



Appeal Decision

Site visit made on 3 November 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2020

Appeal Ref: APP/C3240/W/20/3252541

18 Apley Drive, Wellington, Telford, TF1 3DU

- 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 W H Stelling against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0016, dated 16 December 2019, was refused by notice dated 5 March 2020.
 - The development proposed is erection of 2 bedroom detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - (a) The character and appearance of the area;
 - (b) The living conditions of future occupiers of the proposed dwelling with regard to privacy and the provision of adequate car parking, and;
 - (c) The living conditions of neighbouring occupiers with regard to loss of outlook.

Reasons

Character and appearance

3. No 18 Apley Drive is a detached modern bungalow that occupies a generous corner plot. The appeal site consists of a side garden area to the south of No 18 that is next to a turning head.
4. The development would introduce a new bungalow that would be positioned in advance of the properties on either side. It would extend significantly beyond the front elevations of Nos 20-22 and it would jut out prominently in views along the street. It would also enclose the turning head and the driveway to No 20 along one side and would be significantly closer to the road than the adjacent properties. In addition, the development would be situated within a noticeably smaller plot than the surrounding properties which would result in an awkward, cramped appearance. In my view, it would be seen as a discordant feature at odds with the more spacious character of development along the street.

5. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to the relevant sections of Policy BE 1 of the Telford & Wrekin Local Plan (2018). This policy seeks to ensure, amongst other things, that new development responds positively to its context and enhances the quality of the local built environment.

Living conditions – future occupiers

6. The development would be served by a private garden area located to the side and rear of the dwelling. However, a significant part of this garden would be heavily overlooked by first floor windows in the front elevation of No 20, which would undermine the privacy of this space. Whilst I note that this land is currently used as a garden to No 18, it forms part of a much larger garden area serving that property. Conversely, nearly half of the private amenity space serving the proposed dwelling would be overlooked in this way, leaving only a very small genuinely private area directly to the rear. This would not be an acceptable arrangement in my view.
7. In terms of parking provision, the development would be served by a new garage and an off-road parking space. Whilst there is a dispute as to whether the garage would be large enough to constitute a parking space, the proposed dwelling would be relatively small and would contain only 2 bedrooms. Apley Drive also has unrestricted parking along it and the site is in a relatively accessible location. In these circumstances, I consider that a single parking space would be adequate. Moreover, there is no specific requirement in Policies C 3 or C 5 of the Telford & Wrekin Local Plan (2018) to provide 2 parking spaces for a dwelling of this size. However, that does not alter my other concerns in relation to overlooking.
8. For the above reasons, I conclude that the development would significantly harm the living conditions of future occupiers of the development with regard to privacy. It would therefore be contrary to guidance in the National Planning Policy Framework that requires a high standard of amenity for future and existing users.

Living conditions – neighbouring occupiers

9. The development would be positioned in advance of No 20 Apley Drive and would be on elevated ground relative to it. However, the proposed dwelling would be a single storey structure that would be set in from the boundary. Accordingly, it would not significantly affect outlook from the first floor windows in No 20. It would also be away from the ground floor lounge window which is on the other side of that property. Whilst there would be an enclosing effect to the front driveway of No 20, that area is used for car parking only and no significant harm would arise in this regard. Moreover, the nearest ground floor windows (in the front doorway and porch) are obscurely glazed and so no loss of outlook would occur.
10. For the above reasons, I conclude that the development would not significantly harm the living conditions of neighbouring occupiers with regard to outlook. It would therefore accord with the relevant sections of Policy BE 1 of the Telford & Wrekin Local Plan (2018) which seeks to ensure, amongst other things, that new development has no significant adverse impact on nearby properties.

Other Matter

11. Interested parties state that a restrictive covenant applies that would prevent the development from taking place. However, a copy of this document is not before me. In any case, this is a civil matter that falls outside of the planning regime.

Conclusion

12. As set out above, I conclude that the development would significantly harm the character and appearance of the area, and the living conditions of future occupiers of the development. Whilst it would provide new housing in a relatively accessible location, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR