

Appeal Decision

Site visit made on 9 April 2024

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal ref: APP/L3245/D/23/3333104

38 Pountney Gardens, Belle Vue, Shrewsbury SY3 7LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Ms Madeleine Cooper against the decision of Shropshire Council.
 - The application, ref. 23/03106/FUL, dated 17 July 2023, was refused by a notice dated 12 September 2023.
 - The development is: Erection of two storey rear extension.
-

Decision

1. The appeal is dismissed.

Main issue

2. The decision turns on the likely effect of the proposed rear extension works to the house at No. 38 on its closely neighbouring houses and on the character and appearance of the dwelling and its immediate surroundings.

Appeal proposal

3. The appeal property, No. 38 Pountney Gardens, is a 2 storey mid-terrace house in a row of red brick pitched roof houses extending from No. 22 to No. 44 fronting Pountney Gardens, a public road that ends at No. 44. The short rear gardens of Nos. 22 to 44 have pedestrian access onto a large private parking area that also serves access to a terrace of houses that back to Belle Vue Road to the east. Pountney Gardens lies within the Belle Vue Conservation Area.
4. The appeal concerns Ms Cooper's project extend her home by building a 2 storey extension approximately 5m wide and 4m deep on the rear of the house at No. 38 Pountney Gardens, Shrewsbury. There would be a larger kitchen and a W.C. on the ground floor, the existing 3 bedrooms would be converted to provide 2 larger bedrooms above.

Planning policy

5. The adopted Shropshire Council Site Allocations and Management of Development, (SAMDev), Plan Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. It is also required to preserve and enhance the amenity value

of the wider area to which it relates including the safeguarding of residential and local amenity.

Considerations

6. The Council said the scale and depth for the proposed 2 storey rear extension of the house at No. 38 would have an adverse effect on the visual character and appearance of the rear of the terrace. I agree with that broad assessment. The uniform rear elevations of the Nos. 22 to 44 terrace are readily seen from Belle Vue Road, not from passing traffic, but by users of the road's parking areas. The large appeal extension, extending for most of the width of the house by more than half its existing depth, would be readily seen as an incongruent and intrusive addition to the houses' rear elevations. The tighter restrictions on front extensions to dwellings generally apply to a lesser extent at their rear, but the Belle Vue Road terrace effectively fronts onto the car parking area. The main outlook from those houses looks towards the rear of the Pountney Gardens terrace. The discordancy of the appeal extension would be more evident to the users and those overlooking the car parking area.
7. The Appellant referred me to the Belle Vue Road terrace particularly to the central double bay house that projects from the line of the row. The resulting return each seems to subjugate the adjoining houses. However, that was the result of the original layout and build, not caused by a later addition that might have caused some disadvantage to its neighbours.
8. Possible daylight loss to the house on each side of No. 38 raised no Council objection. But I share their concern that the 2 storey rear extension alongside the boundary of No. 36 on one side and only about 1m from that of No. 40 to the other side would be likely to have an unpleasantly overbearing effect on the neighbouring houses amenity areas close to the rear walls of their homes. The occupants of No. 36 and No. 40 would experience a somewhat hemmed in feeling close to the back of their homes.
9. It was asserted that the appeal project would have been development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 had it not been in a conservation area, land subject to Article 2(3) of the Order. It does not therefore fall to be assessed, but it was not shown how the limitations in Schedule 2 Part 1 Class A at A.1(h) or (i) of the Order would otherwise have been met.

Conclusion

10. I conclude that, whilst there is an understandable wish to extend and improve the accommodation at No. 38, it should not be done on a scale that is unacceptably detrimental and harmful to the character, form and context of the site and to neighbouring amenity. The proposed rear extension to No. 38 would be in material conflict with policy CS6 of the Shropshire Core Strategy and with policy MD02 of the SAMDev Plan.

John Whalley

INSPECTOR