



Appeal Decision

Site visit made on 16 January 2024

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2024

Appeal Ref: APP/L3245/D/23/3327885

Tobar Tigh, 3 Birchwood Grove, Higher Heath, Whitchurch SY13 2EX

- 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 & Mrs Chadwick against the decision of Shropshire Council.
 - The application Ref 23/01995/FUL, dated 5 June 2023, was refused by notice dated 23 June 2023.
 - The development proposed is extension and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issue has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.
3. I am satisfied from the evidence, that the Council do not find the proposed single storey rear extension to be unacceptable. I have no contrary evidence before me to conclude differently on this element of the proposal as a result of the submissions before me or my site visit. Accordingly, I shall direct my assessment solely to the proposed garage.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a detached two storey dwelling located close to the entrance of a cul-de-sac road in a residential area. Dwellings in the immediate vicinity of the appeal site, whilst predominantly detached, include single storey properties and are varied in their design, scale and appearance. A common feature of properties on the north side of the entrance to Birchwood Grove is that they are set back a moderate distance from the road behind long front gardens/paved areas some of which, contain several mature trees. This contributes positively to a feeling of spaciousness along the road.
6. Views through the gaps between properties and the surrounding mature landscaping and woodland, low boundary features and hedgerows add to the

spaciousness and verdancy of the area and form part of its sylvan setting and intrinsic character.

7. The proposed double detached garage would be sited in the front garden of the appeal site, close to the existing low boundary wall and railings fronting Birchwood Grove. It would have a pitched roof and be a substantial size in the overall context of the site and would protrude significantly towards Birchwood Grove.
8. The front garden would be large enough to accommodate the proposed garage and there is no uniform building line along the north side of Birchwood Grove. Furthermore, the garage would be constructed using timber cladding which would reflect features of the surrounding woodland. Nevertheless, the garage would be positioned so close to the boundary with No.1 Birchwood Road (No. 1) and the pavement along Birchwood Grove, that it would introduce an overly prominent and incongruous structure in the street scene.
9. Although a cluster of evergreen trees on the grass verge of Birchwood Grove would provide some screening of the proposal when entering the cul-de-sac road, once past these trees and when approaching from the east, the bulk of the proposed garage would be clearly visible. It would be an intrusive and discordant structure in the context of the relatively open front gardens of the adjoining properties and when viewed from the street. The spaciousness to the front of the appeal dwelling would be considerably reduced. The slightly higher land level of the front corner of the garden in comparison to Nos. 3 and 5 Birchwood Grove would also exacerbate the prominence of the building. Consequently, the proposed garage would appear out of character with the established pattern of development and spacious character in the immediate vicinity of the appeal site.
10. I observed at my site visit that vegetation had been planted along the side boundary with No. 1 and behind the front boundary wall and I note the photographs provided by the appellant of a previous hedge at the site. The appellant has also indicated a willingness to provide additional landscaping. However, the gap between the proposed garage and the boundaries would be limited and would not provide space for a significant degree of planting.
11. Furthermore, I have not been provided with full details of landscaping nor substantive evidence that any proposed landscaping would prevent views of the garage, particularly having regard to the height of the proposed pitched roof. Therefore, I cannot be certain that planting would be effective. Moreover, any planting would take time to mature and could easily die or be removed. This would therefore not mitigate the harm outlined above.
12. I have been referred, by the appellant, to a detached double garage that has been approved by the Council close to the appeal site at Fox Heath, Manor House Lane¹. The full details and background to this case have not been provided. I note however, from the evidence, that the position and size of the garage at Fox Heath appears similar to the appeal before me, although the location of this site is different as it faces open countryside. Although relevant, this decision is not binding and does not limit the scope of judgement in individual case circumstances in other locations. Moreover, the existence of development elsewhere does not represent an appropriate reason to find in

¹ LPA Ref: 21/01821/FUL

favour of a proposal that would cause harm in this case, a case I have considered on its own merits.

13. For the reasons given above, the proposed garage would cause significant harm to the character and appearance of the area.
14. Accordingly, the proposal considered as a whole, would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan, which together and amongst other things, seek development that is of a high-quality design, that has an appropriate scale and respects and enhances local distinctiveness. There would also be a conflict with the Framework where it seeks to achieve well-designed places.

Conclusion

15. The proposed development conflicts with the development plan taken as a whole. There are no other material considerations of sufficient weight which indicate that a decision should be made other than in accordance with the development plan.
16. The appeal is therefore dismissed.

A Veevers

INSPECTOR