



Appeal Decision

Site visit made on 17 January 2022

by **Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/L3245/W/21/3273203

8 Upper Linney, LUDLOW, SY8 1EF

- 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 Dr Steven Halls against the decision of Shropshire Council.
 - The application Ref 21/00490/FUL, dated 29 January 2021, was refused by notice dated 14 April 2021.
 - The development proposed is for the:
 - a) Removal of internal staircase and restore previous ceiling/floor
 - b) Removal of the existing first-floor balcony and replacement with an enclosure on two levels of remaining unenclosed space to contain new staircase access to upper storey of house and the patio
 - c) Reduction in height of the brick parapet and replace with glass screens on the West & North elevations
 - d) Fitting of photo-voltaic solar panels to the West-facing roof
 - e) Removal of 'pebbledash' render throughout and replace with smooth render
 - f) Replacement of rotten windows at the East end with white composite double-glazed windows resembling existing in order to comply with Building Regulations covering emergency egress.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issues in this appeal are the effects of the proposed development firstly, on designated heritage assets and secondly, on the living conditions of occupiers of neighbouring properties in terms of overlooking.

Reasons

Designated heritage assets

3. The proposals would see the erection of a narrow two-storey pitched roof extension that would replace part of an unsightly first floor balcony and railings consisting of timber planks supported by metal supports. The appeal property itself is a relatively undistinguished two-storey dwelling of modest proportions located to the rear of The Compass PH, a Grade II Listed Building and which itself, having outbuildings and smoking shelters that gives the immediate area a ramshackle appearance.
 4. Nevertheless, the appeal site is located within the highly prestigious Ludlow Conservation Area, which at this location is characterised by tight knit streets and buildings of Georgian and Victorian properties that are grouped alongside
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and below the dominant Grade 1 listed St Laurence Church. The rough track leading from Upper Linney provides access to the property and runs past the town walls, a scheduled ancient monument and Grade II listed structure. Although part of the walls that also support the graveyard to St Lawrence Church has subsided and the graveyard fenced off as a temporary security measure, the roof to the appeal property along with other roofscapes continue to be highly visible and play an important part of the medieval townscape at this location.

5. St Laurence Church is the largest parish church in Shropshire with its 135 ft tower dominating the skyline of Ludlow and contributing to its significance as an imposing and grand structure that occupies an important setting above medieval streets and the remnants of the town walls. Its curtilage and graveyard provide a much valued publicly used open space.
6. From the lower level of Upper Linney, the property is viewed narrowly through the gap that forms the rough access track to the PH as part of backland development that is not untypical of a medieval town and layout. The significance of the Conservation Area is derived from the rich variety of styles, forms and materials of historic buildings many of which are condensed into distinct urban groupings, including the appeal premises and its relationship with other buildings of earlier vintage. The imposing edifice of St Laurence Church however dominates views at this location.
7. The proposed development despite replacing an impoverished designed structure, is of equally poor design comprising an over-elongated narrow gable extension with a pitifully shallow roof which would result in an incongruous development, that would appear as a wholly discordant feature when viewed from the important open space alongside the Grade I listed church. The glazed balustrade and solar panels mounted on the existing roof would also have a dominating and incongruous effect when viewed from the church grounds and would introduce alien features into the views of relatively unspoilt traditional buildings and the historic townscape from the church environs.
8. The appellant draws attention to other properties that have been altered by way of solar panel installations. However, I am not aware of the circumstances behind these or whether they required planning permission. In any event, I have to consider the merits or otherwise of what is proposed at the appeal site.
9. The proposed development would in my view fail to preserve or enhance the character or appearance of the Ludlow Conservation Area, which is what I am required to consider by law. Moreover, the National Planning Policy Framework (the Framework) defines the setting of a heritage asset in terms of the surroundings in which it is experienced. The appeal scheme would have a harmful effect on the setting of the listed church through the introduction of incongruous and alien features that would be readily visible from the church grounds and in views of the listed church from sections of Upper Linney.
10. I agree with the Council that a better-informed conservation-led scheme would be likely to provide at least the same amount of floorspace without detriment to the designated heritage assets noted above.
11. Whilst I have identified harm to designated heritage assets, in accordance with the Framework, this is at the less than substantial harm level, which requires that I also consider any public benefits that might arise and weigh these into

the heritage balance. I have not been provided with any evidence that public benefit would occur. Notwithstanding, I would accept that the solar panels would help to reduce carbon omissions. However, these would be of such modest public benefit overall and would not overcome the harms that I have identified.

12. Accordingly, I find that the proposed development would be contrary to Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, Policy MD13 of the Shropshire Council Site Allocations and Management of Development Plan. In combination, these policies reflect those in the Framework which require that new development be of high-quality design that take into account local character while maintaining, protecting and enhancing Shropshire's built and historic environment.

Living conditions of neighbouring occupiers

13. I was able to view the rear elevations and rear garden areas associated with properties fronting Corve Street but this was at a relatively acute angle and I had to lean over the parapet wall to do so. Although the lowering of the parapet wall at this point and its replacement by glazed screen panels might introduce some additional overlooking, given the vegetation that exists within adjoining gardens coupled with the opportunity that would be available to me to impose an appropriately worded condition that would ensure that the screens be installed with obscure glazing, this would be minimal and would not be detrimental to the living conditions of those occupiers.
14. Consequently, I find that the degree of overlooking would not substantially change as a result of the appeal scheme and therefore find no conflict with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy, which amongst other things, sets out to protect the amenity of occupiers of neighbouring properties.

Conclusion

15. For the above reasons and taking account of all other matters raised, I conclude that this appeal be dismissed.

Gareth W Thomas

INSPECTOR