framework. I therefore attach little weight to this contention.
20. The concerns expressed regarding the conduct of the Council's Northern Planning Committee fall outside of the remit of this decision.
21. The proposed access point would be next to the entrance to a footpath between Primrose Drive and Hazeldine Way. However, the height of the proposed boundary treatments along the edge of this footpath could be controlled by condition to ensure adequate visibility for motorists emerging from the development.

Conclusion

22. As set out above, I conclude that the development would significantly harm the character and appearance of the area and would be contrary to the development plan in this regard.
23. Set against this, the development would provide a new self-build dwelling, in an accessible location, and built to modern environmental standards. It would also generate some economic benefits through the creation of employment and the purchasing of materials and furnishings.
24. In these circumstances, even if the 'tilted balance' at paragraph 11 of the Framework were engaged, and the shortfall in self-build housing were as significant as is alleged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in my view. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
25. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR