

Appeal Decision

Site visit made on 13 August 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2024

Appeal Ref: APP/L3245/W/24/3341284

21 Whitchurch Road, Shrewsbury, SY1 4DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Watson against the decision of Shropshire Council.
 - The application Ref is 23/05271/FUL.
 - The development proposed is described as "extensions and alterations to create 4 dwellings, retention of existing dwellinghouse, and associated works."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted amended plans with the appeal. Briefly they comprise an increase in the inset of walls in one elevation and the reduction in bedroom numbers. The proposed amendments have not been subject to any consultation and the Council do not reference them in their submission.
3. To consider an appeal on the basis of the amended details without the ability to undertake a revised consultation exercise would be unfair and could prejudice the position of those who may wish to comment on the proposals. As such, I have not taken the amended plans in to account in my decision.

Main Issues

4. The main issues are; whether the proposed development would provide appropriate living conditions for future occupiers, with regards to outdoor space; the effect of the proposed development on the character and appearance of the area and highway safety.

Reasons

Living Conditions

5. Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) states that landscaping and open space should be considered holistically as part of the whole development to provide safe, useable, and well-connected outdoor spaces. It goes on to state that

open space of a least 30 square metres per person that meets local needs in terms of function and quality should be provided. The proposal itself contains an open plan kitchen/living/dining room, two bedrooms and a bathroom for the flats. A kitchen, two reception rooms, utility, two bedrooms and a bathroom are provided in the existing dwelling. No private external amenity space is provided for the flats, with only a narrow private section retained for the existing dwelling.

6. Having regard to the overall size of the accommodation, combined with the absence of any meaningful private outdoor amenity space, I consider that the proposal would result in a poor standard of living conditions for future occupiers.
7. I have noted the comments made by the appellant regarding the proximity of the proposed development to adjacent open spaces. Whilst these currently do not have signs restricting their use, the appellant notes that they are not owned by the appellant or the Council and therefore their use could be restricted in future. Whilst these would be in walking distance to the proposed development, I am mindful future residents would be unlikely to hang washing or sit outside in a private environment in a public open space.
8. The appellant has referenced similar examples of developments in the area, although I do not have full details of these. In any event, I have determined the appeal on its own merits and the substandard provision of open space in other development would not in itself justify a further substandard development.
9. The proposed development would have a harmful effect upon the living conditions of future occupiers with particular regards to amenity space. The proposal is therefore contrary to SAMDev Policy MD2 which seek, amongst other things, to ensure that development provides adequate outdoor space. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework (the Framework) that seeks a high standard of amenity for existing and future users.

Character and Appearance

10. The appeal site is located in a predominantly residential area characterised by two-storey detached, semi-detached and terraced dwellings/ Whilst there is a variety of designs of dwellings in the wider area, the appeal site and nearby dwellings are cohesive in their design and use of buff brick.
11. The appeal site comprises a detached dwelling which is oriented side on to Whitchurch Road. It is set back from the road by an area of open space. Adjacent terraced dwellings are set further back from the road by a further area of open space. The set back of dwellings combined with the open spaces gives the area a spacious feel.
12. The proposed development would extend the host building in to its garden, creating a wider building facing towards Whitchurch Road. The extension would be finished in matching materials and would have the appearance of a short terrace of dwellings. The proposed extension would not encroach in to the area of land between the appeal site and Whitchurch Road, retaining the sense of openness.

13. Whilst the proposed development would somewhat subsume the host dwelling, it would appear similar to the existing terrace adjoining the site and also similar in scale to the apartment building fronting on to Old Heath. The immediately adjoining extension to the host building would be at a lower ridge, therefore ensuring the legibility of the existing dwellings would be retained. The proposal would therefore appear as part of the existing development along Whitchurch Road, using matching materials, and would not appear unduly dominant or prominent in the street scene.
14. As such, it would comply with Policy CS6 of the Shropshire Core Strategy (2011) (CS), and SAMDev Policy MD2. Together these seek to ensure developments are designed to a high quality.

Highway Safety

15. Neither the SAMDev nor the CS have policies which set out parking requirements for proposed developments. CS Policy CS6 requires that all development is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision.
16. The appeal site is accessed via a shared lane which runs along the back of properties that front on to Whitchurch Road. This lane also provides rear access to dwellings on Old Heath. This leads to an area of communal parking and a garage building. At the time of my visit the surrounding area was fairly quiet with minimal on street parking on Old Heath. The communal parking area had a number of cars parked, but several parking spaces were available. I appreciate my site visit provided only a snapshot of highway conditions and parking could increase when people return from work.
17. The proposed development would utilise a communal area of parking adjacent to the appeal site. This area of parking can accommodate 14 parking spaces, of which two are utilised by No 19 Whitchurch Road. A parking survey was undertaken which noted that, of the remaining 12 spaces, five or six of the spaces were occupied. This would leave 6/7 spaces for the proposed development.
18. The proposed development would provide four 2-bedroom flats and one 3-bedroom dwelling. The parking associated with the proposed development could be in excess of the 5/6 parking spaces remaining within the communal parking area which could displace parking on to nearby roads, such as Old Heath.
19. I am mindful that services such as supermarkets, public house, schools, and sports centres are located within walking distance of the appeal site. A commercial area which appears to host a number of commercial businesses and retail park is located to the north of the appeal site and is easily accessed. These would offer some opportunity for services and employment in the locality. A pavement connects the site with these services along with a bus stop located close to the appeal site on Whitchurch Road. The appeal site is therefore located in a sustainable location where future occupiers would be able to utilise public transport and walk to nearby services and facilities.

20. Considering the sustainable location and the provision of 6/7 spaces for the four residential units, I consider that the proposed development would not have a harmful impact on highway safety. Adequate parking would be provided for the proposed development and the sustainable location would likely reduce reliance on cars/car ownership.
21. Whilst detailed drawings of the parking layout have not been provided with the submission, this could be conditioned, were I minded to allow the appeal. However, as I am dismissing the appeal on other issues, I have not pursued this matter further.
22. For the reasons set out above I consider that the proposed development would not be detrimental to highway safety. Accordingly, I find no conflict with CS Policy CS6 or SAMDev Policy MD2 which seek, amongst other things, to ensure that adequate parking is provided. The proposal would also comply with paragraph 115 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

23. The appellant has referred to the need to the build 300,000 dwelling per year and notes that the proposed development would aid in meeting the demand. Nevertheless, I have found harm in relation to the provision of outdoor amenity space. I ascribe significant weight to this harm which would be long lasting and would impact negatively on future occupiers of the proposed development.
24. Furthermore, whilst not a ceiling to housing numbers, the Council can demonstrate that they are meeting their housing targets, with a 5.91 year housing land supply. As such, the provision of housing would not overcome the harm to future occupiers.

Conclusion

25. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR