



## Appeal Decision

Site visit made on 6 January 2015

by **David Fitzsimon MRTPI**

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

Decision date: 4 February 2015

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### Appeal Ref: APP/L3245/A/14/2227942

### Elm Road Corner Stores, Elm Road, Albrighton, Wolverhampton WV7 3LN

- 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 Miss Louise Fisher against the decision of Shropshire Council.
  - The application Ref 14/01841/FUL, dated 23 April 2014, was refused by notice dated 22 July 2014.
  - The development proposed is the erection of 3 bedroom detached bungalow with integral garage.
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### Procedural Matter

1. The appellant submitted amended plans with the appeal which were not considered by the Council at the planning application stage and as far as I am aware, third parties have not had an opportunity to comment on them. In the interests of natural justice, I must determine the appeal on the basis of the plans formally assessed by the Council.

### Decision

2. The appeal is dismissed.

### Main Issues

3. The main issues in this case are the effect of the proposal on the character and appearance of the street scene, along with its effect on the living conditions occupiers of the neighbouring dwellings, with particular regard to outlook.

### Reasons

#### *Street scene*

4. The appeal site enjoys a prominent position on the corner of Elm Road and Bishton Road. It is currently home to a single storey building which is derelict and was previously used as a convenience store. Planning permission has been granted to replace the building with a hipped roof dormer bungalow. The roof of the approved scheme is consistent with the predominantly hipped roof form of the other dwellings within the immediate vicinity, which is a noticeable characteristic of the street scene.
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5. The proposal seeks permission for a dwelling of a broadly similar size as the approved scheme, save for the hipped roof being changed to two gable ends to increase the accommodation within the roof space. I can appreciate the appellant's desire to maximise the use of roof space and I note that the ridge height would reflect the height of surrounding dwellings. Nevertheless, the gable ended roof as proposed would result in a dwelling with an overall mass and roof form which would not respond well to its surroundings. This visual harm would be exacerbated by the prominent corner position of the appeal site.
6. Accordingly, I conclude that the proposed dwelling would harm the character and appearance of the street scene, failing to respect and enhance local distinctiveness. In such terms, it conflicts with policy CS6 of the adopted Shropshire Core Strategy (CS).

*Living conditions*

7. The footprint of the proposed dwelling would replicate that of the approved scheme. I am mindful that the hipped roof of the approved dwelling would rise away from the boundaries shared with the properties either side. Nonetheless, the proposed dwelling would not project beyond their rear elevations and I am of the view that the additional bulk arising from the proposed gables would not be significantly more imposing and would not unduly harm the outlook from these dwellings.
8. I have also considered the matter of privacy, but I am satisfied that any overlooking into the gardens of the neighbouring properties would be no more invasive than one should reasonably expect in such a suburban location.
9. In light of the above, I am satisfied that the proposed dwelling would not unduly harm the living conditions of the occupiers of neighbouring dwellings in any way. In this respect, I find no conflict with the development plan policy referred to above.

*Other considerations*

10. The proposed development would provide adequate on-site parking. I also appreciate that it would regenerate what is a derelict and somewhat unsightly site and with appropriate conditions, it may resolve some drainage issues. Nevertheless, the approved scheme would deliver these benefits too whilst sitting more comfortably within the street scene.
11. I am mindful that the case officer recommended to the Council's Planning Committee that planning permission should be granted. This has little bearing on my decision, however, which is based on the merits of the case as I see it.

**Overall Conclusions**

12. Although the proposal would not unduly harm the living conditions of the occupiers of neighbouring dwellings, it would detract from the character and appearance of the street scene. The positive aspects of the scheme advanced by the appellant do not outweigh this failing and therefore the appeal does not succeed.

*David Fitzsimon* INSPECTOR