



Appeal Decision

Site visit made on 18 October 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/L3245/W/22/3299900

The Old Post Office and Buildings to Rear, 25 High Street, Wem SY4 5DG

- 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 G Lewis, Mrs N Rutter, Mrs J Page against the decision of Shropshire Council.
 - The application Ref 21/05863/FUL, dated 14 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is the redevelopment of site to include change of use of public house to retail (Class E a-g), conversion of part existing building to residential, erection of a new build residential building following removal of existing outbuilding, and associated external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would provide a suitable standard of living conditions for future occupiers and the effect on the living conditions of neighbouring occupiers; and,
 - The effect of the proposal on the character and appearance of the surrounding area, including the historic environment.

Reasons

Living Conditions

3. The proposal would include the provision of a number of flats providing one or two bedrooms. The proposal would also retain the existing maisonette on the upper floors of the public house. Although primarily comprising single bed flats, as there are multi-bedroom units too, I find it likely that future occupiers could include families with children. Therefore, the typical needs of future occupiers would likely include the need for outside space to sit out, socialise, relax and play.
4. In the rear corner of the appeal site an area has been set aside for use as a communal garden. It is a small, paved space with a planting bed along one side. Adjacent to this, and connected to one of the single bedroom conversions, is a private garden area, similarly described as being paved. I am mindful that flats are usually served by more limited outside spaces, especially private gardens. Nevertheless, the scale of the proposed communal garden space

- would not be sufficient to meet the likely needs of future occupiers, especially those with children. Although the private garden would reduce the pressure on the communal space, this would be by only a very modest amount and not sufficient to overcome the under provision.
5. Moreover, the private garden, although sufficient in size, is a relatively tight space that would be, as a result of the tall screening fence and block of flats, an overly enclosed space that would be of a poor quality and not appealing for future occupiers to make use of.
 6. A number of windows serving the two converted flats face towards the proposed new building. Given the close proximity of the two buildings and that the windows serve habitable rooms, including living rooms and a bedroom, the outlook afforded to future occupiers would be poor. I find it likely that the new building, by way of its height, would also result in a level of overshadowing that would limit natural light to these rooms. Overall, I find that the living conditions of future occupiers within these two units would be poor as a result.
 7. The proposal would result in a number of windows serving habitable rooms facing each other at a relatively close distance. This would allow the overlooking of habitable rooms within the ground floor of both the new block of flats and the converted building. I similarly find that the close proximity of the first-floor, front-facing windows serving the new block of flats would result in overlooking to the upper floor windows on the opposite side of Leek Street. From the evidence before me and my observations on site, I note that they serve habitable rooms, potentially bedrooms. As a result, future occupiers on site and neighbouring occupiers would experience a lack of privacy to the detriment of their living conditions.
 8. Although the proposal would be close to the existing dwellings on Leek Street, I do not find that they would be so close, mindful of their massing, to result in any unacceptable harm to the outlook from, or light to, these properties. However, this lack of harm does not outweigh the harm identified above. Similarly, although the proposed flats would meet the floorspaces set out within the Technical Housing Standards – Nationally Described Space Standards, this would also not outweigh the above harm.
 9. The proposal would not provide a high quality of living conditions for future occupiers and would harm the living conditions of neighbouring occupiers as a result of the poor provision of outside amenity space, privacy and natural light. The proposal would therefore conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (the SAMDev), these require amongst other matters that developments contribute to the wellbeing of residents, including through access to open spaces, and safeguard residential amenity more widely. The development would also conflict with the National Planning Policy Framework (the Framework), in particular Paragraph 130 which seeks proposals to promote wellbeing with a high standard of amenity for existing and future users. It would also conflict with the guidance set out within the Type and Affordability of Housing Supplementary Planning Document (the SPD) with regard to amenity spaces, overshadowing and the loss of privacy.

Character and Appearance

10. The appeal site is within the Wem Conservation Area which is focused around the central streets of Wem. It is primarily a commercial area that transitions into residential buildings towards the edges of the area and along side-roads. The conservation area is primarily characterised by terraces of red brick buildings interspersed with rendered buildings. A significant number of the commercial buildings have stone or painted detailing on the frontages and there are examples of burgage plots to the rear. The dwellings are largely simpler in appearance, but still demonstrate some detailing, again primarily in stone. The significance of this area stems from the age of the buildings, their architectural style and the extent to which the area's historic form and use is still legible.
11. Near the appeal site is a listed building, numbers 19-21, which sits at the junction between High Street and Leek Street. The building is built in red brick and is double fronted with two large display windows on the ground floor. The rear of the property is visible from Leek Street where there is a single-storey outrigger. The listed building does not appear to be served by, or connected, a former burgage plot. The significance of this building stems from its age, the extent to which it is still intact, and the detailing of the frontage on High Street.
12. The appeal site itself is an irregularly shaped plot which fronts on to the High Street and links to the rear with Leek Street. Fronting on to the High Street is The Old Post Office a public house. The ground floor is finished in ashlar with the upper two floors being red brick with two bay windows. The bay windows are served by two front-facing gables that have ornate detailing. In contrast the rear of the site is less regular with a mixture of outbuildings and extensions projecting away from the public house. A row of garages and a significant brick wall front on to Leek Street.
13. Leek Street is a smaller road which runs between the frontages on the High Street. To one side are a row of small and simple buildings that include a café, shop and dwellings. The demolition of the garages would therefore improve the appearance of this street, their replacement with a block of flats, which would be read as a terrace of houses, would also be more in keeping with the character of this street. This is especially so as the building fronting on to Leek Street is of a fairly traditional style that would be sympathetic to the character and appearance of the existing street and wider conservation area.
14. I am mindful that the proposed building along Leek Street would be taller than the existing buildings. However, with the exception of the three-storey section which would be opposite a single-storey portion of Leek Street, the difference in height is not significant. Moreover, the part of the proposed building closest to the High Street would be of a similar height to the buildings on this road and would drop in height to meet the building at the other end of the appeal site. Therefore, although taller than the buildings opposite, the proposed row along Leek Street would not be so tall as to unacceptably harm the character and appearance of the street scene. As the proposal would provide a transition between the rear of the building on High Street and the existing building on Leek Street, it would reflect the existing pattern of development opposite and protect the legibility of the street as a secondary road.
15. The street scene, and its contribution towards the character and appearance of the conservation area, would be further protected by the fairly simple and

traditional appearance of the façade facing Leek Street, as noted above, as well as the retained narrowness of the carriageway. Although I am mindful that the proposed works to the rear of row of flats would be less traditional, given its discrete siting away from public views and the street scene, I find it would have a neutral impact.

16. As noted above the appeal site is within the setting of a listed building at the junction between High Street and Leek Street. As there is no legible burgage plot to the rear of the listed building, and given the lack of harm identified above, I find that the proposal would not adversely affect the historic importance and interest of the listed building.
17. In light of the above, the proposal would not result in any harm to the character and appearance of the surrounding area and historic environment, including the nearby listed building. The proposal would therefore comply with ACS Policies CS6 and CS17 and SAMDev Policies MD2 and MD13. These policies collectively, and amongst other issues, require that developments are of a high-quality design that they protect, conserve, or enhance the built and historic environment. The proposal would also comply with the Framework, and in particular Paragraph 130 and Chapter 16 which have similar aims to the above policies. It would also comply with the overarching design guidance set out within the SPD.

Other Matters

18. I note the appellant's concerns regarding the existing provision of internal and external space serving the existing public house, as well as its general viability. However, it has not been demonstrated that the proposal before me is necessary to overcome these issues. Given this it does not outweigh the harm identified. Similarly, I cannot be certain from the evidence before me that the existing garages cause any unacceptable risk to highway safety and so this matter has not been determinative.
19. The proposed flats may be smaller and therefore have the potential to be less expensive than the larger properties within Wem. However, I cannot be certain that these properties would be affordable, and it has not been suggested that the flats would be controlled as affordable housing.

Planning Balance and Conclusion

20. The Government's objective is to significantly boost the supply of housing and the proposal would provide 9 new dwellings in a location with adequate access to services. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some modest social and economic benefits resulting from future occupiers and the retail use. Given the scale of the proposal these matters would at most attract moderate weight.
21. Whilst the proposal may not result in any harm to the character and appearance of the surrounding area, including the historic environment, this lack of harm is not a benefit in itself. I therefore attach this matter neutral weight in my consideration.
22. Conversely, the proposal would result provide a poor standard of living conditions for future occupiers and would harm the living conditions of neighbouring occupiers. This would conflict with the development plan taken as

a whole and attracts significant weight, outweighing the benefits associated with the proposed development.

23. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR