



Appeal Decision

Site visit made on 2 May 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2023

Appeal Ref: APP/C3240/W/22/3313847

Tzigane, Freeston Avenue, St Georges, Telford and Wrekin, Telford TF2 9EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Oliver Jones of OJO Developments against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2022/0787, dated 13 September 2022, was refused by notice dated 6 December 2022.
 - The development proposed is described as "the construction of two no. 84sqm footprint single-storey new build dwellings and associated landscaping sited on the garden plot of an existing neighbouring dwelling."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised drawing has been submitted as part of this appeal, drawing no. PL-103 Rev C Proposed Landscape Plan, to amend a section of the proposed driveway. As the Council and third parties have not had the opportunity to comment on the revised drawing, I cannot be certain that their interests would not be prejudiced if I were to accept them. Therefore, I have determined the appeal based on the plans submitted with the application to the Council and upon which the views of interested parties were sought.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of existing occupiers at Tzigane and Cornerways, with regard to noise and disturbance, and,
 - the character and appearance of the area.

Reasons

Living conditions

4. The site lies in a predominately residential area and would be accessed from Freeston Avenue, via a driveway located between two properties, Tzigane and Cornerways. Both Tzigane and Cornerways have frontages with Freeston Avenue, with private gardens to the rear. The orientation of Cornerways is such that its rear elevation faces towards the common boundary with Tzigane. The proposed driveway would run the full depth of, and immediately adjoin, both Tzigane and Cornerways side boundaries, including the side elevation Tzigane.

My site visit represents only a snapshot in time and was carried out during a quieter part of the day. I observed that the rear gardens serving the properties, together with the wider area, was relatively peaceful.

5. The occupiers of the two proposed properties would generate and introduce additional vehicular and pedestrian movements to the rear of the site. There would also be additional movements associated with visitors and deliveries to both properties. These movements would be in close proximity to both Tzigane and Cornerways and run the full depth of their plots. The movements associated with the proposed development would give rise to noise and disturbance which would detract from the peaceful rear garden environment that the occupiers of Tzigane and Cornerways currently experience. Furthermore, any noise and disturbance associated with the proposed development would be further exacerbated for the occupiers of Cornerways, by virtue of Cornerways orientation and proximity to the side boundary that the driveway would adjoin.
6. Any such reduction in the track width and its proximity from the side elevation of Tzigane would be relatively minor and only affect a small section of one side of the driveway. There is limited substantive evidence before me that demonstrates the proposed landscaping and boundary treatment would sufficiently mitigate against the noise and disturbance resulting from the scheme. These measures would not therefore overcome the harm identified.
7. Given the layout of the proposed development and orientation of nearby properties, it is likely that suitable boundary treatment could be utilised to satisfactorily mitigate against vehicle headlights shining into windows of adjacent properties. Any such boundary treatment could be secured by way of a suitably worded condition.
8. For the above reasons, the proposed development would have an unacceptable harmful effect on the living conditions of the occupiers of Tzigane and Cornerways, with regards to noise and disturbance. Accordingly, it would conflict with Policies SP4 and BE1 of the Telford and Wrekin Local Plan 2018 (LP) and guidance in the National Planning Policy Framework (the Framework). These seek, amongst other things, to support development that demonstrates there is no significant adverse impact on nearby properties by noise and provide a high standard of amenity for existing and future users.

Character and appearance

9. Freeston Avenue is located within a predominantly residential area of mixed character. Freeston Avenue and adjoining streets are largely comprised of a mix of single storey and two storey, semi-detached properties. Cornerways and 1a Ivor Thomas Road are detached dormer bungalows. The properties in the immediate area, although having differing styles and heights, generally front onto the highway and have been developed in perimeter blocks, with private rear gardens. The general consistent layout and rhythm of the built development on each street, together with the active frontages and private rear gardens, contribute to the character and appearance of the area.
10. The site comprises a section of the rear garden that serves Tzigane, a single storey detached property that fronts onto Freeston Avenue. Tzigane's rear garden is deeper than that of its neighbours and extends to meet a footpath,

which runs from the corner of Fox Avenue and Haywood Avenue to Ivor Thomas Road.

11. The proposed development would sit between 34 Fox Avenue and No 1a. No 34 has a frontage and pedestrian access onto the footpath that runs adjacent to the site. The proposed properties would be orientated to face onto the footpath, thereby mirroring the layout of No 34 and extending the built frontage along the full length of the footpath. A single pedestrian access point is proposed, providing access to and from the footpath. The rear gardens to both proposed properties would adjoin the rear garden serving Tzigane.
12. The proposed layout mirrors that of neighbouring properties, including No 34, and reflects the perimeter block layout of the wider area, thereby reinforcing the street patterns that are a character of the area. The proposed properties would have an active frontage with the footpath. Appropriate boundary treatment and landscaping, of suitable design, height and layout, could be secured by condition to ensure that a positive, open and active frontage would be maintained with the footpath, Fox Avenue and Haywood Avenue. The layout would not therefore constitute an inappropriate form of backland development.
13. The proposed development would provide rear gardens of a usable shape and size, an acceptable level of off-street parking provision and internal layouts which provide a good level of accommodation and outlook. Having regards to this, the layout and scale of the properties, and their associated gardens, is such that they would reflect the prevailing character of the area and would not therefore result in a cramped form of development.
14. For the above reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area. This accords with Policies SP1, SP4 and BE1 of the LP and guidance within the Framework. These seek, amongst other things, to ensure development respects and responds positively to its context, preserves and reinforces historic street patterns and are sympathetic to local character.

Other Matters

15. The site is within the development boundary of Telford and thus housing development is acceptable in principle. The scheme would provide two dwellings, with acceptable design and massing, that would support the Government's objectives of significantly boosting the supply of homes. It would also provide temporary employment during construction and future occupiers would contribute to the local economy and existing community. The dwellings would also incorporate modern building techniques and be sustainably located with regards to travel. Nevertheless, the scale of development is such that these benefits carry limited weight in favour of the development and do not outweigh the harm I have identified above.

Conclusion

16. Notwithstanding my conclusions on character and appearance, the development would still conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with it. Consequently, the appeal is dismissed.

S Pearce INSPECTOR