
Appeal Decision

Site visit made on 27 September 2022

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/L3245/D/22/3301620

13 Fawcett Grove, Weir Hill, Shrewsbury, SY2 5WG

- 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 David Maddison against the decision of Shropshire Council.
 - The application Ref 22/00783/FUL, dated 10 March 2022, was refused by notice dated 19 May 2022.
 - The development proposed is described as the 'erection of a double garage'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a double garage at 13 Fawcett Grove, Weir Hill, Shrewsbury, SY2 5WG in accordance with the terms of the application, Ref 22/00783/FUL, dated 10 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Elevations, Floor Plan And Block Plan - 373 02, Roof Layout And Profile A06736jh -01 And Location And Block Plan - 373 02.
 - 3) The external materials to be used in the development hereby permitted shall match in colour, form and texture those of the existing building.

Preliminary matter

2. Both the Council and the appellant have brought to my attention a subsequent planning decision for a similar scheme, albeit with the addition of a new north facing window to the ground floor study of the host dwelling¹. However, that is not what is proposed in this case and as such, I cannot afford it any weight in the determination of this appeal.

Main Issues

3. The main issues in the appeal are:
 - the effect of the proposed double garage on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the future occupiers of No 13 Fawcett Grove, with particular regard to light.

¹ 22/02916/FUL – Determined 9 September 2022

Reasons

4. The appeal site is located within a modern planned residential area, that is currently in the process of construction. The appeal proposal relates to the erection of a double garage, sited at the front of the property. Constructed from brick and tile to match the host dwelling it would measure approximately 6.8m wide x 6.6m deep x 4.9m high. At the time of my site visit the host dwelling had not yet been completed. In the vicinity of the appeal site is a balancing pool to the east, to the north are two detached double garages of broadly similar size and appearance to the appeal proposal.

Character and appearance

5. I have carefully considered the Council's representations which argue that the siting of the proposed double garage would be detrimental to the character and appearance of the area. I accept that there would be some limited impact in terms of openness overall. However, given the modest residential scale of the proposal this would not be significant nor would the proposal appear out of character in this site specific context given that there are two similar detached garages in the immediate area.
6. With regard to the Council's concerns as to the loss of the intended open space, the proposal would be sited wholly within the residential curtilage of the host property. This means that there would be no material reduction in the open space or landscaping associated with the balancing pool. Moreover, although abutting the public footpath, based on my observations the proposal would not detrimentally impact on how the balancing pool and wider estate landscaping are experienced to users of the footpath/area.
7. Consequently, the proposal would not result in material harm to the character and appearance of the area. Therefore, it follows that the proposal would not conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev). These seek amongst other things to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character.

Living conditions

8. The Council have argued that the proposal would result in the loss of natural skylight to the living room of the dwelling. However, based on the appellant's evidence and my on-site observations the gable wall of the proposed garage would be located approximately 1.6m away from the small study in the host dwelling rather than the living room. Notwithstanding this, I consider that the study should be considered as a habitable room albeit one that is unlikely to be as intensively used as the main living room or other rooms in the house. Consequently, whilst the proposed garage would be likely to limit daylight into the east facing study, the effect of this should be considered in the context of the overall accommodation that the dwelling provides (large living room, quiet/therapy room, substantial dining kitchen room and 5 bedrooms). As such, there is significant residential flexibility and choice within the house without overall reliance on the study.
9. Therefore, in this specific circumstance the proposal and its impact on daylight in relation to the study would not materially harm living conditions for future

occupiers of the dwelling as a whole. Consequently, it follows that the proposal would not conflict with Policy CS6 of the of the CS and Policy MD2 of the SAMDev in so far as they relate to living conditions.

Conditions

10. The conditions suggested by the Council have been considered in light of the advice contained within the national Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, it is necessary for certainty, to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the scheme it is necessary for the materials used in its construction to match those of the host dwelling.

Conclusion

11. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR