



Appeal Decision

Site visit made on 31 July 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 4th September 2020

Appeal Ref: APP/L3245/D/20/3250713

Rosemount Cottage, 1 Canonbury, Shrewsbury SY3 7AG

- 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 Mrs Martha McKirdy against the decision of Shropshire Council.
 - The application Ref 19/03686/FUL, dated 13 September 2019, was refused by notice dated 3 April 2020.
 - The development proposed is erection of double garage, installation of balustrade and new entrance gates.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the Shrewsbury Conservation Area (the CA); and on the setting of Kingsland Bank, a Grade II Listed Building, (the LB).

Reasons

Shrewsbury Conservation Area

3. The site is within the Shrewsbury CA and I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. As indicated in the CA Character Appraisal the creation and subsequent formation of Shrewsbury was essentially due to its close proximity to the English - Welsh Border and the River Severn, where the river meander has both protected and confined development over the centuries. The original Town Centre CA has been expanded and now covers eleven special character areas which each reflect a different period of the town's development, yet combine to create its overall historic character and significance.
4. The appeal site is bordered by Canonbury and Kingsland Bridge Road, which is at a lower level than the site, and is positioned between Beehive Cottage and No 3 Canonbury. It is within the Kingsland special character area, which lies outside the loop of the River Severn. Being on higher ground, and not close to the river crossings, it remained relatively undeveloped until the later 19th century. In the medieval period the Kingsland area was part of the town's common pasture. It later became an area for recreation, including being the venue for Shrewsbury Show. Subsequently the Shrewsbury School relocated to Kingsland and the Kingsland Toll Bridge opened. The new road to the bridge from Kingsland passed under the original lane of Canonbury resulting in an

- early example of an urban flyover. Kingsland's special character and appearance derive from the subsequent rapid expansion of middle class housing in the area with large properties set in large grounds and new streets being laid out.
5. The appeal property was originally attached to the former Beehive Inn. This closed as a result of pressure from Shrewsbury School and the property became known as Beehive Cottage. By the 1960s Rosemount had become a separate dwelling, now known as Rosemount Cottage, No 1 Canonbury. Planning permission has been granted¹ for a replacement dwelling which has now been constructed. The Council considers Beehive Cottage to be a non-designated historic heritage asset in a landmark location overlooking the junction of Kennedy Road, Beehive Lane and Kingsland Road. The proposed garage would be positioned some distance from the boundary with Beehive Cottage, and would have a neutral effect on the way in which the asset is experienced as it would not alter the landmark view from the junction.
 6. Canonbury rises up from the junction with Kingsland Road. The proposed garage would be constructed along about half of the front elevation of the replacement dwelling, adjoining the front upper terrace near to the boundary with No 3 Canonbury. This upper terrace is considerably above the highway level.
 7. The proposal was amended during the course of consideration of the planning application. Levels are such that the driveway is, and would be, at a much lower level than the existing house and the garage floor would be lower than the existing ground levels. The garage would have a retaining wall around one side and the rear and would otherwise have stone faced walls. It would be sited some 3m from the shared boundary. The garage roof would be designed to be used as a lower terrace.
 8. The plans before me show a slightly smaller garage set in a little further from the boundary wall alongside Canonbury than on the previous plans. The design and materials of the proposed garage would not be inappropriate in the context of the replacement dwelling. However, the garage would be prominent in the street scene because of its scale, closeness to the boundary wall and relative ground levels. Although the terrace on the roof of the garage would be about 300mm below the existing patio height, the use of the roof as a terrace at such a height and so close to the boundary would introduce incongruous activities and domestic paraphernalia at a raised level. This would detract from the generally verdant setting of this part of the CA.
 9. Tree planting is proposed in the gap of between about one to two metres between the boundary wall and the garage wall. The proposed long entrance gate² would be retractable along the inside face of the boundary wall. Three brick courses would be added to the boundary wall. I have seen no details of the proposed tree planting but it is difficult to envisage how trees could flourish in such a narrow strip of land, further restricted by the sliding gate and the height of the walls to either side. Accordingly I give little weight to the proposed tree planting in addressing the impact of the proposal in the CA.

¹ Ref 17/03372/FUL and 19/02107/VAR

² Planning permission has been granted for the installation of the gate Ref 20/01570/FUL

10. A box hedge in a stainless steel planter would be placed around part of the perimeter of the garage roof. However, it is not clear that this would be satisfactory in terms of protecting from falls; whether/what type of other physical barriers would be required; and the extent to which the hedge could flourish and be maintained at the requisite height to screen the use of the terrace and contribute to the local verdant setting. Accordingly I give little weight to the proposed box hedge in addressing the impact of the proposal in the CA.
11. For the reasons set out above I conclude that the proposal would have a harmful effect on the character and appearance of this part of the CA. The harm I have identified to the character and appearance of the CA, whilst real and enduring, would be limited in terms of the effect on the significance of the CA as a whole due to the relatively small scale of the proposal. I conclude in this regard, that the harm to the CA would be less than substantial for the purposes of the National Planning Policy Framework (the Framework). Less than substantial harm does not equate to a less than substantial planning objection. As a decision maker I am required to give considerable importance and weight to the conservation of the CA as a designated heritage asset. Having found less than substantial harm to the significance of the CA, Paragraph 196 of the Framework states that the harm should be weighed against the public benefits of the proposal.
12. The access would be widened and a vehicle turning area would be provided which would be a public benefit in terms of reducing potential conflict with users of the highway. However, it is probable that this would take place with or without the appeal proposal as the appellant has separately gained planning permission for the entrance gate. It therefore attracts relatively little weight in favour of the appeal before me and I conclude the harm to the designated heritage asset would not be out-weighed by this public benefit.
13. The proposal would cause harm to the character and appearance of the CA. Accordingly it would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy 2011 (the CS), and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015 which together, amongst other things, seek to protect the natural, built and historic environment and to avoid harm or loss of significance to heritage assets and their settings. The proposal would also conflict with the provisions of the Framework in these respects.

The setting of the Listed Building

14. Kingsland Bank is a detached property on the other side of Canonbury. It has extensive private grounds that fall away sharply to the river below. Its historical value is related to the building's architectural detailing and because it was built for the Drapers Company by Thomas Farnolls Pritchard, who also designed the workhouse, now the School. The proposal would not directly affect the LB.
15. The LB itself is some 40m away from the appeal site and its grounds are enclosed along Canonbury by a high brick wall. Its roof and chimneys can be glimpsed above the boundary wall and through the trees. The setting in which it is experienced is primarily its own grounds and the vista to the river and town centre beyond, with the dwellings in verdant gardens along Canonbury also making a contribution, albeit limited. The proposed development on the

other side of Canonbury, although closer to the road, due to its scale and distance away, would have a neutral effect in terms of any contribution that setting makes to the special interest of Kingsbury Bank. Nor would the development impact on the ability of the public to experience or interpret its heritage significance. Accordingly I find no conflict with Policies CS6 and CS17 of the CS; Policies MD2 and MD13 of the SAMDev; or the Framework in these respects.

Other Matters

16. There is a flat roofed single garage belonging to No 3, close to the shared boundary. Whilst this may have been used as a terrace, during my site visit I saw no evidence that it had been designed to be used in this way. Moreover, it is much smaller than the appeal proposal and positioned further from Canonbury. Accordingly I do not consider it to set a precedent in respect of the proposal before me.
17. Users of the proposed terrace would be able to see the neighbouring garage roof and have glimpses beyond that of the garden of No 3 reducing privacy for the occupiers of that property. However, views into it would be partial and could be further ameliorated by appropriate planting inside the shared boundary were the proposal to be acceptable in all other respects.
18. The appellant has indicated that a garden would be created in the same position as the proposed lower terrace if the appeal before me were to fail. Whether or not such a garden would require planning permission would be a matter for the Parties. However, in such a so called 'fall-back' scenario there would be more suitable space available for more appropriate screening and/or safety measures that might be required. Accordingly this matter attracts little weight in the context of this appeal.

Conclusion

19. I have found that the proposal, whilst it would provide garaging and a terrace for the appellant, would cause harm to the character and appearance of the CA that would not be outweighed by consequent public benefits. In failing to fully comply with fully with Policies CS6 and CS17 of the CS or Policies MD2 and MD13 of the SAMDev the proposal cannot comply with the development plan as a whole. I have found no material considerations that would outweigh the conflict with the development plan and conclude, therefore, that the appeal should not succeed.

S Harley

INSPECTOR