



Appeal Decision

Site visit made on 8 August 2023

by **L Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/L3245/D/23/3322925

36 Henley Drive, Oswestry, Shropshire SY11 2RF

- 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 Roberts against the decision of Shropshire Council.
 - The application Ref 23/00572/FUL, dated 10 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is the erection of a two-storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension at 36 Henley Drive, Oswestry, Shropshire SY11 2RF in accordance with the terms of the application, Ref 23/00572/FUL, dated 10 February 2023, and the plans submitted with it, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the Location Plan dated 4 October 2022 and Block Plan Existing And Proposed Plans And Elevation dated September 2022.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to first use of the building, the following boxes shall be erected on the site:

A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), and/or small birds (32mm hole, standard design).

A minimum of 1 artificial nest, of integrated brick design, suitable for swifts (swift bricks).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting.

The boxes shall thereafter be maintained for the lifetime of the development.

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the buildings wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred.

Procedural Matters

2. The description of the development differs on the application form from the refusal notice and the appeal form. The application form described the development as a 'proposed two storey side extension to gain additional living space and larger bedroom for a growing family'. I have used the description from the application form in the banner heading, whilst removing references to anything that is not an act of development.
3. The appellants have provided an amended block plan with their appeal statement demonstrating that three parking spaces can be provided on site. The Highways Officer has viewed and conditionally accepted the amended layout, subject to the development being constructed in accordance with the approved details and specific suggested conditions.
4. However, I am conscious that other interested parties, such as neighbouring residents, have not had the opportunity to view or comment on the amended layout. In the interests of fairness and natural justice I have therefore considered the appeal on the original plans submitted with the application.

Main Issues

5. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area; and
 - b) the effect of the proposed development on parking.

Reasons

Character and appearance

6. 36 Henley Drive is the end terrace in a row of four terraced properties. Concern has been raised that the proposed extension would lead to a loss of symmetry of the terraced row and that of a neighbouring row of terraces. However, I note that the properties in both terraces already have varying front garden surfacing and that the neighbouring terrace at 38-44 Henley Drive has differing door and fenestration styles. The terraces are therefore not wholly uniform in design, and this, coupled with the subordination of the proposed extension, has led me to conclude that the proposal would not lead to an unacceptable loss of symmetry.
7. The extension has been designed to utilise typically domestic features and materials to match those of the original dwelling. The proposal would have a lower ridge height and would be set back from the host dwelling, which would ensure that it would be subservient, not overly conspicuous, and would not dominate the host dwelling nor the row of terraces.
8. It is recognised that the proposed extension would be located at the head of Henley Close. However, the surrounding area comprises a mix of house types of varying designs, types and sizes. The proposed extension would not be an incongruous or over prominent addition to the street scene and would not result in an unacceptable visual impact.
9. I conclude that the proposed development would not cause material harm to the character and appearance of the host dwelling or the surrounding area, and

would not have an unacceptable visual impact. Accordingly, I find no conflict with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy (Core Strategy) and Policy MD2 of the Site Allocations and Management of Development Plan which seek to ensure that development is well designed and enhances local distinctiveness.

Parking

10. The Council is concerned about the loss of a parking space. On my site visit, which I acknowledge is only a snapshot in time, I did not notice any issues with parking. A number of properties have altered their gardens to allow for off-street parking and there were opportunities for on-street parking without blocking residents' drives. When visiting the site, I noticed that there is a long wall and pavement at the side of the road not far from the property which would allow for on-street parking for vehicles at its side without impacting residents. The Council have not provided any evidence that there would be insufficient on-street parking to accommodate any overspill and it has not been demonstrated that the loss of a parking space would have a harmful effect on highway safety.
11. As I consider that the proposed development would not lead to parking problems in the vicinity, I find no conflict with Policy CS6 of the Core Strategy which seeks to ensure appropriate car parking provision.

Conditions

12. I have had regard to the conditions suggested by the Council, as well as to national Planning Policy Guidance on conditions. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt. A condition relating to materials is necessary to ensure that the appearance of the extension would be satisfactory.
13. The Council's ecologist has suggested conditions to ensure the protection of wildlife and to provide ecological enhancements. As the proposed development is close to woodland, I consider this to be reasonable and appropriate. I have included the condition on the erection of bat and bird boxes, but as no external lighting is shown on the proposed plans I have not thought it necessary to include a lighting plan condition.
14. As I have considered the appeal on the original plans submitted, and have not deemed that the proposal would lead to unacceptable parking issues, I have not included suggested highway conditions that relate to the amended block layout plan.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

L Hughes BA (Hons) MTP MRTPI

INSPECTOR