

Appeal Decision

Site visit made on 11 January 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 1 February 2017

Appeal Ref: APP/L3245/W/16/3161162

1 Foster Road, Bridgnorth WV16 4LS

- 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 Ms Carly Smith against the decision of Shropshire Council.
 - The application Ref 16/02842/FUL, dated 24 June 2016, was refused by notice dated 4 October 2016.
 - The development proposed is the erection of one x two bedroom dwelling and parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect on the living conditions of the occupants of No 77 Dunval Road, with particular regard to outlook.

Reasons

3. The appeal site forms part of the existing rear/side garden area of No 1 Foster Road which is partially enclosed by a brick wall. It lies within a residential estate characterised by a mix of both detached and semi-detached dwellings. The proposed dwelling would front onto Foster Road and its rear garden would have a common boundary with No 77 Dunval Road which lies to the rear of the site.
4. No 1 Foster Road and Nos.79 and 77 Dunval Road are located where Dunval Road and Foster Road converge. Consequently, there is a close relationship between these properties, including their garden areas, and this is reinforced by the difference in ground levels between them.
5. The proposed site sections¹ show that the finished ground floor level of the proposed dwelling would be approximately three and a half metres higher than the ground floor level of No 77. Whilst a difference in ground floor level is common between the neighbouring properties on these two roads, in this case the separation distance between the rear elevation of No 77 and the proposed dwelling would be much more constrained. Consequently, although I recognise that the proposed dwelling has been designed to help minimise its impact by the introduction of a catslide roof and by staggering its rear elevation, the

¹ Site Sections, Drawing No. 015

- development would still dominate the outlook from the rear of No 77 and its garden area, which has been terraced to take account of rising ground levels.
6. Furthermore, the outlook from the rear of No 77 is already enclosed to the west by the proximity of No 1 Foster Road. The proposed dwelling would further enclose the rear garden area of No 77, and its position elevated above No 77 would in my view have a materially harmful overbearing and oppressive impact on the outlook for the occupants of No 77.
 7. I accept that the common boundary fence would provide screening of the proposed ground floor elevation and indeed the proposed fenestration arrangement would ensure that no overlooking would occur. However, the first floor, its roof and the overall bulk of the proposed dwelling would be clearly visible. Sited in such close proximity to No 77 the proposed dwelling would dominate the outlook from the rear of this property.
 8. I conclude that the proposed dwelling would have a harmful effect on the living conditions of the occupants of No 77 Dunval Road, with particular regard to outlook. The proposal does not therefore accord with the development plan, and in particular I find conflict with Policy CS6 of the Shropshire Local Development Framework, Adopted Core Strategy, and Policy MD2 of the Site Allocations and Management of Development Adopted Plan which seek to ensure that new development, amongst other things, contribute to existing amenity by responding to the form and layout of existing development and safeguard residential and local amenity. I also find conflict with one of the Core Planning Principles of the National Planning Policy Framework which seeks to ensure a good standard of amenity for all existing occupants of land and buildings, and conflict with the Council's Type and Affordability of Housing, Supplementary Planning Document 2012 which requires new development to not have unacceptable consequences for neighbours.

Other Matters

9. I visited Sydney Cottage Drive to view the recent development that has taken place and which has been brought to my attention by the Appellant. However, I do not consider that this proposal to be directly comparable; in particular as the neighbouring development on Sydney Cottage Drive is on a level plane. In any event, each application must be considered on its own merits.
10. Whilst I accept that the site has some sustainability credentials in terms of its location and contributing towards housing needs, these considerations do not outweigh the harm I have identified to the living conditions of neighbouring residents on Dunval Road.

Conclusion

11. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR