



Appeal Decision

Site visit made on 12 April 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 19 May 2022

Appeal Ref: APP/L3245/W/21/3283903

Riversdale, Church Street, Ruyton Xi Towns, Shropshire SY4 1LA

- 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 O'Shea (LMO Property Investments Ltd) against the decision of Shropshire Council.
 - The application Ref 21/00567/FUL, dated 2 February 2021, was refused by notice dated 14 April 2021.
 - The development proposed is described as 'conversion of stable block to rear of Riversdale to form two bedroom dwelling, refurbishment of existing cottage and erection of new four bedroom dwelling on land adjacent Riversdale. Formation of new crossover and driveways.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the appeal site does not form part of the approved residential development reference 08/15747/OUT and its subsequent applications. This approved residential development is located to the rear of the appeal site.
3. The refurbishment of the existing cottage at Riversdale has already commenced on site. The appeal statement (para 1.2) refers to the refurbishment of the cottage as 'internal works', which 'would not classify as development'. I have therefore dealt with the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal on:
 - Highway and pedestrian safety.
 - Protected species.
 - The character and appearance of the area, with specific regard to heritage assets.

Reasons

Highways and Pedestrian Safety

5. The appeal site is located on Church Street and is currently occupied by a 2-storey building known as Riversdale cottage, with a former stable block to its rear. The site is adjacent to existing residential development and a post office

- building. Opposite the site is a vehicle repair garage unit and a café. A primary school is located further along Church Street, all leading to pedestrian and vehicle movements in and around the locality.
6. The proposal would make use of an existing driveway to access the former stable block, and would introduce a new access to provide off-road parking for both Riversdale and the proposed 4-bedroom house in the form of tandem parking bays. However, with no space for manoeuvring on site, the proposed tandem parking spaces are likely to result in vehicles reversing onto the highway.
 7. I acknowledge Church Street has a speed limit of 20mph, being in close proximity to the primary school. In my mind, this means that Church Street is sensitive to highway safety and therefore detailed information on visibility splays is necessary to assess the appropriateness of the proposed access points.
 8. The Council's Highway Officer requested details of the visibility splays from either side of the driveway access points to demonstrate if the splays are achievable from the appellant's land and the adjoining highway. This information has not been provided by the appellant.
 9. However, the submitted evidence has not demonstrated that the proposed access arrangements can accommodate the adequate visibility lines for vehicles exiting the site, and that pedestrian visibility can also be achieved. With the absence of substantiative evidence to the contrary, I find the proposed access arrangements would encourage users to reverse in or out of the appeal site. Those drivers would have limited visibility and those movements would take place at a point of access where it would be likely that pedestrians and vehicles would be regularly passing by.
 10. I observed during my site visit that there are nearby properties which have limited onsite parking and manoeuvring area, and as such vehicles would likely need to reverse in or out of these properties. Even so, those arrangements are not before me. On the basis of the evidence, I am not satisfied that the proposed access arrangements would not increase the risk of pedestrian and vehicle collisions in the area to the detriment of highway safety.
 11. The appellant has suggested that the provision of parking could have been limited to only serve the 4-bedroom dwelling and not Riversdale cottage, thus reducing the proposed parking spaces from six to four. Nonetheless, the risk to highway safety I have identified remains.
 12. A condition could be imposed to secure a Construction Method Statement with a Construction Traffic Management Plan to ensure there is satisfactory highway safety during the construction phase. However, the proposed development's impact on highway safety cannot be appropriately assessed without the information on visibility splays. Consequently, it has not been demonstrated that the proposal would not have an adverse impact on highway safety. A condition would not be reasonable as any mitigation measures found necessary to remove adverse effects on highway safety could lead to a substantial re-design of the development.

13. I therefore conclude that insufficient information has been submitted to be satisfied that highway and pedestrian safety would not be adversely affected by the proposed development.
14. For the reasons given above, in the absence of the substantive evidence to the contrary I find the scheme would be harmful to highway and pedestrian safety. The proposal therefore conflicts with Policies CS6 and CS9 of Shropshire Council's Core Strategy (CS) (2011), which, amongst other things, seeks to ensure safe access to the site can be achieved for all users. The proposal also conflicts with MD2 of the Site Allocations and Management of Development Plan (SAMDev) (2015), which seeks to ensure development is designed so that it does not result in unacceptable adverse impact on the local road network.
15. In addition, the proposal would also fail to accord with paragraph 111 of the National Planning Policy Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Ecology and Protected Species

16. A protected species survey was undertaken in 2018. However, this survey was undertaken a long time ago, such that between that time circumstances could have changed for protected species. I also note CIEEM's advice which says a survey more than 3 years old is unlikely to still be valid. An updated ecological survey of the site is therefore needed. This has not been provided by the appellant.
17. The appellant has suggested that a pre-commencement condition could be used to undertake the ecological survey prior to development works commencing on site. However, the proposed development's impact on protected species cannot be determined without an up-to-date ecological survey. Consequently, it has not been demonstrated that the proposal would not have any adverse effects on protected species.
18. A condition would not be reasonable as any mitigation measures found necessary to remove adverse effects on protected species could lead to a substantial re-design of the development. It may also be the case that adverse effects can't be mitigated, which would need to be established before permission is granted. Any measures found necessary to protect species would also need to be in place through conditions and/or planning obligations before permission is granted. Furthermore, Policy MD12 of the SAMDev Plan recognises the importance of developments demonstrating at application stage whether any adverse effects on protected species can be avoided, and the effectiveness of any proposed mitigation measures.
19. I therefore conclude that insufficient information has been submitted to be satisfied that protected species would not be adversely affected by the proposed development. I must therefore take a precautionary approach.
20. For the reasons given above, the proposal conflicts with Policy CS17 of the CS (2011), which, amongst other things, seeks to ensure development identifies, protects, and enhances Shropshire's environmental assets. The proposal also conflicts with MD12 of the SAMDev Plan (2015), which seeks to ensure that development which is likely to have a significant adverse effect on protected species can clearly demonstrate that there is no satisfactory alternative means

of avoiding such impacts through re-design or by re-locating on an alternative site.

Character and Appearance

21. The surrounding area consists of a variety of architectural styles and building heights, which contribute positively to the character and appearance of the area. The pattern of development along Church Street is defined by properties occupying the predominant width of each plot and by the varied building line, which results from the staggered progression of buildings following the slope of the road. Overall, the area has traditional but varied character and appearance.
22. The Council have identified Riversdale and the outbuilding/former stable block as non-designated heritage assets. The significance of these two non-designated heritage assets derives, in part, from their age, scale and traditional form.
23. The proposed 4-bedroom dwelling would be of traditional design, which would follow the architectural style of Riversdale by incorporating some of its design features and use of materials. It would maintain the established building line of Riversdale. Its ridge height would also be lower than Riversdale and would therefore appear subservient in massing to the original building on site.
24. Whilst there would be a variation in terms of the proposed 4-bedroom dwelling's height compared to the neighbouring post office building, this would not be dissimilar to the variation of building heights found elsewhere on Church Street. As the proposal would be set back further from the road than the post office building, it would not appear dominant. It would also continue the staggered position and layout of properties evident within the wider street-scene. The proposal would therefore appear sufficiently in keeping with the pattern of development.
25. The appeal site is uncharacteristically wide in comparison to most plots in Church Street. The proposed 4-bedroom dwelling would be positioned to the west side of Riversdale. Due to the spacious grounds and sufficient space to the side of Riversdale, the proposal would not appear unduly cramped in the context of the wider street-scene. In addition, the proposed development would preserve the open characteristics of the appeal site, by virtue of adhering to the building line set back and maintaining a rear garden area.
26. Furthermore, the overall design, scale and location would reflect the traditional characteristics of Riversdale and the built form evident throughout the street-scene. The effect of the proposal would therefore be neutral and would not be harmful to the character and appearance of the area or the significance of the two non-designated heritage assets.
27. Turning to the former stable block to the rear of Riversdale, the proposal would convert the building into a two-bedroom dwelling. The design is sympathetic to the original building; it would not extend its footprint and would involve minimal changes to its exterior. Therefore, the proposal's refurbishment of the former stable block would have a neutral effect and would not be harmful to the significance of the non-designated heritage asset.
28. Although the proposal would result in the partial demolition of the front boundary brick wall, the development would repair the remaining part of the wall, which is currently in a poor structural state. Therefore, its partial loss

would be balanced by the restoration of the remaining wall, which would improve its safety. I conclude that this would represent a neutral effect.

29. The Council has criticised the proposal's use of boundary treatment in the form of timber fencing. However, this type of boundary treatment could be controlled by use of condition securing a landscape scheme for the site.
30. Although the proposal would introduce a garden shed to the site, its mass would be small in comparison to the other buildings, and it would sit comfortably within the spacious grounds without causing harm.
31. With the above in mind, the appeal scheme would not be harmful to the character and appearance of the area. In addition, its scale, siting and design would not be harmful to the setting or significance of either of the non-designated heritage assets or the wider historic area of the village. The proposal would therefore accord with Policy CS6 of the CS (2011), which seeks to protect, restore, conserve, and enhance the built and historic environment. The proposal would also accord with Policies MD2 and MD13 of the SAMDev (2015), which seeks to protect, conserve and enhance the historic context and character of heritage assets.

Other Matters

32. The Council have raised no objection to the proposal in respect of the effect it would have on the setting or significance of any designated heritage assets, including the listed Talbot Inn Public House. Based on the evidence before me and the observations I made during my site visit, I also find the proposed development would have no effect on the setting or significance of any designated heritage assets. This is a neutral effect and thus carries no weight in favour of the proposal.
33. The Parish Council has indicated that they are in the early stages of planning extensive traffic calming measures in the area. However, no evidence of this has been submitted. I therefore attach little weight to this matter.
34. The proposal would provide two dwellings with adequate access to local services. However, given the small scale of the proposal, the provision of these additional two dwellings would attract only modest weight.
35. The appellant refers to a shift to home working and the need for additional room within an ideal home. However, no evidence has been submitted to substantiate these claims.

Planning Balance and Conclusion

36. The proposal would provide two dwellings with adequate access to local services. However, given the small scale of the proposal, the provision of these additional two dwellings would attract only modest weight. I also acknowledge the proposal would support a shift to home working and the need for additional room within an ideal home.
37. The lack of harm I have found in regard to the character and appearance of the area, including heritage assets, would be neutral in the balance. Thus, overall, the modest benefits are insufficient to outweigh the harm I have found in regard to highway safety and protected species. There are no material considerations worthy of sufficient weight that would indicate a decision other

than in accordance with the development plan. The appeal should therefore be dismissed.

Helen Smith

INSPECTOR