
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: 17 February 2015

Appeal Ref: APP/L3245/A/14/2227402

Hill Cottage, Clive Avenue, Church Stretton, Shropshire SY6 7BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs C Beaumont against the decision of Shropshire Council.
 - The application Ref 13/03805/OUT, dated 23 August 2013, was refused by notice dated 21 August 2014.
 - The development proposed is the erection of three detached houses including garages.
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Procedural Matters

1. The application was made in outline. The Application Form states that matters of appearance, landscaping and the scale of the development are reserved for subsequent consideration. I have considered the appeal on this basis.
2. I understand that during the application process, an extension to the Church Stretton Conservation Area, which includes the appeal site, was confirmed. The Council has advised that all necessary notification and publicity relating to this appeal has taken place.
3. The appellants have suggested that the Council's Planning Committee did not base its decision on the correct layout plan. At my visit, it was confirmed by the main parties that the correct layout plan is drawing number SP2813/1 Rev B and I have considered the scheme accordingly.

Decision

4. The appeal is dismissed.

Main Issue

5. The main issue in this case is the effect of the proposal on the character and appearance of the street scene and the Church Stretton Conservation Area (CA).

Reasons

6. The appeal property comprises a detached dwelling set within substantial grounds. It enjoys a prominent position within Clive Avenue which is home to dwellings of a variety of styles sitting in various positions within their respective plots. The appeal site has a substantial frontage to the highway which is
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bounded by a tall hedge. The site sits within the CA and it also lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

7. The proposal seeks to introduce 3 dwellings and associated garages to the site. The submitted plan shows two dwellings located along the frontage parallel to the highway and one towards the rear. I am satisfied that the 2 detached dwellings shown in the positions closest to the boundary with Brock Cottage could be designed and built in a manner which would sit comfortably alongside the host dwelling and within the street scene. I am also satisfied that they need not unduly impact on the living conditions of the occupiers of either the host dwelling or Brock Cottage given the reasonable separation distances involved.
8. I do, however, have some reservations about the siting of the proposed dwelling immediately in front of Hill Cottage. This would be closer to the highway than the other dwelling proposed for the frontage of the site. In the absence of any detailed drawings which convince me otherwise, I am concerned that this dwelling could appear overly prominent within the street scene. In addition, whilst I appreciate that the introduction of any dwelling to the site frontage would inevitably reduce the spacious setting of Hill Cottage, I am concerned that the position proposed could compromise the setting to an unacceptable degree and that this new dwelling could have an uneasy relationship with the host dwelling when seen from the public highway. I am not satisfied that existing and additional landscaping would resolve such adverse impacts.
9. Despite suggestions from some third parties to the contrary, there is no legislative reason why the outline planning application procedure cannot be used within Conservation Areas. Nevertheless, because of the often sensitive nature of such locations, combined with the statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that special attention be paid by the decision maker to the desirability of preserving or enhancing the character or appearance of the Conservation Area, high levels of detail are often required in order to make an informed assessment. For the reasons I have explained above, I consider that the level of information submitted in this particular case does not make it possible for me to make a fully informed decision. For this reason, I am inclined to take a precautionary approach.
10. There appears to be some conflict between the Application Form and both the Design and Access Statement and the Appeal Statement as to whether the actual siting of the dwellings is to be considered at this stage or whether it is reserved for subsequent consideration. The Application Form indicates that siting is to be considered at this stage. That said, if the siting of the dwellings was not to be considered at the outline stage, this would make an informed decision even more difficult.
11. I am mindful that planning permission has been granted for dwellings on smaller plots within the immediate vicinity and the appellants have referred specifically to several local examples. I do not know, however, the precise planning circumstances behind these developments and I have considered the appeal proposal on its individual merits in any event.

12. For the above reasons, and based on the information before me, I am not satisfied that the development proposed would sit comfortably within the street scene or that it would at least preserve the character and appearance of the CA and conserve the natural beauty of the AONB. As a result, in its current form, it does not comply with policies CS6 and CS17 of the adopted Shropshire Core Strategy and the National Planning Policy Framework.

Other considerations

13. In reaching my decision, I have considered the additional concerns of nearby residents. I am satisfied that with appropriate safeguards, the proposed development need not threaten the integrity of any trees which are worthy of retention. It has been suggested that the site boundary is incorrect, but it seems to me from a detailed examination on the ground, that the appellants actually own more land than is included within the appeal site rather than less.
14. It is argued that a restrictive covenant prevents further residential development, but this is a civil rather than a planning consideration. Whilst I acknowledge that the construction of new dwellings would inevitably cause a degree of disruption for nearby residents, controls could be imposed to limit this to an acceptable degree. It has also been asserted that the development would cause drainage issues, but I have seen no technical evidence to support this claim, and I note that it is not a view shared by the Council's Drainage Engineer.
15. The appeal site enjoys a sustainable location within a settlement boundary. The 3 dwellings would make a contribution to resolving the current shortfall in the 5 year supply of deliverable housing sites within the District, but it would be small. The development would make only a modest economic contribution too. Each dwelling would be served by an adequately sized private garden and private parking, and each would be thermally efficient and recycling facilities would be provided. Nevertheless, these positive factors, along with all other benefits outlined by the appellants, neither alter nor outweigh my concerns regarding the potential visual impact of the proposed development.
16. Finally, I am mindful that the scheme received a recommendation from the Council's Officers that outline planning permission should be granted. This has little bearing on my decision as I have considered the proposal on its merits as I see it.
17. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

David Fitzsimon

INSPECTOR