



Appeal Decision

Site visit made on 7 February 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2020

Appeal Ref: APP/C3240/W/19/3240319

The Hare and Hounds, Holyhead Road, Oakengates, Telford TF2 6DJ

- 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 Punch Partnerships (PML) Ltd against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2019/0528, dated 19 June 2019, was refused by notice dated 9 October 2019.
 - The development proposed is the construction of three detached dwellings (Use Class C3) to the rear of the Hare & Hounds Public House, together with the relocation of the outdoor beer garden, reconfiguration of the public house car park, shared access for the public house and proposed dwellings, associated car parking, landscaping, dedicated pedestrian access and other ancillary works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Punch Partnerships (PML) Ltd against Telford and Wrekin Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposals on the character and appearance of the area; the effect of the development on the safe and efficient operation of the highway network with regard to parking; and the effect on the viability of the public house.

Reasons

Character and Appearance

4. The appeal site encompasses the grounds of an existing public house, the dwellings would be erected on a beer garden and children's play area. The prevailing character of the surrounding area is residential and consists of a mix of two storey detached and semi-detached dwellings, traditional in appearance with a mix of brick and render façades, and tiled roofs. The existing properties along Holyhead Road, have direct access onto the street, have spacious gardens to the rear and follow a linear pattern along road with a well-defined building line.

5. The proposed dwellings would be located to the rear of the public house, displacing the beer garden and play area. The properties would be accessed via a shared access, through the carpark of the public house. The new dwellings would be positioned behind the building line, and would not respect the existing linear pattern of development along Holyhead Road, appearing at odds with the surrounding properties.
6. Whilst the dwellings would be set back from the front of Long Lane, due to their scale and positioning, they would be prominent features when viewed from the street through the wide spaces either side of the public house. Their appearance would not respect the context of the area and would appear incongruous within the street scene.
7. When viewed from the road, the public house and adjacent dwellings, have an open and verdant appearance attributed to the beer garden, and the woodland to the rear. The proposed dwellings would replace the beer garden and be positioned in front of the woodland, this would reduce the openness and the spacious appearance of the appeal site within the street.
8. Policy BE1 does not expressly state back land development is unacceptable, however, it does set out the Council's criteria for new development which includes site layout, context and existing street patterns, and is therefore particularly relevant to this appeal. I accept that the development would not appear cramped, however, this does not overcome the harm I have identified to the prevailing character of the area identified above.
9. Consequently, the proposed development would have a detrimental impact on the character and appearance of the area. The development does not accord with Policy BE1 of the Telford and Wrekin Local Plan 2011-2031 (2018) which seeks to ensure that the scale and design of development respects the context of the site with regards to the existing pattern of development and responds positively to its setting within the local area. It would also not accord with the design objectives set out in paragraph 127 of the Framework.

Viability of Public House

10. The proposed three dwellings would be constructed to the rear of the public house on land which is currently used as a beer garden and play area for customers. The Council contends that this is an important feature that attracts customers, and that its loss would lead to a reduction in custom placing the business at risk of closure.
11. It is the appellant's intention to relocate the beer garden and children's play area within the site, therefore retaining this facility for customers, albeit a smaller proposition than the existing.
12. Whilst I appreciate that the proposed changes to the offer made by the public house could affect customer choice, based on the information provided, there is insufficient evidence before me to substantiate the Council's claims that the proposals would detract customers to such a degree that it would have a detrimental effect on its viability.
13. I have been provided a copy of Policy COM 1 of the Local Plan, and I acknowledge that public houses are not expressly referred to in the Policy. Even if I were to accept that public houses would fall under general facilities,

there is insufficient evidence before me to conclude that the proposal would harm the viability of the public house.

14. Consequently, I conclude that the proposal would not harm the viability of the pub and would accord with Policy SP4 and COM 1 of the Telford and Wrekin Local Plan 2011-2031 (2018) which collectively seek to ensure that development is sustainable, and that existing community facilities are maintained and enhanced to meet the needs of local residents.

Effect on the Highway Network

15. The appeal site is located off Holyhead Road (B5061) and is accessed adjacent to No 32. The existing car park is located to the rear of the public house and provides 35 spaces. The appeal proposals are to reconfigure the car park, reducing the number of spaces to 29.
16. The existing parking provision for the public house falls below the Council's standards contained in the Local Plan, however, I understand that these are maximum standards in central areas and flexible in suburban and rural areas. The establishment of the public house is also likely to predate their adoption.
17. Whilst the standards remain a material consideration, the appellant's Transport Assessment (TA) includes a car park occupancy survey. This suggests occupancy peaked at 57% on a Saturday afternoon. I also note that the site is in a sustainable location close to public transport and services in the centre of Oakengates. Therefore, based on the evidence provided it is reasonable to take a flexible approach to parking, and the reduction in car parking is unlikely to result in any displacement of parked vehicles onto the adjacent highway.
18. The dwellings adjacent to the site do not benefit from off-street parking, however, based on the submitted information, there is no evidence before me of existing parking issues in the area, and the TA identifies only one accident on record in the last five years. Therefore, the proposal would not result in the displacement of on street parking for adjacent residents or cause harm highway safety.
19. Consequently, I conclude that the proposal would not harm to the safe and efficient operation of the highway network. It accords with Policy C3 of the Telford and Wrekin Local Plan 2011-2031 (2018), and paragraph 109 of the National Planning Policy Framework, which collectively seek to ensure that development provides adequate levels of car parking and does not have an unacceptable impact on highway safety.

Other Matters

20. I note the appellant's comments that the site is in a sustainable location, its proximity to the centre of Oakengates, public transport links, that the dwellings would be of a high quality design and would have regard to the context of the site, that the proposal would add 3 dwellings to the supply of houses; and that there are no objections from the Council's advisors in relation to effects on ecology or noise. However, these matters do not overcome the harm I have found.

Conclusion

21. Although I have found no harm from the proposal on the viability of the public house or to the highway network, I have found there would be harm to the character and appearance of the area. This is the prevailing consideration. Therefore, having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Cooper

INSPECTOR