The Planning Inspectorate

Appeal Decision

Site visit made on 4 July 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH July 2023

Appeal Ref: APP/L3245/D/23/3321425
34 Kennedy Road, Shrewsbury SY3 7AB

- 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 McGowan against the decision of Shropshire Council.
- The application Ref 22/05187/FUL, dated 11 November 2022, was refused by notice dated 8 February 2023.
- The proposed development is erection of two bedroomed annexe accommodating an integral two-bay garage to replace the existing two-bay garage.

Procedural Matter

1. The Council has described the development as "self-contained annexe ancillary to main dwelling accommodating an integral two bay garage to replace the existing two bay garage and formation of vehicular access". This more accurately describes the whole development.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are (a) the impact on the character and appearance of the host dwelling and wider area including the Shrewsbury Conservation Area and (b) the impact of development on the trees within the site.

Reasons

4. The appeal site comprises a substantial Victorian semi-detached property which lies on a bend in the road. Information provided by the Council indicates that the semi-detached pair was constructed in 1886, noting its symmetrical and very detailed composition designed by a local architect and is regarded as a non-designated heritage asset. It is set within a generous garden area which runs to the front, side and rear of the property. To the rear is a detached, single storey modern garage with hardstanding parking area to the front accessed off Ashton Road, adjacent to its junction with Kennedy Road.

5. There are a number of trees within the garden area the majority of which are the subject of a Tree Preservation Order (TPO). Those adjacent or close to the existing garage include a holly, yew and oak; there is also a tall hedge which is located alongside the garage, dividing it from the main garden area. A mature hedge is also located along the roadside boundary incorporating the holly tree adjacent to the access. These all contribute to the verdant character of the street scene of Kennedy Road and surrounding area. The holly and oak are included in the TPO.

6. The appeal site and surroundings lie within the Kingsland special character area of the Shrewsbury Conservation Area. The immediate surroundings of the appeal site are characterised by large, detached dwellings, a number of Victorian and Edwardian age, set back from the road frontage within generous landscaped plots, many with mature hedges to the street frontage and some with walls. The Shrewsbury School grounds lie to the south-west of the appeal site with tennis courts and other sports pitches nearest to the appeal site giving a more open character to this part of the conservation area.

Character and appearance

7. The proposed annexe would be contemporary in design with standing seam roof and side elevations and natural timber boarding to the front and rear gable end elevations. The proposed one and a half storey building would have higher eaves than the existing garage with first floor accommodation contained within what would be a considerably more bulky roofspace.

8. The Appellant suggests that the visual change in terms of a comparison to the existing garage would be slight. However, I consider that, notwithstanding its high quality design and construction, by virtue of its greater height, bulk and forward siting compared the existing modest garage building, it would be noticeably more visible and unduly prominent. This would be the case particularly in views approaching from the west along Kennedy Road and in views approaching from the north along Ashton Road where the upper part of the building would be seen above the hedge and only partially screened by the surrounding trees. The higher, more bulkier roof would also be visible above the dividing hedge from the main garden area of the appeal property, albeit screened to some extent by the retained trees.

9. Furthermore, the size, bulk and forward siting of the building would be such that it would not appear visually as a subservient annexe building but would be seen as a competing element in the street scene and essentially read as a separate dwelling, notwithstanding that conditions could be applied to ensure that it functions as an annexe to the main dwelling. In my view, it would detract from the setting of the host dwelling and wider conservation area which is characterised by individual properties set within large plots set back from the road frontage. I acknowledge that the 'simple' contemporary design is intended to provide a contrast to the more articulated and detailed Victorian host property but, for the reasons given above, the contrast would be too strident and result in a form of development that would detract from rather than complement its setting.

10. The proposal also includes the provision of a new vehicular access and parking / turning area to the front of the host property off Kennedy Road. The Council appears to be of the opinion that cumulatively this would add to visual harm. The proposal would necessitate the removal of some hedgerow along the Kennedy Road frontage but this would not be significant bearing in mind the length to be retained. The parking area itself would be well screened by the retained hedge and conditions could be imposed to ensure that appropriate surfacing is used such that it is in keeping with its sensitive location. There appears to be no highway concerns and otherwise I consider that the proposal would not have a harmful impact on the heritage assets.

11. However, for the reasons given above, I find that the proposed annexe building would fail to preserve the character and appearance of the conservation area

and would detract from the significance of the host dwelling. It would thereby fail to accord with Policies CS6 and CS17 of the Shropshire Core Strategy (2011) (CS) and Policies MD2 and MD13 of the Site Allocations and Management of Development Plan (2015) (SAMDev) which seek, amongst other things, to create sustainable places through high quality sustainable design principles to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, contributes to local distinctiveness and seeks to conserve heritage assets by ensuring wherever possible that proposals avoid harm to their significance.

12. With regard to the National Planning Policy Framework (the Framework), paragraph 199 states that when considering the impact on a designated heritage asset great weight should be given to the asset's conservation. In respect of the Shrewsbury Conservation Area, the level of harm would be less than substantial. In accordance with Framework paragraph 202, this harm should be weighed against the public benefits. The Appellant suggests that the proposal would introduce better architectural qualities than the existing building but whilst I acknowledge that the building would be of high quality, sustainable construction, it would have a harmful impact as set out above. The new building would result in some environmental benefits as a result of its design and construction and I acknowledge that whilst the accommodation is required for the Appellant's personal family circumstances, it would contribute to meeting a general need for such accommodation. However, overall, these benefits are insufficient to outweigh the harm. In addition, the harm to the non-designated heritage asset, which is also less than substantial, would not be outweighed. In the context of paragraph 11 of the Framework, to which the Appellant has referred, there is a clear reason for refusing the development and the presumption in favour of sustainable development does not apply.

13. The Appellant has referred to a number of other properties in the area that have detached outbuildings but having considered these I note that they are not directly comparable in terms of design and siting relative to the host dwelling and its wider location, therefore I do not find that they lend any further support to the proposal.

The impact on trees

14. The Council's Tree Officer has raised concerns, in particular regarding the classification of and impact on the oak tree both in terms of the development itself and in the future. The Appellant has confirmed that the reference to the oak being a veteran tree was a descriptive error and that the Arboricultural Impact Assessment (AIA) otherwise correctly classifies it as 'late mature'; however, the Council suggests that it does appear to have veteran features and the AIA also describes the tree as having 'exceptional landscape, habitat and aesthetic value'.

15. The Framework advises that the loss or deterioration of such irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The National Planning Practice Guidance also states that site assessments may be needed to identify the veteran trees to inform planning decisions. I note that the AIA contains a section relating to the oak, but it does not appear to assess in any detail whether the tree has any veteran features nor does it come to any specific conclusion on the matter.

16. The AIA goes on to assess the impact of the development on this tree, and others, confirming that the proposed annexe would encroach the root protection area (RPA) though would affect less than 1%. However, there appears to be no shading assessment and I note that the Appellant's statement dated 2 February 2023 responding to the Council's comments suggests that the building design and technical specification proposals fully reflect a detailed consideration of site-specific sun path and potential shade from retained trees. However, there appears to be no report or plan detailing this.

17. In the circumstances, I am not convinced that there is sufficient information to fully assess the impact of the proposed development on the retained trees. The proposal does not therefore accord with CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD12 which seek, amongst other things, to ensure that development conserves and enhances the natural environment and features and assets that contribute to its character.

Conclusions

18. For the reasons set out above I find that the proposal would be contrary to the development plan, nor would it accord with the Framework. There are no other material considerations that indicate a decision other than in accordance with the development plan.

19. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR