



Appeal Decision

Site visit made on 26 July 2022

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19TH August 2022

Appeal Ref: APP/L3245/D/22/3301582

Radnor House, Pountney Gardens, Shrewsbury, Shropshire SY3 7LU

- 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 Jonathan Stackhouse of Prime Oak Ltd against the decision of Shropshire Council.
 - The application Ref 22/01424/FUL, dated 22 March 2022, was refused by notice dated 17 May 2022.
 - The development proposed is a detached oak framed car port.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached oak framed car port at Radnor House, Pountney Gardens, Shrewsbury, Shropshire in accordance with the terms of the application, Ref 22/01424/FUL, dated 22 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 45639/01, 02 & 03.
 - 3) No above ground development shall take place until details of all external facing materials and full details of the dormer windows have been submitted to and approved by the local planning authority in writing. The works shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The property lies within the Belle Vue Conservation Area which in this area is characterised by relatively high density Victorian and Edwardian terraces. The appeal property and its attached neighbour, together with the neighbouring pair of semi-detached houses, differ from this character being larger and designed to address Pountney Gardens. These larger, more distinctive properties, contribute positively to the wider area. This and the attached house are grade II listed and I am mindful of the legislative duty set out in Section 66
-

of the Planning (Listed Buildings and Conservation Areas) Act 1990 as revised, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Also the duty within Section 72 that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

4. A number of planning applications have been approved in relation to the reinstatement of a historic access and the provision of garages with accommodation above. There have been two differently designed buildings approved in the approximate position of this proposal. I am satisfied that the details of these approvals represent a realistic fall-back position and I have assessed the impact of the development with this in mind.
5. The proposal would result in an open, double fronted car port with a small amount of accommodation in the roof space accessed by an external staircase. The slate roof would include two small front facing dormers whilst the three solid walls would have a weatherboard finish on an oak frame. Although reference has been made to the previously approved access, it is only shown on the block plan and no other details are provided. Given that this is not a matter that is included in the description and given the lack of detail within the plans, I have considered only the detail of the building proposed.
6. This property is raised above the road on a corner plot and being substantially larger than many surrounding properties, it represents an imposing feature within the street scene. It presents attractive and well articulated elevations to both Pountney Gardens and Bell View Road. The side of the property, which accommodates the entrance, is not set significantly back from the road below. The terraced properties beyond have a similar building line having only small front town gardens. This arrangement ensures that the rear of the property, where the outbuilding would be located, is well screened except when immediately opposite. Even then, as a high wall adjoins the pavement, views from this location are also limited. The new access, which has already been partly completed, includes similarly high walls and gate posts.
7. Views of the new structure would be limited because of the layout of the properties described above. It would be located close to the high boundary wall that runs to the rear of the house and to the side of the property that faces Bell View Road. The backs of these listed properties have much less architectural detail and quality. The height of the proposed building would be lower than the two schemes previously approved and would have a simpler design to its frontage. Generally, only the roof would be visible and this would not be prominent in views from outside the site. I consider that it would be significantly less noticeable than either of the approved schemes given its lower height and smaller footprint.
8. The two approved schemes seek to reflect, in some way, the design detail of the main house. They would be viewed as being modern, non-original additions given their form and detailing, despite adopting some design features of the main house. The current proposal would have an entirely different design approach but would sit less intrusively alongside the main house given its smaller scale. I consider this approach to be equally acceptable particularly given that it would be associated with the rear, less ornate elevation. In the

limited views available, it would generally only be the roof that would be experienced and neither this nor the small dormer windows within it, would represent intrusive features in this particular location.

9. Overall, the structure proposed would have a lesser impact on the character and appearance of the conservation area. It would sit more comfortably in this location and would compete less with the character and detailing of the listed houses. Although the oak frame and weatherboard are not materials found in the area, the finish would be of a good quality and the contrast in materials would ensure that the building remained distinct whilst also being very subservient. This approach would assist in preserving the special characteristics of these listed properties. It would also result in very limited change to the character and appearance of the conservation area. When taking the fall-back positions into account, it would be beneficial with regard to the setting of the listed buildings and the character and appearance of the conservation area. I am satisfied therefore that it would preserve both the character and appearance of the conservation area and the setting of the listed houses. I do not find conflict with the design or heritage requirements of Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011; or Policy MD2 and Policy MD13 of the Site Allocations and Management of Development (SAMDev) Plan 2015. As these policies generally accord with the design and heritage objectives of the *National Planning Policy Framework*, I afford them full weight.
10. Having had regard to the statutory requirements and to the design and heritage objectives of both the development plan and the *Framework*; and in the absence of any matters that weigh significantly against the proposal, I allow the appeal.
11. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. This is a full application for the building proposed rather than an amendment to the earlier permissions. It does not therefore convey any consent for the driveway or access. I have therefore only imposed conditions requiring that the external roofing, walling and dormer window details be submitted to and approved by the local planning authority to ensure that the proposal has a satisfactory appearance. Given the nature of this building, a condition to restrict its use is not necessary as only ancillary residential uses would be lawful.

Peter Eggleton

INSPECTOR