



Appeal Decision

Site Visit made on 20 April 2021 by G Sibley MPLAN MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/C3240/W/21/3266564

1-5 Sampson Park, Madeley, Telford TF7 5FD

- 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 Rich Eden of Minster Developments Ltd against the decision of Telford and Wrekin Council.
 - The application Ref: TWC/2020/0586, dated 4 June 2020, was refused by notice dated 11 September 2020.
 - The development proposed is change of use from 5no residential bungalows to 5no bungalows for supported living with outbuilding for staff use including new pergola and landscaping scheme.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 5no residential bungalows to 5no bungalows for supported living with outbuilding for staff use including new pergola and landscaping scheme at 1-5 Sampson Park, Madeley, Telford TF7 5FD in accordance with the terms of the application, Ref TWC/2020/0586, dated 4 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Ref: 19/2259/LP; Proposed layout, elevations and visuals Ref: 20/2259/001 and Existing and proposed floor layouts Ref: 19/2259/001 Rev A.
 - 2) Within six months of this decision the parking, turning, loading and unloading of vehicles shall be implemented in accordance with drawing no. 20/2259/001 and thereafter maintained.
 - 3) Within six months of this decision, the fencing and outbuilding shall be painted in black and the pergola erected in accordance with drawing no. 20/2259/001 and shall thereafter be maintained.
 - 4) The premises shall be used for Supported Living Use Class C2 and for no other purpose including any other purpose in Use Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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.

Preliminary Matters

3. The change of use, outbuilding and some of the landscaping scheme including the fencing has already been completed and as a result the application and appeal were made retrospectively.

Main Issue

4. The Council concluded that the use of the buildings for supported living would be a compatible use with the surrounding residential area and given the scale of the proposal, it would be acceptable in this instance and I see no reason to disagree. Therefore, the main issue is the effect of the proposed development, in relation to the outbuilding and the landscaping scheme, upon the character and appearance of the area.

Reasons for the Recommendation

5. The site comprises back-land development and was previously a garage court located down a narrow driveway between two dwellings and situated behind a gated entrance. As a result, it is not clearly visible from the surrounding area. The site is bound by dwellings and associated garden fencing and therefore possesses a sense of enclosure and seclusion within the wider area.
6. As noted above, the buildings are occupied by individuals with supported living needs and the outbuilding is in an associated use.
7. The bungalows have been built along the southern boundary of the site whilst the outbuilding has been constructed in front of No 4 with the bin storage located next to it. The fencing has been erected behind the outbuilding which has created a secure garden area for No 5 to the front of the property. The buildings have been painted white and given the consistent appearance of the buildings there is little delineation between individual properties. Given the consistent appearance of the building and the layout of the site, including the shared parking as well as the outbuilding, the bungalows are viewed as two groups of buildings that are part of a single unit rather than as individual dwellings.
8. Based on my site visit it is evident that the outbuilding could not be located to the rear of the buildings because each building has a separate garden which itself is relatively shallow. The building provides an on-site office for those providing care for all the occupants and as a result they could not be located within one of the resident's gardens. In front of the bin store is a vehicular entrance to a neighbouring property that must be left unobstructed and the rest of the area is left over for car parking and the turning area. The outbuilding has also been located away from the boundary of the site to ensure it would not cause harm to the living conditions of the neighbouring occupiers which would negate the possibility of locating the outbuilding further away from the sheltered accommodation. Consequently, there are few viable alternative locations for the outbuilding.
9. Prior to the erection of the outbuilding and the fencing, the area in front of the dwellings would have been an open parking courtyard. The development retains this open courtyard appearance albeit reduced in scale. The reduction in the number of car parking spaces was found to be acceptable by the Local Highways Authority, given the use of the buildings, and I agree with the conclusion on this matter. The outbuilding and fencing have been built close to

the front elevation of No 4 and is almost as tall. Nevertheless, given the use of these buildings, the scale and siting of the outbuilding does not necessarily appear out of character when viewed as part of the wider group of buildings.

10. The site is bound by timber fencing which is typical of the area and is not therefore uncharacteristic. Timber outbuildings are also common in residential areas and whilst the location of the outbuilding is unusual, the materials used in its construction are not. The timber pergola would be around the same height as the bungalows which have shallow roofs. In isolation the pergola would be an uncommon addition to the front of a dwelling but as part of the development around the outbuilding, the pergola would be an attractive addition to this group of buildings and would be constructed from timber which would not appear out of character for the area. Both the outbuilding and fencing are proposed to be painted black which would contrast attractively with the white bungalows and would match the black guttering on the buildings.
11. The erection of an outbuilding, pergola and 2-metre-tall fencing in front of a typical residential dwelling would detract from the appearance of the host dwelling. Nevertheless, given that these elements of the scheme are clearly part of a larger supported living development and given the secluded nature of the site, they do not harm the character or appearance of the area or create an unacceptable precedent in this instance. There is a need for the outbuilding to provide onsite care for the occupiers of the dwellings and given the need for a secure garden to No 5, the concentration of these buildings in one area makes visual sense as part of the wider development. The circumstances of the appellants are understood, and weight is attributed to the continued care that is provided by the staff that occupy the outbuilding.
12. A previous appeal was dismissed for the retention of the outbuilding and the fencing. That appeal did not seek permission for the change of use of the buildings which is a material consideration and the appellant has provided additional supporting evidence following the previous dismissal. Whilst I have had regard to the Council's contentions to the contrary, I am satisfied that the previous proposal was fundamentally different to the proposal before me.
13. Therefore, both the retrospective elements of the development as well as the proposed development would not cause harm to the character and appearance of the area. Consequently, the proposal would comply with Policy BE1 of the Telford and Wrekin Local Plan 2011 – 2031 (adopted 2018) which expects development to respect and respond positively to its context and enhances the quality of the local built and natural environment.

Conditions

14. The Council has suggested a number of conditions which I have reworded for clarity. Condition 1 is imposed to ensure that the elements of the development that has not already been completed are carried out in accordance with the approved plans in the interests of certainty.
15. A condition requiring the parking area is laid out in accordance with the approved plans and retained thereafter is necessary in the interests of highway safety.
16. Condition 3 is imposed to ensure that the fencing and outbuilding are to be painted black and the pergola erected in accordance with the submitted

drawings, so as to make the development acceptable in planning terms. A strict timetable is proposed for compliance because permission is being granted retrospectively, and it would not be possible to use a negatively-worded condition to ensure the approval and implementation of the outstanding matters before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

17. The Council recommended a three-month timescale to implement the above two conditions but given the impact of the Coronavirus pandemic upon construction works, I have given the appellant a six-month timescale. This would be appropriate for the above two conditions given that elements of this work have already been completed and the works required by these conditions would be relatively limited.
18. A condition ensuring the site is used as a supported living scheme is necessary in the interests of the character and appearance of the area, to ensure if the site is returned to C3 residential use or any other use that the buildings permitted by this proposal are removed.

Conclusion and Recommendation

19. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. The appeal is therefore allowed subject to the conditions set out in the report.

Martin Seaton

INSPECTOR