



Appeal Decision

Site visit made on 10 March 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2020

Appeal Ref: APP/C3240/W/19/3236920

45 Horton Lane, Horton, Telford TF6 6DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Bancroft against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2019/0025, dated 12 January 2019, was refused by notice dated 18 July 2019.
 - The development proposed is development of a 4 bedroom detached dwelling.
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Decision

1. The application is dismissed.

Procedural Matter

2. The declaration on the application form is dated 12 January 2016. This is an error and should have been 2019. I have corrected it in the banner above.
3. The description of development has changed from the application form to the decision notice, and the appeal form. I have used the original description of development in the banner above.
4. The appeal is in outline form, with all matters reserved, although an indicative plan has been submitted showing a siting and access for the dwelling, and external elevations. However, I shall treat this plan as indicative only.

Main Issues

5. The main issues in this case are the appropriateness of the appeal site to host a dwelling and the effect of the development on the living conditions of new residents.

Reasons

Appropriateness

6. The appeal site is a triangular piece of land that forms the side garden to No45 and also includes an existing garage, which would be relocated and attached to the side of No45. The site has a boundary hedge frontage and opens out to fields beyond the boundary to the rear.
7. Policy SP4 of the Telford and Wrekin Local Plan (2018) (the LP) states that the Council will support development proposals which are considered sustainable, whilst Policy BE1 sets out the design criteria that proposals must meet in order to be suitable.

8. The proposal is in outline form with all matters reserved, but the Council feel that based on the indicative plan, it must be demonstrated that a dwelling could be accommodated on the plot. However, whilst they have asked for amended plans to demonstrate that a smaller dwelling could be located on the plot, these were not forthcoming.
9. For the purposes of this proposal, an application with all matters reserved is to examine the principle of development on the site. If the Council had concerns in relation to the siting of the dwelling, then this could have been addressed by dealing with it as a matter to be formally determined as part of the application at that stage.
10. Therefore, dealing with the appeal on the basis of the submitted scheme, having visited the site and assessing it purely on the basis of an all matters reserved application, I find that there is sufficient area on the site to accommodate a dwelling and as a result, I find that on this issue, that the proposal would not be in conflict with Policies SP4 and BE1 of the LP as the site would be appropriate to locate a dwelling in those terms.

Living conditions

11. The layout of the site for a new property would see it located close to the rear of the site, and would limit the amount of private amenity space to the rear of a dwelling. This would necessitate the use of land to the side of the dwelling, and the appellant has stated that this would be sufficient to provide the amenity space necessary to meet the requirements of a new dwelling, and has provided a number of examples to justify the use of a side garden area.
12. In this instance, I have concerns with regard to the use of the side garden as private amenity space. This area of land would be overlooked by the property opposite, which is only separated by a narrow access lane. Despite the insistence of the appellant that the space would be usable, I disagree with this position. I find that private amenity areas make an important contribution to living conditions and sense of space minimising the extent to which a development could feel cramped. The lack of useable private amenity space lead me to conclude that a proposal would provide an oppressive and unacceptable living environment for future occupiers of a proposed dwelling.
13. Boundary treatments that would be sufficient to provide acceptable levels of privacy would disrupt the sylvan nature of the existing front boundary treatment, resulting in harm to the character of the area. I am not convinced that the proposal has demonstrated suitable living conditions for future occupiers of the development with regard to private amenity space, and therefore would be contrary to Policy BE1 and SP4 of the LP as they relate to the protection of residential amenities.

Other Matters

14. I have taken into consideration the comments of the appellant in relation to other sites where a similar layout has been accepted by the Council. Having looked at those sites, they are in different areas, with different context and overall development layout. I have dealt with this appeal on its own merits, and identified the harm accordingly, and therefore attach little weight to those proposals.

15. I have also noted the previous approval on the site, which has subsequently lapsed. The previous approval was granted under the old Local Plan, and as such, this appeal must be assessed under the current Local Development Plan, and I have identified harm in relation to this Local Plan accordingly.

Conclusion

16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR