



Appeal Decision

Site visit made on 13 January 2025

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Appeal Ref: APP/L3245/W/24/3353646

Glasands, Holyhead Road, The Old A5 through Nesscliffe, Nesscliffe, Shrewsbury, Shropshire SY4 1DB

- 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 Ridley against the decision of Shropshire Council.
 - The application Ref is 24/00988/FUL.
 - The development proposed is residential dwelling for retirement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the National Planning Policy Framework (the Framework) was updated. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area including the setting and significance of nearby designated and non-designated heritage assets; and
 - highway safety.

Reasons

Character and appearance

4. The appeal site comprises the garden to Glasands, a bungalow located on Holyhead Road. The garden is sited between Glasands and the road and is highly visible from the surrounding area. Vehicular access is gained from an access off Holyhead Road which is shared with one other property. The site is located between 2 commercial properties (a petrol station and a public house) in an otherwise predominantly residential area. Dwellings on Holyhead Road comprise a mixture of single and 2-storey dwellings with deep setbacks from the road and are typically set within spacious plots. This, in addition to mature planting within front gardens, affords the area a spacious and verdant character, to which the lawned appeal site makes a positive contribution.

5. The appeal site is located opposite the Little Ness War Memorial, a grade II listed Portland stone crucifix on a pillar. The significance of the memorial appears to lie in its historic importance in the local community as a witness to the impact of world events. Due to its position within a sloping grass verge, the memorial is most visible in its immediate vicinity. The site also borders the Old Three Pigeons Inn public house, a linear historic inn, which the Council identify as being a Non-Designated Heritage Asset (NDHA). This building appears to derive its significance from its architectural interest as a well-preserved example of a building of its type, and in the contribution the appearance of the building makes to the wider streetscape. The NDHA is partly obscured in views from the south by a petrol station totem sign. Nonetheless, the site's open frontage contributes positively to the NDHA's immediate setting and allows short-distance views of the building from the south, which enable aspects of its significance to be appreciated.
6. The proposal is for the erection of a single storey dwelling which would be sited to the front of Glasands with access from the shared access off Holyhead Road. The single storey form and massing of the dwelling and the proposed palette of materials would be consistent with dwellings in the surrounding area.
7. Statute requires that I pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest¹. The highway visually and spatially separates the site from the memorial and there is no indication that the site has any form of historic significance in association with it. The siting of the dwelling would not impede views of the memorial from the street scene or alter how it is experienced. Thus, the proposal would preserve the setting and significance of this listed building.
8. However, the proposed dwelling would be located close to the road, where it would sit forward of surrounding built form. This would appear particularly prominent given the site's exposed location and would appear as a discordant feature inconsistent with the layout of dwellings in the surrounding area. The prominent siting of the dwelling would compete with and restrict views of the NDHA, compromising the ability to appreciate the significance of the asset. Whilst limited in extent, this would nonetheless amount to harm to the setting and significance of the NDHA.
9. The Framework requires at Paragraph 216 that the effect of an application on the significance of a NDHA should be taken into account in determining an application and requires a balanced judgment having regard to the scale of any harm or loss and the significance of the asset. Shropshire Local Development Framework Core Strategy (2011) (CS) policy MD13 requires that proposals which are likely to have an adverse effect on the significance of a NDHA, including its setting, will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. The policy sets out that in making this assessment, the degree of harm or loss of significance to the asset including its setting, the importance of the asset and any potential beneficial use will be taken into account.
10. The Council is unable to demonstrate a five-year housing land supply. The proposal would contribute a new energy-efficient dwelling to the local housing stock in a location at low risk of flooding which is accessible to local facilities and services. There would be social and economic benefits from the construction and following the occupation of the dwelling. These matters weigh in favour of the

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

proposal, and, when factoring in the supply shortfall, attract moderate and meaningful weight as a scheme benefit.

11. The appeal submission also sets out that the dwelling is needed for disability as the host dwelling is a struggle to maintain for the appellant. Accordingly, the development would bring demonstrable social benefits for the appellant. These are personal circumstances to which I attribute weight in favour of the appeal. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nonetheless, there is no particular evidence that the proposal is the only means of achieving the appellant's personal requirements. I therefore give limited weight to this personal benefit.
12. In this case the scale of harm would be significant in proportion and the effect on the setting of the NDHA and therefore its significance. Overall, I do not consider that collectively the public benefits, or indeed the private benefits, of the proposal which I have identified are sufficient to outweigh the adverse effect on the setting and significance of the NDHA. Whilst the appellant has expressed a willingness to amend the design of the dwelling, no such details are before me to give substantial credence to.
13. For the reasons set out above, the proposal would result in harm to the character and appearance of the area and the setting and significance of a NDHA in conflict with those aims of CS policies CS6, CS17, MD2 and MD13 which seek to create high quality places which respect and enhance local distinctiveness, respond appropriately to the form and layout of existing development and ensure that proposals avoid harm or loss of significance to non-designated heritage assets.

Highway safety

14. The proposed dwelling would be provided with 2 car parking spaces and access would be from the access off Holyhead Road. During my early afternoon site visit there was a moderate flow of traffic on Holyhead Road, which I observed had a 30mph speed limit. Whilst a snapshot in time, there is nonetheless nothing in the evidence before me to indicate that those observations are atypical of the area.
15. From what I observed on site the visibility for a driver exiting the access onto Holyhead Road would be good in both directions and the open street scene would give pedestrians a clear view of traffic crossing the footway. Given the relative infrequency and short duration of such manoeuvres and the low speeds involved, vehicles using the access would be unlikely to obstruct other footway users or present a significant danger to them. Furthermore, it appears that the access has been in use for a number of years by vehicles accessing 2 residential properties and there is no compelling evidence that it is unsafe.
16. The area to the front of Glasands appears to be appropriately surfaced and of sufficient size to accommodate 2 vehicles, and it appears that there would be sufficient space within the site to temporarily store refuse on bin collection day without restricting site access or compromising visibility splays. Whilst it would appear that the site would be unable to accommodate a turning facility to allow vehicles to both enter and leave the proposed parking spaces to the front of the dwelling in a forward motion, I am satisfied that, in the event that the appeal were

allowed, details of the visibility across the access could be secured by condition to ensure that the proposal would not result in the potential for conflict between road users on the access road.

17. Therefore, I conclude that the proposal would not have a harmful effect on highway safety and would accord with CS Policy CS6 which requires that development proposals are designed to be safe to all.

Planning Balance

18. I am aware that the Council is unable to demonstrate a 5-year housing land supply. The provisions of paragraph 11d of the Framework would therefore apply. This requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposal would provide one additional dwelling, and when factoring in the supply shortfall, this attracts moderate and meaningful weight as a scheme benefit. Additionally, the proposal would result in private benefits to the appellant through the provision of a dwelling which would more appropriately meet their needs.
20. The dwelling would be provided with adequate amenity space and the Council raised no objections on grounds of the effect on the living conditions of the occupiers of neighbouring properties. Additionally, I have found that the proposal would not result in unsafe highway conditions. However, compliance with the relevant development plan policies on these matters would be required in any case. Therefore, these matters weigh neutrally in the planning balance.
21. Against the benefits of the proposal are the adverse impacts that I have identified in respect of the harm to the character and appearance of the area and the setting and significance of the NDHA. Conflict therefore arises with those aims of Chapters 12 and 16 of the Framework. These are matters that weigh heavily against the scheme. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

22. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

N Robinson

INSPECTOR