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## Appeal Decision

Site visit made on 17 January 2023

**by Martin H Seddon BSc MPhil DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> February 2023**

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### **Appeal Ref: APP/L3245/D/22/3309381**

### **6 Hazler Road, Church Stretton SY6 7AQ**

- 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 & Mrs Wright against the decision of Shropshire Council.
  - The application Ref: 22/02415/FUL, dated 23 May 2022, was refused by notice dated 11 August 2022.
  - The development proposed is erection of replacement double garage with bedroom/home office above.
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### **Decision**

1. The appeal is allowed, and planning permission is granted for erection of replacement double garage with bedroom/home office above at 6 Hazler Road, Church Stretton in accordance with the terms of the application Ref: 22/02415/FUL, dated 23 May 2022, and subject to the conditions in the schedule at the end of this document.

### **Main Issue**

2. The main issue in this appeal is the effect of the proposal on the living conditions of neighbours in respect of outlook.

### **Reasons**

3. No.6 Hazler Road is a semi-detached dwelling located in a residential area. It is within the Church Stretton Conservation Area and the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The Council's conservation officer considered that the proposal would not be unduly harmful to the conservation area. I see no reason to disagree in view of the location of the proposal in an area with houses of varying character, form and design and because of its limited visual impact on the street scene as a replacement building.
4. However, notwithstanding the details provided on the application form, the nature and quality of the proposed external materials, including doors and window frames, must reflect the location of the proposed building within the conservation area. That could be achieved through the imposition of an appropriate condition to allow the Council to control the proposed external materials. I therefore consider that, subject to such a condition, the proposal would preserve the character and appearance of the conservation area. It would also cause no harm to the landscape and scenic beauty of the AONB and would comply with Shropshire Local Development Framework Core Strategy

(Core Strategy) policies CS6 and CS17 and also Shropshire Site Allocations and Management of Development Plan policies MD2 and MD13.

5. The proposed replacement double garage with bedroom/office above would measure around 6.4 m in length x 6.1 m in width and 5.5 m in height. It would be situated within the rear garden of the dwelling. The side wall of the existing garage may be seen from the garden and facing windows in the neighbouring detached property of Inglesant, including windows to the kitchen and dining room.
6. The neighbours at Inglesant are concerned that there could be loss of daylight to their kitchen and dining room windows, which are described as being already 'dark'. The building would be sited to the north of Inglesant and therefore there would be no significant increased loss of sunlight or daylight to those windows. No windows are proposed in the roof or side elevation which would face Inglesant, with no consequential loss of privacy for the neighbours. The windows at the front elevation of the proposed building would be obscure glazed to prevent any overlooking of windows in Inglesant.
7. The side wall of the existing garage projects above the boundary fence with Inglesant. Drawing ref:736.02C indicates that there would be a minor increase in height at this point next to the boundary, mainly resulting from the roof of the building. The proposed roof would be asymmetrical, with a longer roof slope next to Inglesant. The proposed building would be sited around 1 m from the boundary with the garden of Inglesant, whereas the existing garage abuts that boundary. Despite the proposed increase in height to the ridge line, these design measures would reduce the visual impact of the proposed building when seen from Inglesant.
8. The neighbouring property of Somerford projects further than the rear of the building of Inglesant. However, I consider that any tunnelling effect from the proposed garage would not be increased in a significant way, when compared with the current effect from the existing garage. Inglesant also has a relatively long rear garden. Overall, I find that the proposed building would not have a significant increased appearance of dominance or overbearing nature when compared to the visual impact of the existing garage and there would be no significant increased harm to the living conditions of neighbours at Inglesant in terms of outlook. The proposal would therefore comply with Core Strategy policy CS6 which, amongst other things, seeks to ensure residential amenity is safeguarded.

### **Other Matters**

9. The appellant has referred to other similar developments in the area. However, the particular site circumstances for these would have been different. Although concerns were raised regarding the access and traffic generation, the Highway Authority raised no objection to the proposal.

### **Conditions**

10. In addition to a condition for the standard timescale for the commencement of development, a condition is included to confirm the plans hereby approved. A condition is included to ensure that the Council has control over the proposed external materials and that they complement the character and appearance of

the conservation area. A condition is imposed to require obscure glazing for the two windows in the proposed front elevation in the interest of protecting the privacy of neighbours. A condition is also included to ensure that the proposed building can only be used and occupied as ancillary to the main dwelling in order to protect the residential amenity of neighbours

### **Conclusion**

11. I have taken all other matters raised into account. However, for the reasons given above, I conclude that the appeal should be allowed.

*Martin H Seddon*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 864299-736A location plan, 864299-736.02C proposed plans and elevations and 864299-736.04 street scenes.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The windows in the south-east elevation of the building hereby permitted shall be fitted with obscure glazing prior to occupation and the obscure glazing shall thereafter be retained.
- 5) The replacement double garage with bedroom/home office above hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 6 Hazler Road, Church Stretton.