
Appeal Decision

Site visit made on 5 November 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2019

Appeal Ref: APP/L3245/W/19/3235601

Land to the rear of Beechcroft and Maroc, off Vicarage Lane, Highley WV16 6JT

- 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 R Whittle against the decision of Shropshire Council.
 - The application Ref 18/05321/OUT, dated 14 November 2018, was refused by notice dated 30 May 2019.
 - The development proposed is the erection of 7no dwelling units, provision of new access road and formation of new vehicular access, and layout (with all other matters reserved).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought but with access and layout to be considered at this stage. I have therefore determined the appeal on this basis.
3. The proposals were amended during the application process. The Council made its decision on drawings including drawing ref: Proposed Site Layout;18.009 10.00 Rev D, and I have determined the appeal on the same basis.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including the relationship to existing trees;
 - the living conditions of existing occupants of adjoining dwellings on Bridgnorth Road, with particular regard to overlooking and general noise and disturbance; and
 - highway safety, with regard to parking and access

Reasons

Character and appearance

5. The site is located on Vicarage Lane and is bound by the highway, residential gardens of existing properties that front on to Bridgnorth Road and a public right of way.

6. The site and adjacent public right of way are at a higher ground level than Vicarage Lane, which falls quite sharply from its road junction with Bridgnorth Road. The surrounding area has a spacious and verdant character with mature trees present along Vicarage Lane and the public right of way, and dwellings predominately positioned within large plots and set back from their front boundaries. The surrounding level changes permit glimpsed views to the wider, open countryside which, along with the landscaped setting, is a positive feature resulting in the surrounding area also having a semi-rural character and appearance.
7. I saw on my site visit that there are some dwellings on St Peter's View which are set within smaller plots. Those properties however are single storey and set at a significantly lower ground level than the appeal site. They are not accessed from Vicarage Lane, but via Rhea Hall Estate, which has a more compact form. There are limited views of those properties from Vicarage Lane. Even from the public footpath, where they are more apparent, the significant level change means they are not viewed in the same context as the appeal site.
8. The appeal scheme would result in dwellings set within small plots, and whilst frontage setbacks would be incorporated, the dwellings would overall be in close proximity to their boundaries. There would be little relief between the built form and the layout would appear cramped, lacking the spaciousness that is an integral part of the predominant, established pattern of development in the vicinity. The impact of this would be evident from the surrounding area due to level changes and the access road opening up views into the site.
9. In addition, there are a number of mature trees adjacent to the site, alongside the public right of way. These trees make a positive contribution to the verdant and semi-rural character of the surrounding area. Although the trees are not within the site the proposed development would be in very close proximity to them. Whilst conditions could be imposed to ensure appropriate methodology is employed to minimise any impact, it is clear from the details submitted that the canopies would be close and likely overhang the proposed dwellings and turning head.
10. The existing trees would be significant features and dominate the outlook from the properties, in particular Plots 4, 5, 6 and 7 and their rear gardens. Furthermore, considering the orientation of the site they would result in a substantial level of shading. On that basis I consider there would be pressure in the future to prune or remove these trees, due to their effect on light, maintenance and safety or structural integrity concerns, which may be difficult for the Council to resist in the future. Any extensive pruning or felling of these trees would have a harmful impact on the verdant character of the surrounding area.
11. Therefore, for the reasons stated the development would be contrary to Policies CS6 and CS17 of the Shropshire Local Development Framework: Core Strategy, 2011 (CS) and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan, 2015 (SAMDev) which seek to ensure development is of a high standard of design and layout, which reflects local context and character and retains existing landscape features. For the same reasons the development would also not achieve the high-quality design requirements of Section 12 of the National Planning Policy Framework (the Framework).

Living Conditions

12. The appeal site adjoins the rear boundaries of existing residential dwellings, which front on to Bridgnorth Road. The proposed access to the site from Vicarage Lane would be directly adjacent to the boundary with Beechcroft, and the access road itself would thereafter largely follow the alignment of the site boundary with the adjacent dwellings. It would extend along the full length of the rear boundaries of both Beechcroft and Maroc and these properties are in close proximity to their respective rear site boundaries.
13. Considering the number of dwellings proposed, and that the access road would be the sole means of access, there would be a significant increase in activity levels. I therefore consider there would be unacceptable harm to the existing occupants of Beechcroft and Maroc, due to increased noise and disturbance from vehicle movements and engine noise in close proximity to their private rear outdoor space, an area where occupants could reasonably expect activity levels to be lower.
14. Although the positioning of the access road would provide for greater separation between the proposed dwellings and the existing boundary with Beechcroft and Maroc, they would still be in close proximity and likely have windows in their front elevations that would directly overlook the existing dwellings and their rear garden areas. Some of the proposed dwellings would have an angled relationship to the site boundary, and whilst this may assist in mitigating some of the harm from overlooking between the dwellings themselves, this does not apply to all the proposed dwellings, nor would it significantly reduce the level of overlooking to rear garden areas.
15. Detailed design considerations, as part of reserved matters submissions, have the potential to address this issue to some extent. However, based on the layout and orientation of the dwellings proposed I am not convinced that it has been satisfactorily demonstrated that an acceptable scheme could be advanced at reserved matters stage. In addition, the existing properties are currently not significantly overlooked, and considering the proximity of the proposed dwellings and access road, there would still be a perception of overlooking and general loss of privacy, which would have a harmful effect of their living conditions.
16. The proposed layout would have a harmful impact on the occupants of Beechcroft and Maroc from overlooking and a general loss of privacy, though due to the distance of other existing dwellings from the site boundary and substantial rear gardens, the impacts to the occupants of other neighbouring properties would be more limited.
17. For the reasons above I conclude that the development would significantly harm the living conditions of occupiers of neighbouring properties and would therefore conflict with Policy CS6 of the CS and MD2 of the SAMDev, which seek to ensure that development responds appropriately to the form and layout of existing development and safeguards residential amenity.

Highway Safety

18. The submitted plans show that the access to the site would be from Vicarage Lane. There is no pedestrian footway adjacent to the site, just a grass verge

alongside the highway. The location of the access into the site is dictated by the change in ground level between the site and Vicarage Lane, which is at its lowest at the north-west corner of the site.

19. I saw on my site visit that visibility along Vicarage Lane is good, though vehicles do park on-street, on the opposite side of the road from the appeal site, and where this occurs only single file traffic can pass along Vicarage Lane. I also saw vehicles parked inappropriately, wholly on the small section of footpath and partially on the grass verge at the junction opposite the site. Whilst my site visit provides just a snapshot it does reflect the concerns raised by Interested Parties.
20. I note the access into the site would meet the Council's requirements in relation to its initial width and visibility onto Vicarage Lane, and I have no evidence before me to bring me to a different conclusion on those aspects of the proposal. However, the width of the access road narrows further into the site.
21. Beyond the initial section of the access road from Vicarage Lane, the width of the access road would not permit 2 vehicles to pass. It would be constrained to either side by the boundary of existing properties, the driveways and gardens to the proposed dwellings, and, in the case of Plot 7, the proposed dwelling itself. This would result in vehicles either having to reverse along the access way or overrunning the verges and driveways, particularly in the event of a large vehicle, such as a refuse vehicle or delivery van, using the access road.
22. Whilst residents' parking and a turning space are provided for within the site, there would be no provision for visitor parking. I consider this deficiency could lead to inappropriate parking along the access road, within the turning head or on Vicarage Lane. This would impact on the safe manoeuvrability of vehicles within the site and affect their ability to enter and leave the site in a forward gear.
23. Whilst some on-street parking would be available in the surrounding area, as detailed above, this is limited and there already appears to be inappropriate parking occurring. Increased demand for on-street parking in the vicinity of the access to the site would add to this and affect the ability of vehicles to safely enter and leave the site due to lack of manoeuvring space, particularly in respect of larger vehicles. This impact would be further compounded if vehicles had to reverse onto Vicarage Lane due to lack of manoeuvring space within the site as a result of inappropriate parking.
24. Furthermore, there would be no footpath along the access road and so pedestrians and vehicles would need to share the space. In addition to standard pedestrian movements, future occupants would also regularly need to use the access road on foot, to gain access to the bin collection area.
25. The number, speed and frequency of expected vehicles would be low, and the road would remain as a private drive. However, having regard to all these factors I am not convinced that the internal road layout would provide for a safe and convenient access. I consider that due to the constrained nature of the access road, lack of a footpath and visitor parking, the proposal would result in an unacceptable impact to highway safety. The Highways Officer for the Council has not raised an objection to the principle of the development.

However, I note that they did have similar concerns, to those I have detailed above, in relation to the internal arrangement of the site.

26. Therefore, for the reasons stated the development would be contrary to CS Policy CS6 and SAMDev Policy MD2 and Paragraph 109 of the Framework which seek to ensure that new developments can be safely accessed by pedestrians, cyclists and road users and minimise the scope for conflicts between pedestrians and vehicles.

Other Matters

27. There was a previous planning approval for a dwelling on the site, and that the appellant has attempted to address the Council's objections to a previous scheme through pre-application discussions. In addition, it is noted that no objections were raised by consultees in relation to ecological matters for the appeal scheme. However, having considered the proposal on its own merits, this does not alter the harmful effects I have found.
28. I note there is disagreement between the main parties in relation to the level of open space that should be provided for on the site and whether any need could be satisfied by existing off-site open space. However, within the evidence before me there is an absence of information relating to the number of bedrooms proposed and detail on the level of local need relating to open space. I am therefore not able to conclude on this matter. The provision of open space would not amount to a benefit weighing in favour of the development and, as I am dismissing the appeal for other reasons, I have therefore not pursued this matter further with the main parties. These other matters do not, therefore, lead me to a different conclusion.

Conclusion

29. Whilst the development would provide adequate garden area, accommodate bin storage, provide for a footpath on Vicarage Lane and not impact on the existing public right of way, I consider these matters would have a neutral effect, and therefore do not weigh in favour of the appeal.
30. I note that the Council do not object to the principle of residential development, the Framework emphasises the need to support the efficient use of land and the proposal would provide additional dwellings. Whilst I have taken this into account, I do not consider these benefits would be sufficient to outweigh the harm I have identified.
31. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR