
Appeal Decision

Site visit made on 25 August 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 11th September 2020

Appeal Ref: APP/L3245/D/20/3254196

1 Pennywell, Shrewsbury, Shropshire SY3 8BY

- 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 Mr Robert Mulliner against the decision of Shropshire Council.
 - The application Ref 20/00216/FUL, dated 17 January 2020, was refused by notice dated 03 April 2020.
 - The development proposed is first floor extension to garage to form hobby room.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the time that the application was being considered, the Council accepted amended plans. For the avoidance of doubt, while the Council's evidence refers to the superseded plans, I have determined the appeal on the basis of the amended plans that were submitted to the appeal.

Main Issues

3. The main issues are the effects of the proposal on:
 - i) The living conditions of the occupiers and neighbouring residential occupiers, with particular regard to overlooking and outlook; and
 - ii) The character and appearance of the area.

Reasons

Living conditions

4. The appeal property is a 2 storey detached dwelling set back from the road, with a detached single storey pitched roof garage. The proposal is a first floor extension to the garage that would have a pitched roof and, with the exception of the gable end facing No 1, it would have blank elevations. There would be first floor French doors in the elevation facing the appeal property, accessed via an external staircase with an extended landing platform.
5. The proposal would be taller than the existing garage. However, it would not be in close proximity to the neighbouring properties. Therefore, it would not diminish the outlook and it would not be overbearing when viewed from the windows or gardens of neighbouring properties. The increased height and bulk of the proposal would be apparent to the occupiers of No 1. However, given its

- separation from the appeal property and the existing quantum of built development and size of the rear garden, the proposal would not be significantly detrimental to the living conditions of the occupiers of No 1.
6. By virtue of the blank rear and west elevation of the proposal, there would be no overlooking of the neighbouring occupiers of 3 Pennywell. However, the elevated French doors, external stairs and platform would allow overlooking towards the gardens and habitable room windows of 16 and 18 Brackley Drive. In this respect, the first floor windows in the appeal property are in a similar location to the proposed French doors and external landing. However, external first floor activity associated with the use of the proposal would be very different from the internal use of the appeal property.
 7. I acknowledge that the proposal would be relatively well separated from the neighbouring gardens, and even more so from the dwellings. However, I am not aware that the Council has published guidance on acceptable separation distances. Moreover, notwithstanding the separation distances, the rears of Nos 16 and 18 have not been previously been overlooked in this way. Therefore, the proposal would result in a loss of privacy for the neighbouring occupiers.
 8. While the French doors could be obscurely glazed, this would not prevent the occupiers from congregating on the landing platform or from leaving the French doors open. In this regard, it would not be reasonable to require the appellant to keep the doors shut or to attempt to limit the time that the family spend entering and leaving the first floor of the proposal.
 9. I have considered whether the adverse impact of the proposal could be mitigated by garden planting. However, while landscape planting can soften and integrate built development into its surroundings, it should not be used to screen inappropriate development from view. Moreover, while the proposal might be partially screened from No 16 by vegetation, it seems reasonably unlikely that future occupiers of the appeal property would allow any meaningful screen planting to establish adjacent to the conservatory, such as would be necessary to screen views towards No 18. Therefore, even if vegetation was permanent and could be relied upon for screening purposes, I am not persuaded that it would be adequate in this case.
 10. Therefore, the proposal would harm the living conditions of neighbouring residential occupiers, with particular regard to overlooking. It would conflict with Policies CS6 and MD2 of Shropshire Council Local Development Framework: Adopted Core Strategy Adopted March 2011 (the CS). These require, among other things, that development should respond positively to how a place functions, respecting and safeguarding residential amenity.

Character and appearance

11. The appeal property is a 2 storey detached dwelling finished in brick, with a central front door flanked to either side by 2 storey gable features. It is in a residential area characterised by individually sited and styled dwellings in matching materials and with repeating architectural details. Garage provision is variable including integral, attached and modest detached buildings. Notwithstanding the variation in sizes, style and siting of buildings, the area has a harmonious and coherent character and appearance.

12. By virtue of its small footprint, eaves and ridge height below those of the appeal property, and its relationship to the surrounding built environment, the proposal would be subservient to No 1. Although it would be somewhat tall and ungainly, it would not be dominant or overbearing. By virtue of the garage doors in the front elevation and materials to match its host, the proposal would retain the appearance of a garage ancillary to the use of the appeal property.
13. Pennywell is a short road that curves away from the appeal property. The existing garage is a modest building that is angled away from the road and it is set back from the front elevation of the appeal property. Consequently, while the proposal would be visible, it would not be prominent in the street scene. Moreover, while it would be a tall feature, there is already considerable variation in garage provision in the area. Therefore, it would not appear unduly out of character and it would not disrupt a uniform street scene.
14. Therefore, the proposal would not result in significant harm to the character and appearance of the area. It would not conflict with the design aims of Policy CS6 of the CS or Policy MD2 of Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted December 2015.

Other matters

15. While the proposal does accord with some policies in the development plan and the National Planning Policy Framework (the Framework), addressing the requirements of planning policy is a neutral factor that does not weigh in favour of the scheme. Moreover, there is no substantive evidence that the Local Plan has not been reviewed in a timely fashion or that the policies are out of date simply on the grounds of being over 5 years old.
16. My attention has been drawn to the description of the development in the decision notice, and specifically the reference to first floor decking area. This relates to the original scheme that included a full width first floor balcony with French doors to the rear elevation. However, the amended plans relocated the entrance and created a smaller landing area. While the Council's evidence does refer to the original scheme, nevertheless the officer's report acknowledges and considers the amended plans. As can be seen from this decision, I adopted the description of the development from the application form and I have determined the appeal on the basis of the amended plans.
17. The lockdown restrictions in response to the Covid-19 pandemic resulted in a greater number of people working from home and a requirement for children to be home-schooled for extended periods. However, while I do not dispute that the proposal would be a benefit to the appellant's family, the application was made well in advance of any pandemic restrictions. Irrespective, the appeal property appears to be a family home and it has a large conservatory extension and a private garden. In this regard, it has not been demonstrated that the property fails to provide an adequate standard of living accommodation, or that it is not suitable to be used for home-working or child care.
18. I appreciate the appellant's frustration with the Council's decision. However, the evidence indicates that the parties did engage with one another and that the Council proactively suggested alterations including that consideration be given to creating an internal staircase in the garage. While the amendments that were made to the proposals were not adequate to mitigate the harm, it has not been demonstrated that all alternative solutions were explored.

19. The appeal property contributes to the balance and mix of housing in the area. The proposal is not a new dwelling and it would not contribute to the supply of housing. There would be minimal economic benefits during construction.
20. My attention has been drawn to development elsewhere in the area. However, different schemes elsewhere, including those that were determined in an earlier policy context, are not directly comparable to the appeal scheme and they do not provide a justification for it.

Conclusion

21. I have found that the proposal would not result in significant harm to the character and appearance of the area. However, this does not outweigh the harm to the living conditions of neighbouring residential occupiers. Therefore, it would conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR