
Appeal Decision

Site visit made on 12 July 2017

by V Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th August 2017

Appeal Ref: APP/C3240/W/17/3174150

86-88 Church Parade, Wombridge, Telford, TF2 6EY

- 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 Matthew Chatting ('Parchment House') against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2016/0844, dated 27 May 2016, was refused by notice dated 25 October 2016.
 - The development proposed is construction of 6 apartments.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development proposed on the living conditions of neighbouring occupants, with particular regard to privacy and the level of outdoor amenity space provision.

Reasons

3. The appeal site is an area of open land to the rear of Nos.86-88 Church Parade. The dwellings were originally constructed as semi-detached houses and the area to the rear formed part of the garden for both properties. The dwellings have since been converted to apartments and the area to the rear which forms the appeal site has been separated off and is very overgrown.
4. The development proposed would see the construction of a block of six apartments that would be similar to the form and visual appearance of Nos. 86-88. The building proposed would be at the rear of the site. As the site is located in a mature residential area, there are a number of properties close to the rear boundary of the appeal site. The Council's decision notice refers specifically to 'Oakleigh' and 'Craig lea'.
5. During the site visit, I observed that the house shown as 'Craig lea' on the submitted location plan (based on Ordnance Survey data) has since been demolished and there is now a small row of terraced dwellings where the house once stood. The orientation of these dwellings is different to that previously occupied by 'Craig lea' as shown on the map. The dwellings are now situated facing a westerly direction. The side boundary of the rear garden of the closest dwelling runs along the rear boundary of the appeal site. As the Council has referred to this dwelling as 'Craig lea' I have done also, although in doing so I

am referring to the dwelling that now exists rather than the previous one that was demolished.

6. The rear boundary of the back garden of 'Oakleigh' runs along the rear boundary of the appeal site. The garden of 'Oakleigh' is long, narrow and rectangular. Therefore the shared boundary is for a short distance only.
7. The shared boundary between the appeal site and 'Oakleigh' and 'Craig lea' is currently defined by a fence and this would largely screen views from the windows at ground floor level such that the privacy of neighbouring occupants would not be harmed. The submitted plans show that lounge/kitchen areas are proposed at first floor level, the windows of which would look directly towards the rear garden of neighbouring dwellings.
8. In the case of 'Craig lea' this would be approximately 5m from the boundary fence of their rear garden. Given the elevated position of the proposed first floor windows and the fact that they would serve the main living accommodation of the apartments, future occupants of the building would be able to look down into the neighbouring garden and observe their daily activities at close quarters such as children playing or washing being hung out. I therefore consider that the proposal would be significantly harmful to the privacy of the occupants of 'Craig lea' when using their rear garden.
9. As previously mentioned, the rear garden of 'Oakleigh' is long and narrow. The rear elevation of that dwelling is therefore set some way back from the appeal site. I also observed a series of sheds/outbuildings have been erected on the rear part of the garden closest to the appeal site and these serve to screen the part of the garden closest to the dwelling from the appeal site. The part of the garden closest to the development proposed is some distance from the main dwelling, screened by a number of sheds and does not appear to be used regularly for sitting out in or relaxing as it is used to keep chickens. However, future occupants of the proposed apartments would be able to look down into the garden of 'Oakleigh' when the occupants were feeding or tending to their chickens and would be able to observe them at close quarters. I therefore conclude that the proposal would be harmful to the privacy of the occupants of 'Oakleigh' when using the rear part of their garden.
10. Since the application to which this appeal relates was refused by the Council, a similar scheme for the construction of 4 apartments on the appeal site has subsequently been approved in April 2017 (Ref: TWC/2017/0008). This 2017 scheme differs from the scheme before me in that the internal layout has been altered along with the window arrangement in the rear elevation. Specifically, the bedrooms and bathrooms have been moved to the rear and the kitchen and lounges have been moved to the front of the proposed apartment building. The number of openings in the rear elevation has been reduced and rooflights would be used in the rear roof slope. The outlook from these rooflights would therefore be located above the eye line. Two of the windows would also serve bathrooms and would therefore be fitted with obscure glazing. As a consequence of these amendments, I am in agreement with the Council that the harm I have identified regarding loss of privacy to the rear garden of the neighbouring dwelling had largely been overcome. However, that is not the case with the appeal scheme before me.
11. In terms of the loss of amenity space that serves Nos. 86-88, the appeal site is not currently being used as such as it is inaccessible due to being very

overgrown. Nevertheless, if the area were to be tidied up and made available it could form an area of private amenity space that could serve as a useful commodity for occupants to be able to store a bike, sit out in or hang out washing. Front gardens do not offer the same amenity as they lack privacy, with occupants being able to be observed readily by passers-by. On the other hand, a small area to the rear of the building would allow occupants of the apartments to sit out and relax in private. As a consequence of the appeal proposal, the existing occupants of Nos. 86-88 would lose the opportunity to benefit from any private outdoor amenity space and their living conditions would be harmed as a consequence. I note that recent 2017 permission has included a small area of private amenity space that would overcome this concern.

12. Accordingly, I conclude that the development proposed would be harmful to the privacy of neighbouring occupants and would fail to provide adequate levels of outdoor amenity space provision for the occupants of Nos. 86-88. The proposal therefore conflicts with policy H6 of the Council's Local Plan (Adopted February 2000) which seeks to ensure that where housing is permitted, that the proposal does not have an adverse impact on the local environment, especially in its relationship with adjacent land uses. The proposal also conflicts with paragraph 17 of the National Planning Policy Framework which, among other things, states that planning should always seek to secure a good standard of amenity for all existing occupants of land and buildings.

Other Matters

13. I acknowledge that the appeal site is in an accessible location in terms of access to goods and services. The proposal would also result in the provision of an additional 6 residential apartments. There would also be no harm to the character and appearance of the area, drainage, access or highways, subject to conditions. However, these matters even when considered together do not outweigh the harm that I have identified.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

V Lucas-Gosnold

INSPECTOR