



Appeal Decision

Site visit made on 2 January 2020 by G Sibley MPLAN MRTPI

Decision by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/C3240/D/19/3241382

30 Waggoners Fold, Telford, Shropshire, United Kingdom TF3 2HL

- 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 Krisztian Ladislau Bak against the decision of Telford and Wrekin Council.
 - The application Ref: TWC/2019/0647, dated 7 August 2019, was refused by notice dated 23 October 2019.
 - The development proposed is described on the application form as erection of a one storey conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a one storey conservatory at 30 Waggoners Fold, Telford, Shropshire, United Kingdom TF3 2HL in accordance with the terms of the application Ref: TWC/2019/0647, dated 7 August 2019, and the plans submitted with it, and subject to the following condition:
 1. The windows in the north west elevation shall be permanently formed as a fixed light and glazed with obscure glass (minimum privacy Level 4 Obscurity on Pilkington Standard or equivalent) and shall thereafter be retained.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The conservatory has already been constructed and so the application has been made retrospectively.

Main Issue

4. The main issue is the impact of the proposed development upon the living conditions of the occupiers of the neighbouring No.29 Waggoners Fold.

Reasons for the Recommendation

5. The appeal property is an end terrace dwelling which has a relatively short garden which wraps around the house. The conservatory has been constructed

along the common boundary of No.30 and No.29 and there is a small gap between the conservatory and the boundary fence between the two properties.

6. The extension extends around 3.25 metres from the rear elevation of the dwelling and the side elevation and the roof of the conservatory are visible above the fence between the two gardens. Nevertheless, because the conservatory is single storey and the roof tapers away from the neighbouring dwelling, this minimises the visual impact and mass of the side elevation with only a relatively small portion of the conservatory visible above the fence line. Furthermore, the roof of the conservatory is relatively shallow and consequently the top of the conservatory terminates below the bottom of the first-floor windows of the host dwelling, with the decorative spikes occupying only a relatively small proportion of the roof.
7. Furthermore, the side elevation contains windows which have been finished in frosted glass, which prevents overlooking. A large proportion of these windows are also hidden by the boundary fence. Consequently, although the works are clearly visible from the adjoining garden, I am satisfied that the development does not cause significant harm to outlook or appear overbearing for the occupiers of the neighbouring dwelling.
8. The development is therefore in accordance with policy BE1 and BE2 of the Telford and Wrekin Local Plan 2011 – 2031 (2018) in so far as they seek to ensure development protects the living conditions of nearby residents. The development is also in accordance with the guidance contained within the National Planning Policy Framework which has similar aims.

Other Matters

9. I note the dispute between the appellant and his neighbour regarding land ownership, and issues relating to the replacement boundary fence. However, this is not a matter before me, as it is a legal matter between the parties which does not preclude the grant of planning permission.

Conditions

10. A condition has been suggested that would require the development to be constructed using the external surfaces of the existing building. This condition is not necessary because the development has already been carried out. A condition has been suggested to ensure the development is carried out in accordance with the approved plans. This condition is also not necessary because the development has already been carried out. A condition has been suggested to ensure the windows that face towards the garden area for No.29 are frosted. This condition is reasonable and necessary to ensure the privacy of the occupiers of No.29.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be allowed.

Anne Jordan

INSPECTOR