



Appeal Decision

Site visit made on 8 April 2025

by P Brennan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/C3240/D/24/3352646

38 Hendy Avenue, Ketley, Telford TF1 5GN

- 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 Michael John William Brindley-Robinson against the decision of Telford and Wrekin Council.
 - The application Ref is TWC/2024/0497.
 - The development proposed is the erection of two outbuildings, following removal of one existing outbuilding and lowering of existing ground level. Conversion of existing garage to habitable room with external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has amended the description of development from that seen on the application form to provide clarity and to reference operational development only. The description outlined in the banner heading above aligns with the Council's description which I find accurately describes the proposal.
3. The Council refused the application for three reasons as set out in the decision notice. The first reason for refusal references overdevelopment of the site. However, the evidence before me is unclear as to the concerns of the Council in this regard. In the interest of clarity and to avoid further confusion, I shall address the issue of overdevelopment on both the character and appearance and living conditions for the occupiers of the appeal property.
4. The second reason for refusal referenced 54 Hendy Avenue, located to the rear of the appeal site. The appellant has questioned the accuracy of this as it refers to a house number not connected to the boundary of number 38. To avoid any further confusion, I shall refer to the property in question as located at the rear of the appeal site.
5. The Council's third reason for refusal relates to inaccurate plans as a roof joining the two outbuildings is only shown on some of the elevation plans and is not on the site plan. Whilst the plans are not fully in accordance with each other, I am satisfied that they are of sufficient clarity for me to fully assess the proposed development. On this basis, the third reason for refusal does not present a compelling reason to refuse the proposal and could be addressed by the imposition of a planning condition requiring consistent plans.

6. Planning permission is required for the proposed development as the Council have removed permitted development rights from the appeal property. The proposed garage conversion to habitable space has not been found to be objectionable by the Council. I see no reason within the submitted evidence to disagree with this assertion and I will therefore consider only the effect of the proposed outbuildings.

Main Issues

7. The main issues are the effect of the proposed outbuildings on:
- the living conditions of occupiers of the appeal property and neighbouring occupiers with reference to outlook, and
 - the character and appearance of the appeal property.

Reasons

Living conditions

8. The proposed development would see the removal and replacement of an existing outbuilding in the corner of the garden. A new outbuilding approximately 1m from, and running parallel to, the rear boundary is also proposed. This would include the lowering of ground levels by around 0.5m to match that of the existing outbuilding's ground level.
9. A considerable proportion of the existing private rear garden space would be occupied by the proposed development. Due to the size of the proposed outbuildings, only a limited private garden area for the family dwelling would remain. No evidence is before me relating to the size of the current external garden space or the remaining garden size, if the proposed development were to be allowed. However, the Council has removed permitted development rights to retain control over development within the rear external space, suggesting that the garden area could be limited on this plot.
10. I am unconvinced that the remaining space would be of an adequate size to provide for all needs of a family dwelling, compromising the usefulness of the garden area. As such, the development proposed could not be adequately accommodated within the curtilage of the appeal property without adversely affecting its external space. Accordingly, it would have an unduly harmful impact on the living conditions of the occupiers of the appeal property, in respect of the availability of adequate private garden space.
11. Turning to the effect on neighbouring dwellings, despite the proposed lowering of land levels in the rear garden and the offset of 1m from the shared boundary for one of the proposed outbuildings, the proposed development would appear to sit above the existing fence line by around one metre. This would occur for much of the length of the shared boundary with the property to the rear of the appeal site. The proposed cumulative built form of the outbuildings, due to their size and layout within the rear garden, would have an overbearing impact on the private garden area and would create a harmful sense of enclosure from the rear windows of habitable rooms of the property to the rear. This relationship would be unduly harmful to the living conditions of the occupiers of the property to the rear, especially at ground floor level, in respect of outlook.

12. Consequently, the proposed outbuildings would adversely affect the living conditions of occupiers of the appeal property and neighbouring properties with respect to outlook. Accordingly, I find conflict with Policies BE1(i), BE2 (i) and BE2 (iv) of the Telford and Wrekin Local Plan (TWLP) 2011-2031, with respect to impact on living conditions from the two outbuildings. These policies support development that responds positively to its context, enhances the local environment, and would not have an unacceptable impact on living conditions. It would also conflict with the National Planning Policy Framework (the Framework) where it seeks to ensure that development provides a high standard of amenity for future users.

Character and appearance

13. The appeal property is a two-storey detached dwelling with a separate garage. The garage and driveway are set back from the front building line between the appeal property and the neighbouring dwelling at 40 Hendy Avenue, with the garage primarily located in the rear garden. The existing garden is an irregular shape, part of which sits behind the neighbouring garage of 36 Hendy Avenue, at a level around 0.5m below the appeal property and garden. An existing wooden outbuilding is in this space.
14. The Council has suggested that the proposed development would be disproportionate in size in relation to the existing dwelling, amounting to over development that would harm the character and appearance of the appeal property. However, a proportion of the rear external space would remain and the proposed footprint of the outbuildings, including the garage conversion, would be below the size of the appeal property footprint. As such, the proposed development would not be disproportionate in size to the existing dwelling. Therefore, I do not find that the extent of coverage of the rear garden from the proposed outbuildings would materially alter the character and appearance of the appeal property.
15. The appeal property is located within a residential development where the dwellings are a mix of red brick and render, whereas outbuildings within rear gardens use a mix of materials including wood. In consisting of a similar form and materials to neighbouring development, the existing dwelling makes a positive contribution to the character and appearance of the area.
16. The proposed outbuildings would be clad in grey plastic. The design of these would be typical in form and materiality to outbuildings frequently seen in rear gardens. Furthermore, these would be in character with development found in rear gardens and whilst the material is not akin to the main house and garage, it would not be harmful or inappropriate to the character and appearance of the appeal property.
17. Consequently, I find that the proposed outbuildings would be of an appropriate size in relation to the existing dwelling, acceptable in design and their use of materials and would not cause harm to the character and appearance of the appeal property. Accordingly, I find no conflict with Policies BE1(i) and BE2 (i) of the TWLP 2011-2031, with respect to character and appearance in relation to the two outbuildings. These policies support development that responds positively to its context, enhances the local environment and would not substantially alter the character of the dwelling.

Other Matters

18. Whilst the appellant suggests that the proposal would be of a scale that would normally be regarded as permitted development, this is moot as permitted development rights have been removed, resulting in the need for planning permission in this situation.
19. The appellant asserts that one of the proposed outbuildings would be used as a home office. This would reduce the need to travel and garners some, albeit limited, support from the Framework. However, this would essentially be a personal benefit of the scheme, which would be a matter of limited weight, that would not outweigh the harm I have identified above.

Conclusion

20. Although I find no harm in respect of the effect of the development on the character and appearance of the appeal property, this is a neutral effect and does not outweigh the harm to living conditions of occupiers of the appeal property and neighbouring properties.
21. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed.

P Brennan

INSPECTOR