



Appeal Decision

Site visit made on 25 March 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Ref: APP/C3240/W/23/3333529

Land at Bluebell Coppice, Ketley, Telford, TF1 5NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Parry (Parry Jones Homes) against the decision of Telford and Wrekin Council.
 - The application Ref is TWC/2023/0557.
 - The development proposed is described as “erection of a detached dwelling.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the third reason for refusal suggests that the proposed development would have a harmful impact on neighbouring occupiers, it is clear from delegated report that the concerns relate to the living conditions of future occupiers. I have therefore defined the main issue accordingly.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; whether the proposed development would provide adequate living conditions for future occupiers, with regard to outlook and privacy; and drainage.

Reasons

Character and Appearance

4. The appeal site is located in Bluebell Coppice, a predominantly residential cul-de-sac. The immediate vicinity of the appeal site has a degree of regularity derived, in part from the general simplicity and uniformity of the building design and appearance. The soft landscaping, set back of dwellings behind front and side gardens and drives, and areas of open space, create a cohesive, spacious, and verdant street scene which contributes positively to the character and appearance of the area.
5. The appeal site is one of these open spaces and is located adjacent to No 9 Bluebell Coppice. It slopes up away from the highway towards its boundary with Oakwood, a residential dwelling located to the rear of the site. At the time of my site visit the appeal site was laid to grass with various landscaping that had become overgrown, and a tree was located at its rear boundary. Whilst the site is somewhat overgrown, its open and green character contributes positively to the verdant street scene.

6. Whilst the scale and design of the proposed dwelling would not be wholly uncharacteristic of development within the wider area, it would be located close to the highway, with no set back. The proximity of the proposed dwelling, and associated brick wall, would have an enclosing effect on the adjacent highway, resulting in a harmful impact on the prevailing sense of spaciousness. This, combined with the loss of the open space, would harmfully erode the verdant and spacious character of the area.
7. I note the appellant has disputed what the Council considers to be a front garden and front elevation and that they consider the elevation that adjoins the highway to be a side elevation. Even if I were to agree, dwellings along Bluebell Coppice are set back from the highway via front and side gardens, for example at No 30. The set back at No 30 to its side contributes positively to the prevailing spacious and verdant character of the area. The proposed dwelling would be much closer to the highway, and its side elevation would have the appearance of a primary elevation. These matters contribute to the harmful impacts I have found above.
8. The appellant has drawn my attention to the undesignated nature of the site with regards to open space and green network allocations. Whilst the appeal site is not allocated to be open space, its open nature does contribute positively to the character and appearance of the area. Both the Council and the National Planning Policy Framework (the Framework) have policies to support the character of areas from harmful development. As such, the fact that it is undesignated does not alter my findings above.
9. The appellant has drawn my attention to a number of developments and decisions in the area, however I do not have full details of these. Based on the information that is before me the specifics of each case do not appear directly comparable with this appeal. In any event, I have dealt with this appeal on its own merits.
10. I therefore conclude that the proposed development would harmfully erode the spacious and verdant character of the area, contrary to Policy BE1 of the Telford and Wrekin Local Plan (2018) (LP) which seeks, amongst other things, to ensure that developments respects and responds positively to its context. It would also not comply with paragraph 135 of the Framework which seeks to ensure that development is sympathetic to local character and the surrounding environment.

Living Conditions

11. At present No's 9, 11 and 30 Bluebell Coppice and Oakfield on Mannerley Lane have windows that face the appeal site, which is currently an area of open space. The proposed development would introduce a dwelling into this area of open space.
12. The closest existing dwelling, Oakfield, would be located in close proximity to the boundary between it and the proposed dwelling and at a higher level. Due to the elevated position of Oakfield, its single storey nature and the existing boundary fence the proposed development would not be visible from its windows or garden space. As such, the proposed development would not suffer from a loss of privacy from Oakfield. Additionally, from within the site, the existing slope and boundary fence would be visible and would screen most of Oakfield. As such, the outlook from the windows and garden of the proposed

dwelling would not be harmfully impacted as a result of its relationship with Oakfield.

13. The appellant notes the distances between the proposed dwelling and No's 9, 11 and 30 Bluebell Coppice, which range from 13.5 metres to 20 metres. Whilst windows in each of the existing dwellings would face the appeal site, the dwellings are somewhat angled from the appeal site, which combined with the distances to be maintained would limit any overlooking concerns. Additionally, these distances would ensure that the existing dwellings would not have an overbearing impact on the proposed dwelling or its associated garden.
14. As such there would be no unacceptable harm to the living conditions of the future occupiers and the proposed development complies with LP Policy BE1 which seeks to ensure that developments demonstrate that there is no significant adverse impact on nearby properties. The proposal also complies with the advice set out in paragraph 135 of the Framework that seeks high standard of amenity for existing and future users.

Drainage

15. Local residents and the Council have raised concern regarding the potential proximity of existing soakaways to the appeal site and potential impacts this could have on the construction of the proposed dwelling and retaining wall. The appellant has submitted information regarding the retaining wall which advises that even if a soakaway were to be found in close proximity to the boundary of the appeal site a retaining wall could be successfully constructed that would mitigate the potential impacts of the soakaway.
16. Whilst detailed information has not been provided with the submission, this could be conditioned, were I minded to allow the appeal. However, as I am dismissing the appeal on other issues, I have not pursued this matter further.
17. The proposed development would not be detrimental to surface water drainage. Accordingly, I find no conflict with LP Policy ER11 which seeks, amongst other things, to ensure that there are no detrimental impacts on the water environment. The proposal also complies with paragraph 173 of the Framework which seeks to ensure that development includes appropriate water management measures.

Conclusion

18. Whilst I have not found harm in regard to living conditions and drainage, this would be neutral and thus insufficient to outweigh the harm in regard to character and appearance. There are no other relevant material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with the development plan which, for the above reasons, the appeal scheme would be in conflict with. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR