

Appeal Decision

Site visit made on 17 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2024

Appeal Ref: APP/C3240/W/24/3337197

**Sundawn, 13 Limekiln Lane, Lilleshall, Newport, Telford and Wrekin
TF10 9EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Thorneycroft against Telford and Wrekin Council.
 - The application Ref is TWC/2023/0872.
 - The development proposed is to remove the existing garage and carport and replace with a small living accommodation. A double garage and kitchen downstairs with two bedrooms, a bathroom, and living area upstairs with views of the countryside. The rooms are for daughter and grandson who are to be primary carers for elderly parents.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council failed to issue a decision notice. The Council wrote to the appellant to inform him of the reasons for refusal which would have been on the decision notice, had they issued one. I have taken account of these reasons for refusal in forming the main issues.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host building and the area; and
 - the living conditions of the occupiers of No 15 Limekiln Lane with regard to outlook.

Reasons

Character and appearance

4. The host property, 13 Limekiln Lane (No 13) is a large, detached dormer bungalow which lies within a predominantly residential area, in a generous plot. The appeal site is on a slight bend in the road, and No 13 is set back

from the highway behind a front garden, and a curved in and out through drive. Nearby properties are predominantly detached within spacious plots. A narrow footpath leading to agricultural fields lies between the property and 15 Limekiln Lane (No 15).

5. Between the host property and the footpath lies a garage with a gabled roof, small workspace, and a flat-roofed car port area. The proposed development would see the demolition of these outbuildings, and their replacement with a larger building, which it is proposed to use as accommodation for the appellant's family members, or possibly for carers at some point, who would be on hand to look after the elderly appellant and his wife.
6. The proposal, due to the topography, would be situated at a slightly lower level than No 13. However, it would be two-storey, would have separate access and no internal link to No 13, would include a double garage, kitchen and two bedrooms and would be read as a detached two-storey house rather than as an annexe subservient to the host property. Moreover, the design of the proposed accommodation, with a gabled roof, does not assimilate well with the host property, a hipped roof dormer bungalow.
7. The proposed accommodation would be taller and larger in height, scale and mass than the existing garage. Whilst the proposal would be set back from the road, it would be situated close to No 13 and would abut the side boundary of the appeal site. The lack of space between the two properties would be uncharacteristic of dwellings in the surrounding area.
8. The untypical positioning of the proposed development within the plot, with its close spatial proximity to No 13 and the site boundary, would look cramped and congested in its visual context. The proposal would be at variance with the general feeling of openness and spaciousness of the surrounding properties and would interrupt and unbalance the layout and rhythm of development to the detriment of the character and appearance of the area.
9. I therefore conclude that the proposed development would harm the character and appearance of the host property and the surrounding area. The proposal would therefore conflict with Policies BE1 and BE2 of the Telford and Wrekin Local Plan 2011-2031 (2018) (LP) which seek to ensure that development respects and responds positively to its context and enhances the quality of the local built and natural environment and respects the character of the area.

Living conditions

10. The proposed two-storey accommodation would be built right up to the boundary of the appeal site, and due to the sloping topography, would be situated at a higher level than No 15. However, due to the intervening footpath, and the spacious garden to the side of No 15, I consider that there would be an adequate separation distance between the two properties. The proposal would therefore not appear as an unacceptable looming presence or be overbearing in relation to the neighbouring property.
11. Consequently, the proposal would not harm the living conditions of the occupiers of No 15 with regard to outlook. The proposed development would therefore comply with Policies BE1 and BE2 of the LP, which seek to ensure

that new development does not prejudice or undermine existing surrounding uses and does not adversely affect the amenity of neighbouring properties.

Other Matters

12. Although there may be new dwellings and developments which have been constructed nearby, the details of these approved schemes are not before me, and I cannot determine whether these developments are directly comparable. Moreover, I have determined this appeal on its own merits.
13. Whilst I note the support from a third party, this does not outweigh the harm that I have identified above.

Planning Balance and Conclusion

14. The appellant has confirmed that the proposed development is intended as accommodation for family members or independent carers to live on hand to help look after himself and his wife should they need care. This would be of benefit to the appellant and his wife as it would mean that they could remain in their home in the future. In reaching my decision I have kept these matters at the forefront of my mind. Age is a protected characteristic for the purposes of the Public Sector Equality Duty (PSED) set out under the Equality Act 2010. I have had due regard to the PSED in determining this appeal.
15. In weighing the benefits in this balance, this has to be considered against the harm that I have found that the proposal would have on the character and appearance of the host property and the surrounding area, in conflict with Policies BE1 and BE2 of the LP.
16. On balance, as the harm that I have identified would be permanent, I consider that safeguarding the character and appearance of the host property and the surrounding area is in the wider public interest. I therefore conclude that it is proportionate and necessary to dismiss the appeal.
17. Whilst the proposal would not harm the living conditions of the occupiers of No 15 with regard to outlook, it would harm the character and appearance of the host property and the surrounding area. As a result, it conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
18. For the reasons given above the appeal should be dismissed.

L C Hughes

INSPECTOR