



Appeal Decision

Site visit made on 1 October 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2024

Appeal Ref: APP/L3245/W/24/3344001

17 New Park Road, Shrewsbury, Shropshire SY1 2RS

- 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 Mark Knight against the decision of Shropshire Council.
- The application Ref is 23/04121/FUL.
- The development proposed is new end of terrace 2 bedroom dwelling with off street parking.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the proposal relates to the setting of a listed building, I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal also relates to land within a conservation area. As such, I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of the (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

3. The main issue is the effect of the proposal on the Grade II listed building, 'Canal Tavern Public House and Attached Outbuilding Range', including its setting; and the character and appearance of the Shrewsbury Conservation Area.

Reasons

4. The appeal site lies at the end of a row of terraced properties facing New Park Road. It lies adjacent to the Canal Tavern House, a detached Grade II listed building which is angled away from, and set slightly behind, the appeal site. The Canal Tavern Public House is a Grade II listed building located behind the appeal site. According to the statutory list description, the building was constructed during the 19th Century with whitewashed brick and Welsh slate. Whilst the former public house has been latterly converted into residential accommodation, it is a building which retains historic architectural elements and local materials typical of buildings of this period. It is these factors, along with the main building's three-storey height and the open space generally to the front, which contribute to its historic and architectural significance.

5. New Park Road and the streets in the wider vicinity host a strong form and collection of terraced rows. For the most part, the properties which make up these mostly residential terraced rows are constructed of red brick and are generally two stories tall, however, three storey terraces are found within the Shrewsbury Conservation Area (CA). Additionally, sited amongst these residential buildings are several prominent buildings which support a community function, such as a religious building and a public house. These are typically taller than their residential neighbouring properties and are a focus point to these blocks of terraces.
6. As such, there are a mix of different buildings in terms of their style and age within the CA. However, the appeal site, the modern terraces which it is situated with and the Canal Tavern exhibit an eminently traditional style and contribute to the defining characteristics and significance of the CA as a whole. The uniformity and traditional style of the terraces, despite their more modern construction, contributes to the CA. In this context, the Canal Tavern is an important building which is readily appreciable due to the spaciousness in front of it and the sympathetic style, distance and subservience of the terraced dwellings.
7. The appeal site contributes to the setting of the listed building as it promotes a sense of openness between the building and the adjacent terraced properties. Furthermore, combined with the open space provided by the appeal site, the difference in height between the adjacent terraced row and the listed building allows the building to be experienced and appreciated in this area of the CA without competition.
8. The proposal would create an additional terraced property onto an existing modern terrace row with a tall timber fence located next to the boundary with the listed building. This would be limited and only conceal a small area of the listed buildings frontage when passing the appeal site. However, this would close the spacious gap between the row of terraced buildings and the Grade II listed building. This reduction in space would be highly visible from wider vantage points within the CA. As such, the Canal Tavern would appear confined and the prominence of the building would be diminished. This would lead to a sense of visual competition with the Canal Tavern and its setting. The proposal would therefore fail to preserve the special interest of the listed building through harm to its setting.
9. For the reasons set out above, there would also be harm to the CA as obscuring the view of the listed building would detract from its character. In addition, the front elevation of the proposed dwelling would contain a ground floor window which would serve a WC. Other properties in the terrace row do not have this feature. As such, its installation would disrupt the symmetry found through the terraced block. It would also have an awkward relationship to the front door and other front window in this elevation. As such, combined with the loss of the spacious gap, the building would cause harm to the character and appearance of the CA. An appropriate palette of materials would not overcome this.
10. The appellant has documented throughout their evidence that a row of terraced properties were located on a similar footprint to that of the newly built terraced row. These properties appear to have been demolished before the listing of the Grade II Canal Tavern. Whilst I understand the claim that a

historic row of terraces would have been located in a similar position, this was not the case when the Canal Tavern was given its Grade II listed status. As such, the Canal Tavern would likely have been experienced with an element of open space around it. Therefore, I have ascribed this matter limited weight in my decision.

11. The appellant notes that the existing fence, which was included in this application, could be changed to an alternative boundary treatment in an effort to address the harm identified by the Council. Yet, no alternative boundary treatments have been suggested. I accept that this matter could be the subject of a condition should the appeal be allowed. Nevertheless, it is not just the boundary treatment, but the dwelling itself, which causes harm to the setting of nearby heritage asset and the character and appearance of the CA. Therefore, I have given this matter limited weight.
12. Given the above, I conclude that the proposal would not preserve the setting of the Grade II listed building and the character and appearance of the Shrewsbury Conservation Area. The proposal would fail to satisfy the requirements of the Act, the Framework and would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDP). Collectively, these policies seek for development to protect, conserve and enhance the built and historic environment, ensuring that the proposal does not affect the visual function of these assets and their surroundings. These proposals must also be appropriate in density and pattern, taking the local context and character into account, amongst other things.

Other Matters

13. The appellant has brought my attention to a previously approved scheme to the front of the Canal Tavern, for the erection of four, three storey dwellings which it is argued would be of a greater harm to the setting of the listed building than the appeal scheme. Due to the absence of evidence before me, I am unable to understand the considerations in that case which led to consent being granted. Nevertheless, even with this development taking place, it does not alter my view that the appeal scheme would cause harm to the designated heritage assets.
14. The appellant notes that there was a title dispute which meant that the newly constructed terraced row had to be limited until this was resolved. It is contended that it is likely that planning permission would have been granted for an additional dwelling on the eastern end of the building if it had been included in that application. Whilst one may speculate on such an outcome, as this unit was not proposed in the application, there is no fallback position in this regard. This has had no bearing on my decision.
15. The proposal would have no unacceptable effect on flooding or flood risk. Furthermore, the proposed dwelling would have adequate external amenity space similar to the other terraces in this row. However, these matters neither weigh for or against the development.

Planning Balance

16. The harm to the setting of the listed building and the character or appearance of the CA as a result of the proposed development would be less than substantial in the terms of the National Planning Policy Framework (the Framework). Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 208 of the Framework sets out that in such cases, that harm should be weighed against the public benefits of the proposal.
17. The proposal would create a new dwelling within Shrewsbury which is well located to access local services and facilities. The proposal would contribute to the supply of housing in the area but as this is for a single dwelling, I attribute little weight to this benefit. It is suggested that the development would create an additional unit of affordable housing. No legal agreement has been submitted to ensure that this unit would be provided as a contribution to affordable housing and therefore there is no way of securing this benefit. This attracts very little weight in favour of the proposal.
18. The proposal would also result in construction employment and its future occupiers would use local shops, services and generate council tax receipts. I attach moderate weight to these benefits.
19. Paragraph 205 of the Framework makes it clear that even less than substantial harm to the significance of a designated heritage asset must carry great weight. Overall, the above public benefits taken together do not outweigh the harm that would be caused to the significance of the listed building or the CA.
20. Given the above, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building and the character or appearance of the Shrewsbury Conservation Area. This would fail to satisfy the requirements of the Act, section 16 of the Framework, and fails to comply with policies CS6 and CS17 of the CS and SAMDP. Therefore, 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.

Conclusion

21. For the reasons given above, the appeal should be dismissed.

J Smith

INSPECTOR