



Appeal Decision

Site visit made on 5 February 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/K3415/W/24/3347052

Land Rear Of 8 - 16 Main Street, Shenstone, Lichfield, Staffs WS14 0NB

- 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 Julian Properties (Midlands) Ltd against the decision of Lichfield District Council.
 - The application Ref is 23/01263/FUL.
 - The development proposed is the development of 2No. self-contained two-bedroom apartments on a piece of land that is currently overgrown and underutilised. The development also proposes soft landscaping and the retention and improvement of existing brickwork and tiled roof store located on the site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

3. The main issues are:
 - Whether the proposed scheme would preserve or enhance the character or appearance of the Shenstone Conservation Area (CA); whether the proposal would preserve the setting of nearby heritage assets and the effect of the proposal on non-designated heritage assets,
 - Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to access to sunlight and daylight, and
 - The effect on the living conditions of existing occupiers of adjacent properties, especially occupiers of 8-16 Main Street (No's 8-16), in terms of outlook.

Reasons

Character and appearance

4. Shenstone is a large village that has a nucleated pattern of development. Trinity Close is a small cul-de-sac that interrupts the more traditional pattern of perimeter block development around the site. Other infill plots are also evident close to the

site, forming a generally close-knit and informal pattern of development. The appeal site is behind existing housing, enclosed by boundary fencing and a line of fir trees. It is adjacent to rear gardens and car parking of Trinity Close.

5. The proposed scheme would place a two-storey building on site, for use as two flats. Access to the site would be gained by pedestrians and motorists from Trinity Close, where two parking spaces would be provided. The scheme includes the removal of a line of fir trees, the loss of which has not been contested by the Council.

Shenstone Conservation Area

6. The site is within the Shenstone CA, consisting of a predominantly residential area interspersed with some community buildings. It includes the centre of the village, several public houses, St John the Baptist's Church and various listed buildings. The listed war memorial, at the junction of Main Street and Station Road, is a key focal point in the middle of the settlement, near the northern boundary of the conservation area. The Shenstone CA includes a close-knit relationship of buildings to each other, to adjacent highways and surrounding public and private open spaces in a quiet rural setting. It also contains a significant number of historic buildings, both designated and non-designated, set within a traditional countryside location. As such, the significance of the CA derives from both its architectural and historic interest.
7. As a parcel of private open space, the site acts as a gap between built form. Whilst overgrown, the site is concealed and therefore not seen as an unsightly feature in the conservation area. It therefore makes a neutral contribution to the significance of the conservation area as an undeveloped site. The scheme would address Trinity Close, forming a new frontage that would overlook the turning head and parking courtyard. From vantage points within the close, the proposal has the potential to enhance the appearance of housing of Trinity Close by creating an enclosed space. Furthermore, the proposal would make use of underutilised land, an objective promoted by the Framework.
8. Nonetheless, the building would be in close proximity of housing along Main Street. It would be evident from several views along Station Road, and the junction with Main Road, over existing neighbouring boundaries. From this vantage the mostly blank rear and side elevation of the scheme would be overt and jarring. Although recessed from Station Road, the proposal would crowd the adjacent existing terrace, creating a small separation gap that would be exacerbated by the rear projections of No 8 and the proposed kitchen wings.
9. The proposed scheme would be two-storey, with brick walls and tiled pitched roof. It would stand within a plot of relatively generous proportions, with sufficient outside space to meet the needs of future occupiers. These characteristics would not result in an overdevelopment of the plot itself. However, due to its relationship to adjacent development the proposed building would have restricted space to its rear, placing it uncomfortably close to No's 8-16, and creating an awkward juxtaposition of forms. Therefore, the scheme would fail to respond positively to its surrounding context and would not comprise an appropriate infill development.
10. Whilst intervening trees provide some screening in these views, vegetation would not obscure most views of the proposal from Station Road. Accordingly, the proposal would have a negative visual effect on the area and fail to accord with the

established pattern of local development or the character of the area. As a result, the proposal would harm the significance of the Shenstone CA.

Listed Buildings and non-designated heritage assets

11. The village includes several listed buildings close to the site, all of which are grade II listed. These include the Shenstone War Memorial, 36 and 38 Main Street, Lincoln House, The Fox and Hounds, Stowe House and 29 New Road. Setting is described in the Framework's glossary as the surroundings in which a heritage asset is experienced. It remarks that its extent is not fixed and may change as the asset and its surroundings evolve. The word 'experienced' has a broad meaning, which is capable of extending beyond the purely visual, and could include, but is not limited to, economic, social and historical relationships, and considerations of noise and smell.
12. The nearest listed building is the war memorial located on the traffic island between Main Street and Pinfold Mill. Its significance predominantly derives from its historic interest. The setting of this asset places it within a planted garden, surrounded by roadway and footpaths, in a highly public position, visible from connecting roads and distant vantage points. Views of the proposed development would be within the background of this asset when looking southwest, I am unconvinced that only the roof would be visible from this vantage as asserted by the appellant.
13. The proposal would affect the asset's setting. This view, taking in the houses facing Main Street and the open spaces behind make a positive contribution to the memorial's setting. The effect of the proposal would be moderated due to intervening screening, but it would nevertheless intrude into these views causing an adverse impact on the setting of the memorial. The addition of further screening would not be feasible due to the limited space to the side of the proposal. As such, new planting would be unable to adequately mitigate the identified harm.
14. The setting of the remaining listed buildings, whilst geographically close to the site, have no intervisibility due to intervening buildings and vegetation. Furthermore, the submitted evidence does not indicate that the site has a functional or historical link to the setting of these assets. As such, I do not find the significance of these would be harmed by the proposal.
15. The effect of the proposal on the Shenstone CA and the war memorial would result in harm to these heritage assets that would be regarded as 'less than substantial'. Paragraph 215, of the Framework, requires where a proposal would result in less than substantial harm the harm should be weighed against any public benefits of the proposal.
16. The proposed scheme would provide two new dwellings. The appellant states that these would be low-cost accommodation in an area where such provision is limited or does not exist at all. The provision of two dwellings would increase residents in the village that could add to the local economy and support services of the village. Although the proposal would provide greater variety of house types and would contribute to local housing supply, such benefits would be small. Accordingly, the benefits would not be of sufficient weight to outweigh the identified harm.
17. Non-designated heritage assets close to the site include 8-16 Main Street, several other buildings along Main Street, and Shenstone Trinity Methodist Church.

Numbers 8-16 Main Street is a terraced two-storey brick row of housing, with simple window detailing, decorative brick stacks and porch canopies. 16 Main Street is especially ornate with a central two-storey bay window and arched windows. Shenstone Trinity Methodist Church, built in 1926, is a single storey brick building that stands within a large verdant plot. Principal views of this building, which is on a corner plot, are from Station Road and New Road. This building is on the other side of Trinity Close from the site and is largely screened by planting from the proposal preventing material intervisibility, causing no harm to this asset.

18. Due to the proximity of the proposal to the terrace of No's 8-16 it would harm the appreciation of this non designated asset. Paragraph 216 of the Framework requires a balanced judgement to be taken when considering the effect of a proposal on the significance of a non-designated heritage asset. As the proposal would be extremely close to the rear elevation the effect would be substantial, but taking into account it's non designated status the harm to the significance of the asset should be calibrated as moderate.

Summary

19. In summary, the proposal would result in less than substantial harm to the significance of the Shenstone CA, where public benefits do not outweigh the harm. The proposed development would also harm the setting of the listed war memorial but would not harm the setting of the other identified heritage assets. The scheme would also result in moderate harm to the setting of 8-16 Main Street and no harm to the other non-designated heritage assets in the area.
20. Consequently, the proposal would neither preserve nor enhance the character or appearance of the Shenstone CA and would not preserve the significance of the listed war memorial. Furthermore, the proposal would harm the character and appearance of the area. Consequently, the proposed scheme would conflict with LP Core Policies 3 and 14 and LP policies BE1 and BE2, policy H2 of the Shenstone Neighbourhood Plan [2016], the Council's Sustainable Design SPD [2019] and the Framework. These policies seek, among other matters, for development to clearly and convincingly demonstrate that it would have a positive impact on the significance of the historic environment and would reflect the character of the surrounding area.

Living conditions – existing

21. No's 8-16 comprises a terraced row of housing that is predominantly two-storey, each with access to a rear garden. This row has front gardens that are relatively shallow, placing increased importance on the rear gardens to provide pleasant and useful outside space. The proposed development would place a two-storey building in a line parallel to No's 8-16. The separation distance between these varies but is reported as being about 8.5 metres, at its shortest point, and around 16.5 and 17.8 metres between the main principal elevations.
22. Policy BE1 of the Lichfield District Local Plan [2015] (LP) requires all development to achieve a high quality of development and to have a positive impact on amenity. The Council's Sustainable Design SPD [2019] establishes guidance for residential development. At appendix A, the guidance requires a high standard of design to be achieved through a range of elements including in providing a satisfactory level of outlook. This states that a separation distance of at least 13 metres should be provided between a dwelling and the two-storey side of a neighbouring dwelling. It

also states that a separation distance of 21 metres should be provided between dwellings where primary principle habitable room windows face each other.

23. The proposed two-storey building would occupy a large proportion of the site and be close to its rear boundary. Most habitable room windows would address Trinity Close, with only a kitchen window and bathroom window on the side and rear elevations of each floor of the proposal. Accordingly, the proposed building would include a rear elevation that has limited fenestration and would present a mostly blank façade to the rear. As such, rear facing principal habitable room windows, of the proposal and those of No's 8-16, would not face each other in this relationship.
24. Therefore, whilst the separation distance between the proposal and existing dwellings would be limited, the proposal would comply with the Council's guidelines in this regard. However, due to the proximity of the proposal, occupiers of No's 8-16 would observe a fundamental change to their outlook, effecting both their enjoyment of their dwellings and gardens. Occupiers of No's 8-16, and especially No's 8-12, would look out of rear windows towards the development in views that would essentially fill most of the horizontal field of vision, enclosing the outlook to a demonstrable extent.
25. Accordingly, the proposal would result in material harm to the living conditions of occupiers of 8-16 Main Street by reason of outlook. Consequently, the proposed development would conflict with LP Core Policy 3 and policy BE1, the Council's Sustainable Design SPD [2019] and the Framework in relation to matters of outlook. These policies seek high quality design that has a positive impact on amenity and would protect the amenity of residents.

Living conditions – proposed

26. The Council's Sustainable Design SPD [2019] recognises that the provision of adequate space around buildings is an important element in achieving high quality design and this should provide adequate daylight and sunlight to rooms and gardens. Appendix A, of the SPD, explains that the design and layout of buildings should maximise sunlight to internal spaces and that external obstructions can affect the quality and quantity of light entering an adjacent property.
27. The layout of each floor of the proposal would be similar, with most habitable room windows at the front of the building. As a result, the bedroom and living room windows would be west facing.
28. The submitted tree shadowing plan shows that the trees (T02 and T18), that are outside but adjacent to the site, would shade the windows of bedroom 1 and 2 on both levels. Since the decision was issued by the Council one of the trees, an Ash tree (tree T02), has been agreed to be removed¹. However, the mature tree retained, within the rear garden of No 18, has been shown to cast a significant shadow that would materially affect light levels within bedroom 1 of both flats. This is especially harmful as the window of bedroom 1 provides the sole source of natural light to this room on both floors.
29. Due to its scale and proximity, the extent of shading of this tree would be significant. Although the tree would shade bedrooms, these are regarded as habitable rooms where occupiers may choose to spend prolonged periods of time

¹ Tree Works Reference: 23/A0319/TCA

both in the day as well as at night. Accordingly, the bedrooms are not regarded as a space where a reduced level of light would be acceptable. Furthermore, whilst shading would be lessened in the winter when the tree is not in leaf, this effect would only be for part of the year. Also, when in leaf, gaps in between leaves would not necessarily enable much sunlight or daylight to penetrate the tree cover. Consequently, the tree would demonstrably reduce direct sunlight in obscuring afternoon/evening sunlight and would also limit daylight levels achieved within the identified rooms.

30. As such, the proposal would create unacceptable living conditions for future occupiers with respect to daylight and sunlight. Accordingly, the proposed development would conflict with LP Core Policy 3 and policy BE1, the Council's Sustainable Design SPD [2019] and the Framework with respect to matters of future living conditions. These seek, *inter alia*, for development to have a positive effect on amenity and create a high standard of amenity for future users.

Other Matters

31. The Framework seeks to boost the supply of housing. The Council states it has a 5-year housing land supply, and I have no evidence to challenge this assertion. Whilst the Framework does not set a ceiling figure for the provision of new housing, two dwellings would make only a small contribution to the Council's supply of housing.
32. The appellant asserts that the proposal would be located within a highly sustainable location and would make use of underutilised land. The proposal would be close to the railway station and within easy walking distance of a range of goods and services. These benefits weigh in favour of the proposed development, albeit to a moderate extent.
33. A S106 Legal Agreement, in the form of a Unilateral Undertaking, has been submitted in support of the appeal. This provides a financial contribution to address the mitigation sought by the Council in regard to the integrity of the Cannock Chase Special Area of Conservation. This issue is not in dispute between main parties. As I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further as it could not change the outcome of this appeal.

Conclusion

34. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

B Plenty

INSPECTOR