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# Appeal Decision

Site visit made on 21 June 2022

**by Andrew Owen MA BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 July 2022**

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**Appeal Ref: APP/L3245/W/22/3291663**

**20 St Marys Steps, Bridgnorth WV16 4AQ**

- 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 Dr & Mrs Paul & Gabrielle Buszard against the decision of Shropshire Council.
  - The application Ref 19/02846/FUL, dated 24 June 2019, was refused by notice dated 3 August 2021.
  - The development proposed is erection of a two storey dwelling - new build four bedroom house.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on the living conditions of neighbouring occupiers with respect to their outlook, and whether the development would provide acceptable living conditions for its future occupiers in respect of the outdoor amenity space.

## Reasons

### *Living conditions – neighbouring occupiers*

3. The site is located on land which falls steeply from west to east and the neighbouring land to the east is lower still. The site is separated from the neighbouring dwellings to the east by the width of St Marys Steps which is a footway.
4. The dwelling at No. 24 is located to the east of the appeal site. There are a set of patio doors on the rear elevation, at first floor level, which provide access to a small sitting out area. From these doors, the proposed dwelling would be seen up the hill above the boundary wall. Although the development would, from the plans, be over 7m from these glazed doors, almost the full length of both storeys of the proposed dwelling would most likely be visible. This, combined with its highly elevated position, would result in the dwelling appearing very prominently and being overbearing. Dense vegetation and the bulk of Hillside House directly behind No. 24 means the outlook from these patio doors is already restricted, but the proposal would substantially fill the remaining space on the right hand side. I accept that open views down the hill to the left would remain. Nevertheless, the development would significantly, and unacceptably, worsen the outlook from these patio doors.

5. No. 24 also has a number of windows on its side elevation facing towards the site, but these appear to be very small or obscurely glazed which suggests they do not serve habitable rooms. In any case, the view from them is largely above the existing house at No. 20 to the verdant hillside behind, so would be towards the proposed outdoor amenity space not the new dwelling.
6. The proposed dwelling would be to the north-west of Hillside House. From the north facing first floor windows and second floor dormer windows, the proposal would be visible off to the left, and it would represent a significant change from the current view of the verdant garden of No. 20. Nonetheless, a generally open outlook would remain available from these windows, above No. 24 and off to the right down the hill.
7. In summary, the proposal would unacceptably harm the outlook from the rear of No. 24 such that the living conditions of its occupiers would be unsatisfactory. As such the development would fail to accord with Adopted Core Strategy (2011) policy CS6, which seeks to ensure development safeguards local amenity, and policy MD2 of the Site Allocations and Management of Development Plan (2015) which requires proposals to respect existing amenity value.

*Living conditions – future occupiers*

8. The site currently forms the existing garden for No. 20, which is a very modestly sized house. The garden is limited in terms of its useability due to the topography and there are only a few areas, notably that immediately around the dwelling, which are readily useable.
9. The amenity space to serve the proposal would be mainly limited to the first floor terrace, supplemented by a small area to the north which is an existing small terraced area. I accept the appellants have no need for extensive amounts of outdoor amenity space themselves; indeed they are seeking a reduction in the amount of maintenance necessary. However the National Planning Policy Framework advises that developments should create places that have a high standard of amenity for future as well as existing users. It is reasonable to expect that a three-bedroomed family house of the size proposed would have good quality outdoor areas, such as for play. The proposed terrace, and the existing terrace, would not be wholly unusable, but due to their narrowness (under 3m at their widest point) their usefulness would be limited.
10. The appellant has provided brief details of other new developments in Bridgnorth which have limited useable amenity space, and due to the local topography I have no doubt some houses nearby will not have much level garden area. However, the lack of useable garden space in other properties should not excuse a deficiency in this case.
11. As such, the lack of sufficient useable outdoor amenity space means the development would fail to provide acceptable living conditions for its future occupiers. It therefore would fail to accord with policies CS6 and MD2 which both aim to ensure development is designed to a high quality.

**Other Matters**

12. The site is clearly very constrained and the contemporary design, which makes a more efficient use of it, is supported by policy MD2. Moreover, the development would result in an additional dwelling to add to the supply of

homes, and one which would have good access to local facilities and services. I give these matters moderate weight.

13. I fully appreciate the personal circumstances of the appellant, and their desire to continue living locally whilst in a house that meets Dr. Buszard's requirements in terms of size, layout, level access and 24-hour care. Reference is made to an unsuccessful search for a suitable house over a 40-mile radius, but I have no substantive evidence of this. Likewise, I have no evidence to suggest specialist accommodation, such as this, is much needed generally. In any case, the national Planning Practise Guidance advises that planning is concerned with land use in the public interest and that private interests are generally not material considerations.
14. The location of the site within the Bridgnorth Conservation Area and close to listed buildings at Hillside House, St Mary Magdalene's Church and on East Castle Street is noted. However as I am dismissing the appeal for other reasons, and as it has not been suggested that there would be a beneficial effect on these designated heritage assets, I need not assess the impact of the proposal against these.

### **Conclusion**

15. The proposal would fail to provide acceptable living conditions for its occupiers with respect to the quality of the outdoor amenity space, and would unacceptably harm the living conditions of neighbouring occupiers in terms of their outlook. These harms are considerable and are not outweighed by the benefits set out above.
16. As such, the proposal fails to accord with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan.
17. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

*Andrew Owen*

INSPECTOR