



# Appeal Decision

Site visit made on 17 September 2024

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

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

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**Appeal Ref: APP/L3245/W/24/3345109**

**Land west of 30 Havelock Road, Belle Vue, Shrewsbury SY3 7NE**

- 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 PN & Mrs WT Woollaston against the decision of Shropshire Council.
  - The application Ref is 23/05144/FUL.
  - The development proposed is erection of detached dwelling and associated infrastructure.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The address of the proposed development was not detailed on the application form, and so I have taken the details of the address from the appeal form.

## Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of Belle Vue Conservation Area (CA).

## Reasons

4. The appeal site is located within Belle Vue CA, which comprises largely residential streets with varied dwellings from the 19<sup>th</sup> and early 20<sup>th</sup> century. I consider that the significance of the CA, as it relates to this appeal, derives from the architectural merit and layout of the traditional residential properties that reflect the area's history as an early Shrewsbury suburb. Havelock Road is a narrow street with mature vegetation and attractive buildings, which reflect the history of the CA and add to its verdant and attractive character, thus contributing to its significance.
5. The appeal site no longer forms part of the garden of 30 Havelock Road (No 30). The mature trees within and bordering the site, along with its openness, make a positive contribution to the street scene. The appeal site provides a pleasant green space amongst the built form of the CA and provides an attractive setting for surrounding built development. Its spaciousness, natural features and openness contribute to the quality of the local environment, and it therefore makes a positive contribution to the character and interest of the CA.

6. I agree with the Inspector who considered a previous appeal<sup>1</sup> for a residential dwelling at the appeal site, that local properties vary in style and that a modern, contemporary design would not be incongruous. Moreover, the proposed development would not be extensive in relation to the site. Since the previous appeal, there have been amendments to the design and positioning of the proposed dwelling so that it would be single storey at the front, with the two-storey element being set further back within the plot to reduce its prominence. The flat sedum roof would reduce its mass and help to mitigate its impact on the site's natural features.
7. However, due to the proposal's positioning forward of No 30, despite the front of the proposal being single-storey, it would be visible within the street scene, diminishing the appeal site's defining characteristics of openness and spaciousness which contribute to the CA. Whilst the boundary fence between the two properties would provide some screening, the proposal would be visible from Havelock Road to the southeast, eroding the open nature of the appeal site.
8. My attention has been drawn to a contemporary modular extension which has been built at 42 Havelock Road (No 42). I am mindful that consistency in the planning process is important. Whilst it is inevitable for comparisons between developments to be made, each will have its own site-specific circumstances and merits upon which it is considered. The building at No 42 is an extension to a terraced property and does not extend forward of the terrace. The terraces have a narrow and enclosed feel, rather than the spacious, open area of the appeal site. As such, whilst it may be visible, the extension at No 42 does not have the same effect on the character or appearance of the CA as the proposed development which is before me.
9. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. Due to its siting, and its impact on the appeal site's openness and spaciousness, I find that the proposal would cause harm to the significance of the CA and would fail to preserve or enhance its character or appearance. I consider that the harm in this case, given the limited nature and extent of the development, would be less than substantial.
10. I agree with the previous Inspector that the proposal would not affect the setting or significance of the listed buildings at 7 and 9 Havelock Road, due to the separation distance and intervening landscape.
11. Whilst there is some confusion over the status of the adjacent property, No 30, the conservation officer comments detailed in the Officer Report state that it is considered to be a non-designated heritage asset (NDHA).
12. Planning Practice Guidance advises that clear and up to date information on NDHAs should be made accessible to the public to provide greater clarity and certainty for developers and decision makers.<sup>2</sup> It also states that in some cases, local planning authorities may also identify NDHAs as part of the decision-making process on planning applications.

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<sup>1</sup> Appeal Decision: APP/L3245/W/20/3244782

<sup>2</sup> Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723

13. I have not been made aware of a Local List of NDHAs, and there is limited supporting information in respect of No 30 being a NDHA. I also note that English Heritage have previously assessed the property and do not consider its architectural interest to be such that it would warrant listing. Nevertheless, No 30, which was built in the 1880s, is a handsome detached two-storey red brick villa designed in the classical style by a local architect, S.G. Jones, with attractive architectural detailing and an adjoining two-storey coach house at its rear.
14. I consider that No 30's historic fabric, setting, pleasing architectural composition, fine detailing and use of traditional materials give it heritage and architectural significance and aesthetic value within the street scene, which result in it making a positive contribution to the CA. On this basis I do not find its designation as a NDHA unreasonable. No 30's significance as a NDHA, as it relates to this appeal, is therefore largely derived from it being a fine example of Victorian domestic architecture.
15. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Setting is not fixed and may change as the asset and its surroundings evolve. I noted on site that the NDHA was clearly visible from the appeal site. Having regard to the guidance in the Framework, I am therefore of the view that the appeal site forms part of the wider setting of the NDHA. Whilst the appeal site may have originally been intended as a building plot, it has remained undeveloped for over a century. The open nature of the appeal site contributes positively to the setting of the NDHA by enabling its architectural features and distinction within the street scene to be appreciated, thereby making a positive contribution to its significance as a NDHA.
16. In line with paragraph 209 of the Framework I am required to make a balanced judgment in assessing the effect of development on the significance of a NDHA, which should have regard to the scale of any harm and the asset's significance. Whilst the proposal would not physically alter the fabric of the NDHA, it would serve to enclose the NDHA and would diminish its spacious setting. On balance, I consider that it would cause moderate harm to the significance of the NDHA and the positive contribution that it makes to the CA.
17. I have found that the proposal would cause less than substantial harm to the CA. Paragraph 208 of the Framework states that less than substantial harm to the significance of a designated heritage asset (the CA) should be weighed against the public benefits of the proposed development.
18. The Council is satisfied that the proposed dwelling could be built without causing harm to trees, and there would be no highway or parking issues. From the evidence before me and my observations on site, I see no reason to disagree. However, these are requirements of planning policy and would not be public benefits.
19. A dwelling on the site could help prevent unauthorised access to neighbouring land. However, there is no evidence that demonstrates that this is the only way that this benefit could be achieved, and so it affords only limited weight.
20. The proposal would provide a home for the appellants who would like to live near to family, but this would be of private rather than public benefit.

21. The proposal would contribute to the housing stock through the provision of an energy efficient, adaptable and attractive dwelling in an accessible location. Through the introduction of a sedum roof it would enhance biodiversity. There would be economic benefits through the construction of the building and the contribution that occupiers would make to the local economy. However, these public benefits would be limited given that the proposal is for a single dwelling, and they do not outweigh the less than substantial harm caused to the significance of the CA.
22. I conclude that the proposed development would not preserve or enhance the character or appearance of the CA. It would therefore not accord with Policies CS6 and CS17 of the Shropshire Core Strategy (2011) which seek to ensure that development protects and enhances the local character of the historic environment. It would also not comply with Policies MD2, MD12 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015) which seek to protect landscape character and heritage assets and their settings. Furthermore, it would be in conflict with the Framework, which seeks to ensure that development conserves and enhances the historic environment.

### **Conclusion**

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
24. For the reasons given above the appeal should be dismissed.

*L C Hughes*

INSPECTOR