



Appeal Decision

Site visit made on 20 February 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2024

Appeal Ref: APP/L3245/W/23/3330827

Land to the rear of 59-61 Alexandra Road, Market Drayton, Shropshire TF9 3HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Jennifer Lamb against the decision of Shropshire Council.
 - The application Ref 23/00149/OUT, dated 12 January 2023, was refused by notice dated 11 April 2023.
 - The development proposed is Proposed New Dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application which is the subject of this appeal was submitted in outline with all matters reserved. I have therefore determined the appeal on this basis and taken all plans submitted to be for illustrative purposes only.

Main Issues

3. The main issues are the effect of the proposed development on:
 - 1) the character and appearance of the area; and
 - 2) the living conditions of future occupiers with regard to outdoor amenity space, privacy and parking; and
 - 3) the living conditions of neighbouring occupiers with regard to outdoor amenity space and privacy.

Reasons

Character and appearance

4. The appeal site is located within a residential area and encompasses part of the rear gardens of Number 59 and Number 61 Alexandra Road (No 59 and No 61). There is an existing garage and vehicular access point which serves No 61. Alexandra Road comprises a mixture of detached and semi-detached dwellings. The properties have long rear gardens backing on to Pine Close. The proposed dwelling would front Pine Close.
5. Pine Close comprises residential dwellings. There is a block of apartments further along the eastern side of Pine Close but these are separated from the appeal site by rear gardens. There are no properties fronting the immediate stretch of Pine Close where the appeal property would be located, which

instead is characterised by the boundaries of the rear gardens of Alexandra Road.

6. Whilst the area around the appeal site comprises a mix of dwelling types and plot sizes, the positioning of the houses and the long gardens of the properties at Alexandra Road contribute to the area having a spacious character.
7. Developments of a different style and size can add character and interest to an area. However, in this instance the size and orientation of the dwelling would produce a plot with a shallower depth than is present within this context. As such, the plot size would fail to respect the established pattern of development and would not assimilate well with the surrounding built form. It would also create a relatively close back-to-back arrangement with Nos 59 and 61 that would be untypical for the locality, and would necessitate the loss of garden space of these dwellings which is characteristic of properties along Alexandra Road. The proposed dwelling would therefore be out of keeping with the generally spacious pattern and character of the established residential dwellings.
8. The proposal is in outline with all matters reserved, so I have treated the submitted plans as illustrative. However, it seems sufficiently clear that a dwelling would occupy what is a relatively small site. When adding in private outdoor amenity space and off-street parking, I consider that the proposed dwelling would appear as cramped which would be at variance with the more spaciouly located dwellings in the immediate vicinity.
9. Due to its position to the rear of the main linear development fronting Alexandra Road, the proposed house would not be widely visible from Alexandra Road. Likewise, the long rear gardens which contribute to the area's character are also not widely visible from Alexandra Road, due to the positioning of the established properties. However, the proposal would be seen from the rear of nearby dwellings along Alexandra Road, and development should respect its local context and character, regardless of whether it is visible from specific public vantage points or not.
10. The proposed dwelling would be far more visible from Pine Close, where the property types, ages and sizes within the vicinity are more mixed. However, the introduction of a new dwelling with its own curtilage at this particular location, fronting onto the eastern side of Pine Close with no dwellings immediately adjacent, would appear as discordant and fragmented. Regardless of its external appearance and design, the proposed dwelling would disrupt the prevailing pattern of the street scene.
11. The proposed development would therefore harm the character and appearance of the area and consequently would conflict with Policy CS6 of the Shropshire Core Strategy (CS) (2011) which seeks to ensure that development takes into account local context and character. It would also not be in accordance with Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) which states the development proposals are required to respond appropriately to the form and layout of existing development. Additionally, it would conflict with the National Planning Policy Framework (the Framework) which highlights that development should be sympathetic to local character.

Living conditions of future occupiers

12. The Council consider that the amount of amenity space which would be provided for the proposed dwelling would be substandard. Whilst the submitted plans are illustrative, they do indicate that outdoor amenity space, including a patio area and a garden, separate from an indicative garage and parking area, would be provided. Whilst not a large space, I consider that the outdoor amenity space that could be provided would be appropriate in scale in relation to the small dwelling proposed. The space would be functional and usable, with adequate space for typical garden activities such as sitting or dining outside, hanging washing and gardening.
13. Concerns have been raised that the future occupiers of the proposed dwelling would not have an acceptable level of privacy. However, the illustrative plans show that a hedge would be planted along the rear of the site, to separate the proposed dwelling from the rear gardens of Nos 59 and 61. This would enable the future occupiers to have privacy within their outdoor space. Whilst the submitted drawings are illustrative, the accompanying design and access statement has indicated that the proposed dwelling could be designed without rear windows above ground level, which would help to ensure privacy could be achieved between the occupiers of the proposed dwelling and the existing occupiers of Nos 59 and 61.
14. The Highways Officer raised no objection to the proposed development subject to the provision of satisfactory access and parking arrangements. I agree with the appellant that these matters would be considered as reserved matters. The positioning and provision of the garage indicated on the submitted plans are illustrative at this stage. There is an existing access point to the site, and I have little evidence that two cars could not safely be parked at the appeal site.
15. Consequently, I find that the proposal would not harm the living conditions of future occupiers with respect to outdoor amenity space, privacy and parking. As such, the proposed development would not conflict with Policy CS6 of the CS which seeks to ensure that development safeguards residential and local amenity. It would also accord with Policy MD2 of the SAMDev which requires development to respect existing amenity value, and the Framework which seeks to ensure that developments provide a high standard of amenity for future and existing users.

Living conditions of neighbouring occupiers

16. The Council indicate that the garden sizes of No 59 and No 61 would be reduced to approximately 11m from the rear boundary of the appeal site to the nearest wall of the existing dwellings. However, in my judgement, the garden spaces would still be a reasonable size, commensurate to the needs of the occupants of these properties. They would remain a sufficient size to be able to play, dine, hang washing out, garden and relax. Although smaller than what is currently there, the gardens would be flat, accessible, and a functional shape, resulting in an adequate amenity space for the occupiers.
17. Concerns have been raised that the proposal would lead to a loss of privacy for neighbouring occupiers. The specific layout and design of the proposal would be considered at reserved matters stage, and therefore it would need to be demonstrated that any issues with overlooking could be overcome before full permission was granted. However, the illustrative plans indicate that a hedge

could be planted between the rear outdoor amenity space of the proposed dwelling and the gardens of Nos 59 and 61, which would separate the properties and afford privacy to occupiers using their garden spaces. Furthermore, the rear elevation of the proposed dwelling could be designed to ensure that rear windows are not positioned so as to lead to unacceptably harmful overlooking of the rear of No 59 and No 61 and other properties along Alexandra Road.

18. Concerns have also been raised regarding the potential of the proposed development to lead to a loss of privacy for other neighbouring occupiers on Pine Close. Again, this would be considered at the reserved matters stage, but I have no reason to consider that adequate separation distances between the proposal and properties on Pine Close could not be achieved.
19. Accordingly, I find no harm to the living conditions of neighbouring occupiers with respect to outdoor amenity space and privacy. As such, the proposed development would not conflict with Policy CS6 of the CS which seeks to ensure that development safeguards residential and local amenity. It would also accord with Policy MD2 of the SAMDev which requires development to respect existing amenity value, and the Framework which seeks to ensure that developments provide a high standard of amenity for future and existing users.

Other Matters

20. Interested parties have raised a number of concerns regarding the proposal, including traffic, wildlife and drainage. However, as I am dismissing the appeal on a main issue and they could not alter my conclusions, I have not considered them further.

Planning Balance

21. I note that the site has no heritage, cultural or ecological designations and that there are no drainage or flood risk concerns. However, a lack of harm means that these are neutral matters that do not affect the planning balance.
22. The appeal site is located within a residential area of Market Drayton, which is a focus for residential and economic development. There is therefore no objection in principle to the proposed development. Furthermore, the appeal site would be in a sustainable location and services and facilities would be accessible by bicycle or on foot.
23. The appellant has outlined that the proposal would be making effective use of land, avoid development in the open countryside and would boost and widen the supply of homes to help address the housing shortage in line with the Framework.
24. I acknowledge the contribution that a new dwelling in a sustainable location would make to the local housing stock, as well as the social, environmental and economic benefits from the construction of the new dwelling in terms of additional expenditure in the local economy, the creation of construction jobs and the safeguarding of the countryside.
25. Whilst I attribute these benefits modest weight in the overall planning balance, they do not outweigh the harm to the character and appearance of the area, contrary to the Development Plan and the Framework.

Conclusion

26. I have found that the proposal would provide adequate living conditions for existing and future occupiers. However, I conclude that the proposal would harm the character and appearance of the area. This harm is the overriding consideration in this case.
27. The proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the Framework, which would indicate a decision other than in accordance with the development plan.
28. For the reasons given above the appeal is dismissed.

L C Hughes

INSPECTOR