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# Appeal Decision

Site visit made on 25 November 2014

**by Christa Masters MA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 December 2014**

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**Appeal Ref: APP/L3245/A/14/2225765**  
**16 The Moors, Cressage, Shrewsbury SY5 6DA**

- 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 Mr C Aston against the decision of Shropshire Council.
  - The application Ref 14/02495/FUL, dated 4 June 2014, was refused by notice dated 5 August 2014.
  - The development proposed is described as a new dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The effect of the proposal on the character and appearance of the area.

## Reasons

3. The appeal site is located within the settlement of Cressage. The site forms part of the rear garden of No 16 The Moors which is a two storey semi detached residential dwelling. There is a gentle slope from the south to the north which means that the properties along Severn Way sit is an elevated position and over look the appeal site. The immediate area provides a mixture of detached and semi detached residential dwellings of similar height and scale, with established front and rear gardens and off road parking.
4. Policy HS3 of the Shrewsbury and Atcham Local Plan (LP) 2001 states that within a number of defined settlements, including Cressage, planning permission for residential development will only be granted if a number of criteria can be met. These criteria include, amongst other things, that the development does not detract from the character of the settlement and is of an appropriate scale, design and character sympathetic to the immediate environment. Policy CS6 of the Core Strategy (CS) 2011 requires that all development, amongst other things, is appropriate in scale and design taking into account the local context and character.
5. In order to accommodate the dwelling proposed, the building would sit to the rear of the plot. This would be at odds with the general street scene along this stretch of The Moors and would be uncharacteristic of the general form and pattern of the area. Furthermore, the location of the building against the rear boundary with no garden behind would also be at odds with the surrounding properties.

6. The footprint of the proposed new dwelling would be significantly larger than the host property and would be located close to the rear boundary of the garden to No 39 Severn Way. Despite the fact that the dwelling proposed would be a bungalow, it would take up much of the rear garden and would introduce a camped form of development into the established rear garden.
7. In light of the above, I conclude that the proposal would fail to respect the existing character and appearance of the area, and would therefore conflict with both policy HS3 of the LP as well as policy CS6 of the CS as outlined above.

#### *Other matters*

8. A number of third parties have raised concerns regarding noise, overlooking, loss of privacy and outlook, effect on the foundations of neighbouring properties and nearby trees and the accuracy of the plans. Taking into account the elevated nature of the properties along Severn Way, the building would be particularly visible from the rear windows of 39 Severn Way and the neighbouring properties. However, given the separation distances involved, and the fact that the building would be a bungalow, I do not accept that the visibility of the building alone would amount to material harm to the living conditions of these properties. The windows as proposed to the rear elevation would also be below the boundary treatment and therefore there would be no overlooking. However, this does not outweigh the harm I have identified above regarding the effect of the proposal on the character and appearance of the area.
9. The appellant contends that the GPDO (General Permitted Development Order) would permit 50% of the curtilage to be developed for ancillary buildings. Be that as it may, in my view any such buildings would not be as substantial as the proposal now before me. Similarly, the removal of permitted development rights as suggested by the appellant would not address the harm I have identified above. The appellant also states that the proposal would assist in the delivery of housing for the area, for which there is an identified shortfall. In my view, the delivery of one dwelling to the supply of housing does not have material benefits which would outweigh the harm identified in relation to the substantive issue above.
10. The Officer's report states that the proposal would generate a requirement for a contribution towards affordable housing off site as identified by policy CS11 of the CS. The report also states the appellant has agreed to this. I do not have an executed Section 106 agreement before me to secure the appropriate payment. Nevertheless, as I am dismissing the appeal for other reasons, this issue is not decisive.
11. In coming to my decision, I have taken into account the specific requirements of the appellant who wishes to live in the new dwelling. Whilst I have taken full account of the views expressed, these issues when considered collectively do not outweigh the harm to the character and appearance of the area I have identified above.

#### **Conclusion**

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Ms C Masters*

INSPECTOR