



Appeal Decisions

Site visit made on 21 April 2021

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal A Ref: APP/C3240/C/20/3261124

Land at 1 Ice House Close, Apley, Telford TF1 6RJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Kyle Owen against an enforcement notice issued by Telford and Wrekin Council.
 - The enforcement notice was issued on 16 September 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a single storey rear conservatory.
 - The requirements of the notice are:
 1. Demolish the conservatory from the rear elevation of the property and reinstate to its previous condition
 2. Remove all materials and debris arising from compliance with above from the land
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/C3240/D/20/3259484

Land at 1 Ice House Close, Apley, Telford TF1 6RJ

- 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 Kyle Owen against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0553, dated 24 June 2020, was refused by notice dated 28 July 2020.
 - The development proposed is a conservatory.
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Decisions

Appeal A

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey rear conservatory on land at 1 Ice House Close, Apley, Telford TF1 6RJ referred to in the notice.

Appeal B

2. The appeal is allowed and planning permission is granted for a conservatory at 1 Ice House Close, Apley, Telford TF1 6RJ in accordance with the terms of the application, Ref TWC/2020/0553, dated 24 June 2020, and the plans submitted with it.

Procedural Matters

3. The enforcement notice makes reference to Policy B2 of the Telford & Wrekin Local Plan 2011- 2031, however, the decision notice for the S78 appeal makes

reference to Policy BE2. It is clear from the evidence before me that the Council considers the relevant policy is BE2 and not B2. I have therefore considered the appeal on this basis.

4. The Council advise that permitted development rights were removed for a number of types of development in order to protect the character of the development as a whole.
5. The appellant advises that a covenant is attached as part of their deeds which requests 'prior consent in writing of the Wrekin District Council to alter the external parts of any building structure or erection which now or hereafter may form part of the building structure'. However, this is a private matter between landowners and is not for me to consider as part of the planning appeals.

The appeals on ground (a) and the section 78 appeal – Appeals A and B

Main Issue

6. The main issue of the appeals is the effect of the conservatory on the character and appearance of the area.

Reasons

7. The appeal site is located within an area known as 'the Apley Castle development' which comprises a number of listed buildings, with new development designed to reflect the historic context of the area. Ice House Close comprises a series of brick buildings of similar design which back on to Apley Woods. The use of similar materials and design features makes a positive contribution to the area.
8. Although there are a number of listed buildings within close proximity to the appeal site, the Council has not identified the effect of the development on the setting of the listed buildings as a reason for refusal or taking enforcement action. The conservatory is located to the rear of the property and, as a result, in my view does not affect the setting of the listed buildings, which are located forward of the principal elevation of the appeal building. Although there are footpaths which afford access through Apley Woods, views of the appeal site are very limited by vegetation.
9. The materials used in construction of the conservatory, with its brown finish, reflect the materials used in the main dwelling and whilst the roof is mono-pitched, its location to the rear of the building and modest size, mean that it is not readily visible from public view. As such, there is no harm to the character and appearance of the area and no conflict with policies BE1 and BE2 of the Telford & Wrekin Local Plan 2011-2031¹ which both seek to ensure that development respects the character of the area, amongst other things, or the National Planning Policy Framework (2019) which seeks well-designed places.
10. Because the conservatory has been built, I consider there is no need to attach conditions.

Other Matters

11. The occupant of No 2 raises concern regarding the replacement of wooden fencing with a brick wall due to its effect on light and views into their

¹ Adopted 2018

conservatory. Due to the modest height and depth of the conservatory, any effect on the occupants of No 2 would be limited and would not therefore unacceptably harm outlook or light.

Conclusion

12. Appeal A, the S174 appeal on ground (a) and Appeal B, the S78 appeal succeed. Planning permissions will be granted and the enforcement notice will be quashed.

M Savage

INSPECTOR