



# Appeal Decision

Site visit made on 25 March 2024

**by Tamsin Law BSc MSc MRTPI**

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

**Decision date: 5<sup>th</sup> June 2024**

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**Appeal Ref: APP/L3245/W/23/3330808**

**Boat House, Water Lane, Shrewsbury, Shropshire, SY3 8JQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr J Owen against the decision of Shropshire Council.
  - The application Ref is 23/00573/FUL.
  - The development proposed is described as “the proposed erection of replacement two storey boathouse.”
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of replacement two storey boathouse. at Boat House, Water Lane, Shrewsbury, Shropshire, SY3 8JQ in accordance with the terms of the application, Ref 23/00573/FUL, subject to the conditions in the attached schedule.

## Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Shrewsbury Conservation Area (CA) with particular regards to the Grade II registered Historic Park and Garden.

## Reasons

3. The appeal site is located in the Shrewsbury CA. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the 1990 Act) requires that, in making decisions on planning applications and appeals within a CA, special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
4. The CA is mostly characterised by its historic street pattern and its wide range of listed and unlisted, historic, and modern buildings that reflect the development of Shrewsbury as a military, administrative and commercial centre. It also includes some handsome buildings which reflect the town’s development as a desirable place to live in the C18.
5. Due to its large scale the CA is divided into a number of special character areas. The appeal site is within the Frankwell Special Character Area, which is roughly north-west of the historic core of the town, and on the opposite side of the River Severn to the town centre. It is characterised by red brick buildings of a variety of sizes and styles, mostly set in elevated positions above the river.

- The gradual gradient down to the river is largely filled with green spaces, mature vegetation, and ancillary buildings.
6. The significance of the CA is derived from its diverse, mainly historic buildings and spaces, their relationships with one another, and the important specific contribution of each of its special character areas, which together illustrate its gradual development as a settlement.
  7. The appeal site is located in a prominent location on the banks of the River Severn. Clear views of the site are available from the Quarry Park, and Dingle Gardens Grade II Registered Historic Park and Garden (the Registered Park), a well-used public space on the opposite side of the river. I consider that the significance of the Registered Park is largely derived from its historic and aesthetic value and its link with Shrewsbury town, as an example of an C18 park and garden. It would have been well contained by walls, which have since been removed. The Dingle, towards the centre of the Registered Park is only visible as an area of trees, its sunken interior is not visible from the surrounding area.
  8. The appeal site is visible from Water Lane, a riverside footpath which the appeal site fronts on to. I noted on my site visit that the site is currently occupied by a single storey former boat house and landscaping which was somewhat neglected when I visited. This is in contrast to the well-maintained garden areas adjacent to the site.
  9. The proposed development would replace the existing boat house with a two-storey building with a contemporary triangular roof design. The design of the proposed development responds well to the surrounding area, utilising similar materials to nearby properties. The retention of landscaping would reduce the amount of the building that is visible in longer views. Additionally, from the Registered Park, it would be viewed against the backdrop of existing built development along Water Lane and New Street. The use of weathered steel cladding for the roof would reinforce the juxtaposition of the old and the new with other buildings in the area.
  10. Contemporary designed buildings are not uncommon in the area, examples being the Shrewsbury College buildings on the opposite bank of the river, immediately adjoining the Registered Park, and Theatre Severn to the east of the site. These buildings have a contemporary design and utilise interesting roof designs and materials that contrast positively with the more historic buildings nearby.
  11. Far from being a visually intrusive and discordant feature, the proposed development would be a clearly contemporary and attractive development. Whilst it would be visible from the public domain, and from within the Registered Park, and whilst there would be occasional longer views of it, given the character of the context of the area this would not be inappropriate. The size, scale, design, and appearance of the proposal is an appropriate high-quality design response, in proportion with its surroundings.
  12. Accordingly, the proposed development would preserve the CA and the setting of the Registered Park. The proposal would satisfy policies CS2, CS3, CS6 and CS17 of the Shropshire Council Local Development Framework Adopted Core Strategy (2011) and policies MD2, MD12, MD13 and S16 of the Shropshire Council Site Allocations and Management of Development Plan (2015)

(SAMDev). These together seek, amongst other things, to ensure that developments protect and enhance heritage, environmental and conservation assets and avoid harm or loss of significance to designated heritage assets. These policies are consistent with the Framework which seeks development to be sympathetic to local character and history.

### **Other Matters**

13. During my site visit I noted that there were limited opportunities to park on New Street and Water Lane was restricted to pedestrian and cycle use. The proposed development is in a central location in Shrewsbury and easily accessed on foot or by bike from the surrounding area. Boats would be kept on and moved by foot to the river. Whilst I acknowledge concerns raised by local residents in relation to highway safety and parking, the site is in a sustainable location where users could easily walk or cycle. Furthermore, Frankwell Car Park is within walking distance to the site that could accommodate parking for future users.
14. I have had regard to the Council's Highways Officer who offers no objection to the proposal. Due to the sustainable location of the proposal and that it replaces an existing, albeit run down, use, I do not consider that the proposal would have a harmful impact on highway or pedestrian safety.
15. The appeal is supported by a Tree Survey, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. These note that the proposal will be constructed on the footprint of the existing building and in order to accommodate the increased height would require a crown lift of the eastern canopies of trees. The use of the existing footprint would aid in ensuring that the root systems of trees are not harmfully impacted on. The Council's Tree Officer is content that there would be limited impact on trees as a result of the proposal. In the absence of cogent evidence to the contrary I have no reason to disagree with the reports and consultation response that trees on the site will be safeguarded.
16. With regards to flooding and drainage, the proposed building will utilise the existing footprint therefore not significantly increasing the area of impermeable ground. Whilst the appeal site is within flood zone 3b, as the proposal is for a boat house this would be considered to be a water compatible use. A flood risk assessment (FRA) details flood mitigation measures. I am satisfied that, subject to the inclusion of a condition securing these measures that the proposal would not have a harmful impact on drainage and flooding.
17. A construction management plan will be conditioned to ensure that impacts on nearby residents during construction are managed. With regards to water safety, the boat house will utilise an existing jetty that can be used currently.

### **Conditions**

18. The Council has provided a list of conditions. Timing and plans conditions are required in the interests of certainty. To protect highway safety and the living conditions of nearby residents a construction management plan should be provided. I consider that conditions regarding surface water drainage are necessary in order to ensure that surface water is appropriately managed for the lifetime of the development.

19. I consider that conditions regarding environmental management, external lighting, and bat and bird boxes are necessary in order to ensure that the biodiversity and environment of the area are safeguarded during construction and lifetime of the development. In order to safeguard the trees on and adjoining the site tree protection conditions are necessary.
20. Due to the location of the site within the CA, I consider that conditions relating to external materials, windows, doors, roof, and balcony details are necessary in order to preserve the character and appearance of the CA.
21. I have altered the wording of some condition in order to ensure compliance with the Planning Practice Guidance.

### **Conclusion**

22. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

*Tamsin Law*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall not later than 3 years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the following approved plans: Location Plan and Proposed Block Plan 009; Proposed Plans - Ground Floor 020; Proposed Plans - Ground Floor 021; Proposed Plans - Roof 022; Proposed Elevations - South and East 023; and Proposed Elevations - North and West 024.
3. No development shall take place, until a Construction and Demolition Management Plan incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved management plan.
4. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved management plan.
5. No development shall take place until a scheme of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.
6. No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped, or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.
7. No development shall take place and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan (TPP) have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.
8. All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.
9. Prior to the above ground works commencing samples and/or details of the roofing materials (including the roofline detail) and the materials to be used

in the construction of the external walls, balcony and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

10. Prior to their installation details of all external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
11. Details of the balcony construction including materials shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.
12. Details of the roof construction including details of eaves, under cloaks, ridges, valleys, and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.
13. Prior to use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
  - A minimum of two external Woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
  - A minimum of one artificial nest of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).
  - A minimum of three 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.
14. Prior to the installation of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.