

TWC/2015/0562

Land at the rear of 18,19 & 20 Bratton Road, Bratton, Telford, Shropshire
Erection of 2No. semi-detached dwellings and associated works

APPLICANT

Mrs M Ellis

RECEIVED

03/11/2015

PARISH

Wrockwardine

WARD

Admaston and Bratton

OFFICER Steven Drury

**THIS APPLICATION HAS BEEN CALLED IN FOR DETERMINATION BY THE
PLANNING COMMITTEE BY CLLR TERRY KIERNAN**

1.0 PROPOSAL

- 1.1 This application seeks full planning permission for the erection of two dwellings on land to the rear of 18 Bratton Road, Bratton, Telford.
- 1.2 The proposed development would see two semi-detached, two bedroom properties provided on the site, with on-site parking provided for 4 vehicles and access obtained from an existing unadopted track running along the south side of the site.
- 1.3 The proposed dwellings will be positioned at the east end of the site and will cover a footprint measuring 8.54m by 8.09m. They will rise to a height of 4.7m at eaves level and 7.7m at the ridge, will be of brick construction with a tiled roof and will contain chimneys at both ends. Parking for 3 vehicles has been provided in front of the dwellings together with an additional parking space to the side of Plot 2.
- 1.4 The application is accompanied by proposed plans and a supporting Design and Access Statement.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located within the settlement of Bratton which is located approximately 2.7km north west of Wellington and on the north western edge of the Telford urban area. Land to the west of the site is open countryside.
- 2.2 The site is located to the rear (west) of No's 18, 19 and 20 Bratton Road but forms part of the curtilage of belonging to 18 Bratton Road which wraps around the rear of the gardens at 19 and 20 Bratton Road. A 1.5m high hedgerow and fence form the boundary with those properties. A post and rail fence separates the site from the rear garden at Jalumi to the north, a line of Poplar trees form the west boundary and the south boundary is currently secured by orange mesh fencing where a tree lined boundary appears to have been removed.

- 2.3 An unadopted access track runs along the south side of the site which will be used to access the site. This track connects with Bratton Road and serves as the access drive to Moor House and Moor Farm which are both located to the west of the site and Moor Farm Cottage and Highfield Lodge, located to the south west and north west of the site respectively.
- 2.4 The application site is located to the rear of properties fronting onto the western side of Bratton Road. Properties in the area comprise a mixture of types and sizes including traditional cottages, detached houses and a number of large recently built detached properties. Properties along the western side of Bratton Road front onto the highway where they form a clear, consistent, linear development pattern or 'ribbon development', running along a north-south axis.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Application site:
W2005/0708 – Land to Rear of 18 Bratton Road, Bratton, Telford – Outline erection of a dwelling – Granted 15th November 2005
- 3.2 The site has previously received outline permission for the erection of dwelling which was granted 15th November 2005 but has since expired without being implemented.
- 3.3 Adjacent sites:
Applications for the erection of dwellings have also been submitted on a number of adjacent sites which are considered to be relevant: -
- 3.4 W2006/0401 – Land to rear of 8 Bratton Road - Erection of one no. 2 or 3 bed bungalow (Outline) – Refused 9th May 2006
- 3.5 W91/0539 – Land to the rear of 9 Bratton Road - Erection of single dwelling with alteration to existing vehicular access – Refused 24th September 1991
- 3.6 W2006/0265 – Land to the rear of 9 Bratton Road - Erection of 1 no. retirement home (outline application) – Refused 21st April 2006 – Appeal dismissed 11th September 2007.
- 3.7 W89/0661 – Land to rear of 11 Bratton Road – Erection of detached dwelling with double garage (Outline) – Refused 26th June 1989
- 3.8 W89/0989 – Land to rear of 11 Bratton Road - Erection of dwelling with double garage (Outline) – Granted 24th October 1989
- 3.9 W2002/0294 - Land to rear of 16 Bratton Road – Erection of a dwelling – Refused 9th May 2002
- 3.10 The above planning application history highlights the numerous attempts residents of Bratton Road have made to obtain permission for dwellings on land to the rear of their properties and demonstrates a consistent approach to

the refusal of such applications, with the exceptions of the application site and land to the rear of 11 Bratton Road where an application was supported in 1989 and a dwelling has subsequently been erected.

3.11 The Inspector's report for the appeal decision at 9 Bratton Road (W2006/0265) provides a helpful direction, citing impact upon the character and appearance of the area and adequacy and safety of the proposed means of access as the main issues concerned. In the report, the Inspector identified the linear pattern of development along Bratton Road and considered that the introduction of a further house within the buffer zone behind the properties fronting onto Bratton Road would begin to suggest a new pattern of development. Furthermore, the Inspector felt that approval of the proposal would make similar development proposals difficult to resist and the introduction of further properties would result in a harmful intensification of development and a change in the character of the area. It was also considered that access arrangements were not capable of servicing further development, both in terms of the track leading to the appeal site and the visibility at the junction of the farm access with Bratton Road. As the most recent decision, this should now set out the Councils approach towards applications for residential development in this location

3.12 Land at 21 Bratton Road:

Outline permission has also been granted for the erection of 5 dwellings on the site of 21 Bratton Road, originally under reference W2005/1419 (Granted 28th February 2006) and subsequently under W2009/1067 which was renewed under TWC/2013/0033 granted 21st February 2013. The outline consents considered layout, access and scale. No reserved matters applications have yet been submitted for the outstanding matters.

4.0 PLANNING POLICY CONTEXT

4.1 National Planning Policy Framework (NPPF)

4.2 Wrekin Local Plan:

UD2: Design Criteria

H6: Windfall Sites in Telford & Newport

4.3 Telford & Wrekin Core Strategy:

CS1: Homes

CS3: Telford

CS9: Accessibility and Social Inclusion

CS12: Natural Environment

CS14: Cultural, Historic and Built Environment

CS15 Urban Design

5.0 SUMMARY OF CONSULTATION RESPONSES

5.1 **Town/Parish Council & Local Member:**

5.1.1 Wrockwardine Parish Council: Object

The site is overdeveloped. Although there are provisions for the parking of vehicles for the new properties, there are a number of vehicles already parked on the site. What provision will be made for their displacement? The Parish Council do not wish to see them parking on the road.

5.1.2 Cllr Terry Kiernan: Support

The present site is now much larger than the previous site, to which outline Planning permission was granted but has now expired. Ample parking at the rear of the proposed development is available to all the properties without any need to park on the roadway.

5.1.3 The reason given for the last refusal for planning by the Planning Inspector was due to poor access onto Bratton Road. This problem will be rectified to make it safe after consulting Mr Mike Evans, the Highways Engineer.

5.2 **Standard consultation responses**

5.2.1 Ecology: Comment

Raise no objection subject to the attachment of conditions relating to artificial nests/roosts and a lighting plan and informatives concerning nesting birds and storage of materials.

5.2.2 Drainage: Comment

Raise no objection subject to conditions requiring details of foul and surface water drainage to be submitted prior to commencement of the development.

5.2.3 Highways: No objection

Initially commented raising no objection as the site would be accessed via a private farm driveway and not part of the adopted highway network, however, this comment was withdrawn on 10th September 2015, pending consideration of the circumstances surrounding a 2006 Planning Inspectorate appeal decision at a nearby site.

5.2.4 Following a site meeting with the applicant and local ward member, the Highways Development Group Manager has confirmed that the existing junction with Bratton Road currently suffers from substandard visibility in a northerly direction and is not suitable to accommodate further residential development. A visibility splay would therefore need to be provided across the front of No's 18, 19 and 20 Bratton Road, and the land within the splay cleared of walls and vegetation exceeding 800mm in height. Any planning approval would need to be conditioned to ensure that the necessary splay was provided before any site construction works commence.

5.2.5 Amended plans were submitted on 16th and 18th October 2015 which showed a visibility splay to be provided across the front of the neighbouring properties at 18, 19 and 20 Bratton Road. In response, the Highways Group Manager confirmed that no objection is raised on highway grounds subject to a condition requiring the visibility splay to be provided prior to commencement of the development and thereafter kept free from obstruction up to a height of 800mm.

5.2.6 Arboricultural: Comment

Note that are trees on site and shown on Block Plan are not mentioned in the application. More trees on the site have now been felled and burnt within the site. Retention of the trees on the western boundary has to be called into question given the large holes which have been dug next to them to remove the stumps. Also appeared to be a Poplar species and therefore should be removed and replaced with a better hedging species. If consent is afforded to the proposal a landscaping scheme will be required.

5.2.7 Shropshire Fire Service: Comment

Request standard informative relating to “Fire Safety Guidance for Commercial and Domestic Planning Applications”.

5.3 Neighbour consultation responses

5.3.1 One supporting comment received from a neighbour commenting that the proposed two small semi-detached properties are a better option than the detached property approved in 2005.

5.3.2 Comments in support of the application have also been submitted by the applicants, firstly in response to Parish Council comments regarding parking at the site and in response to concerns raised by officers. The comments are available in full on the planning file but key points have been summarised as follows: -

- No properties are in keeping with the area
- Houses have already been built behind the development line with more permitted.
- The plot benefits from access. By sectioning off the area for building, we have transferred the access rights from 18 & 19 to the new properties with the Land Registry.
- Passing places exist along access drive
- Trees can be removed to create more space
- Proposal seeks permission for two small dwellings for applicants children, which will have less impact upon area compared to developments along Bratton Road.
- Outline has already been granted on site
- The development of these two small homes matching 18,19 and 20 is in keeping with the original houses and not with the multi million pound ones being built in the area.
- The development would improve the site and would have plenty of space.
- The areas for parking and turning is a much larger area than most properties and new developments taking place across the whole of Telford & Wrekin
- 18 Bratton Road has its own driveway at the front of its property and does not use the access (of which we have now removed rights).

- The plot next to the lane should have been built within a three year term but Telford & Wrekin extended that period – therefore these not being built yet should not be used against my application.
- There have been no objections from residents, only support
- I am unable to see why the approval that was granted to build on our land has now come into question and would be grateful for any queries to be directed to me so that I can obtain the evidence to support.

6.0 PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of Development
- Impact upon Development Pattern and Character of Area
- Access
- Other Matters

6.2 Principle of Development

6.2.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the Telford and Wrekin Core Strategy together with saved policies contained within the Wrekin Local Plan. At a national level, the National Planning Policy Framework (NPPF) is a material consideration that needs to be given weight.

6.2.2 The Core Strategy sets out a strategic approach to development over the plan period through Policy CS1. Policy CS3 identifies Telford as the focus for the overwhelming majority of the Borough's housing provision. Saved Policy H6 of the Wrekin Local Plan also advises that housing development on sites of under 0.4 hectare will be permitted within the built up area of Telford provided that a list of criteria are met.

6.2.3 The site is located within the settlement of Bratton, which is within the north west of the Telford urban area. Although the site occupies a peripheral location within the urban area, directly adjacent the urban boundary, it is nevertheless within the spatial confines of the urban area for the purposes of planning policy and therefore meets the initial requirements of Policy CS3 and Saved Policy H6.

6.2.4 To be acceptable, however, the proposed development also needs to comply with other relevant policies contained within the development plan. In addition, the NPPF, which contains a presumption in favour of sustainable development, is also a material consideration in the determination of the application.

6.2.5 It is noted that the site has previously received outline permission for the erection of one dwelling in 2005 under planning permission ref. W2005/0708. This permission has, however, expired without a reserved matters application being received. The submission of this new application gives a new opportunity to consider the proposal in line with current local and national planning policy.

6.3 Impact upon Development Pattern and Character of Area

6.3.1 The application site is located to the rear of No's 18, 19 and 20 Bratton Road. Those properties front onto the highway where they form part of a linear pattern of development extending along the west side of Bratton Road. Whilst the properties along Bratton Road consist of a mixture of older cottage properties, modern detached houses and larger recently built detached houses, they are set out in a clear pattern, running north to south, which gives the area a clear pattern of ribbon development.

6.3.2 The site is also located at the north-west edge of the Telford urban boundary and land to the west consists of agricultural fields which are classed as open countryside in policy terms. The site therefore forms part of a buffer zone located between the residential ribbon development to the east and countryside to the west.

6.3.3 The proposal seeks permission to erect two semi-detached properties in the area between the existing ribbon development and the open countryside to the west. Officers consider that the provision of residential development within this buffer zone, behind the continuous frontage onto Bratton Road, would constitute a form of backland development.

6.3.4 Two existing properties are already located behind the building line to the west of Bratton Road. Moor Farm Cottage is located to the south of the site and Highfield Lodge is to the north. Both received approval in 1989. Whilst these properties are acknowledged, they are at present considered to be isolated buildings in the wider space to the rear of Bratton Road. Officers are concerned that the introduction of two further dwellings at the application site would, when viewed alongside those existing two properties, introduce a new pattern of built development located to the rear of the continuous built-up frontage along Bratton Road. It is considered that such a development would be harmful to the character and appearance of the area.

6.3.5 This view was also taken by the Planning Inspector in the appeal decision ref. APP/C3240/A/06/2029025 following the refusal of an application for a dwelling on an adjacent site to the rear of 9 Bratton Road, ref. W/2006/0265. In his decision, the Inspector considered that the introduction of a further house would begin to suggest a new pattern of development. Furthermore, approval of this proposal would make other similar proposals difficult to resist. The Inspector added that "the addition of further houses, either individually or as a row of frontage properties, would cause a harmful intensification of development and a change in the character of this area".

- 6.3.6 As listed in Section 3 of this report, there is a history of applications for dwellings in rear gardens along this part of Bratton Road. In particular, there have been 5 refusals in rear gardens between No's 8 to 16 Bratton Road since 1989. In each instance, refusal reasons cited similar concerns regarding the introduction of inappropriate backland development.
- 6.3.7 It is noted that 2 dwellings have been erected following the granting of permissions in 1989 and more significantly, the application site has received outline permission for the erection of a bungalow in 2005 under W2005/0708. Unfortunately this permission has now expired and as the appeal decision quoted above was the most recent decision having been issued 15th October 2007, this should now set out the Council's approach towards applications for residential development in this location.
- 6.3.8 Furthermore, the previous approval on the site did only provide outline permission for one bungalow which would have been provided at the western end of the current application site. The proposed development would see two, two-storey properties provided on a larger plot and therefore represents a more substantial form of development. Whilst it is likely that the expired dwelling would have been on a smaller scale, have a lower profile and be less intrusive within the landscape, the Council's objection in this instance is to the provision of residential development on the site in principle and a reduction in the number of units would not overcome officers' concerns.
- 6.3.9 The applicant has made reference to the existing permission at 21 Bratton Road which gave outline permission for the erection of 5 dwellings under (most recent ref. TWC/2013/0033). So far only outline permission has been granted and no reserved matters application has been received. Until the development is commenced, it carries very little weight in terms of any impact upon development pattern and building lines within the area and does not alter officers concerns as set out above.

6.4 Access and Parking Issues

- 6.4.1 Access: The proposed development would be served by a private drive serving the farm to the west of the site, together with to 4 existing properties, Moor House, Moor Farm, Moor Farm Cottage and Highfield Lodge. The driveway runs along the south side of the site and connects with Bratton Road to the east. Concerns have been raised by the Council's Highways Officers that the junction onto Bratton Road suffers from poor visibility, whereby views in a northerly direction are obstructed by the boundary fence at 20 Bratton Road. Although Bratton Road is a cul-de-sac, the number of properties to the north of the junction is considered sufficient to generate enough traffic to constitute a risk to highway safety should usage of the junction be increased. Officers are therefore concerned that as a result of this substandard visibility, the junction would not be able to accommodate further residential development. Similar concerns were also raised by the Planning Inspector in the appeal decision for land at 9 Bratton Road as referred above.

- 6.4.2 The proposal will involve the provision of two dwellings each with two parking spaces and could therefore result in 4 vehicles using the lane to access the site on a regular basis. The dwellings would be erected on land which is currently used for parking of vehicles belonging to 19 Bratton Road and the applicants have confirmed in writing that this typically consists of one vehicle, belonging to their son. As a result, it is considered that a net increase in the number of vehicles using the lane and junction onto Bratton Road would result from the development. Having regard to the substandard nature of the junction, Highways Officers are of the opinion that the proposed intensification of use would pose a risk to highway safety.
- 6.4.3 Following a meeting on site with the Highways Development Group Manager, the applicants have submitted amended plans which include provisions to improve visibility at the junction through the provision of a visibility splay which would extend across the frontages of No's 18, 19 and 20 Bratton Road. This would require the clearance of any items such as walls or vegetation measuring above 800mm in height located within it. The relevant Notice under Article 13 has been served on the owner of 20 Bratton Road, notifying them of the relevant works proposed which will need to include the removal of a 2.4m section of the boundary fence, clearance of the front 2.4m of the garden and reduction in height of the boundary wall to 800mm. The neighbour has also been re-consulted following the submission of the amended plans and no objections have been received. The Highways Group Manager has inspected the amended proposal and has confirmed that subject to the proposed visibility improvements being provided prior to the commencement of the development, no objection would be raised from a highway safety perspective. A condition would need to be placed upon any approval requiring the visibility splay to be provided before the commencement of any works to erect the dwellings proposed.
- 6.4.4 Loss of Parking: Historically, No's 18 and 19 Bratton Road both contained access and a parking space to the rear of the properties, however, in preparation for this application the plots have been subdivided and the land (which previously contained the parking spaces) transferred into separate title with the Land Registry. As a result, both properties will lose the parking space to the rear. Whilst 18 Bratton Road also has parking to the front, No. 19 does not and therefore the proposal would leave that property without any designated off-street parking provision. Whilst this is far from ideal, given that it has taken place through a private land transfer for which permission is not required, it could have occurred in any event and is not a matter which can be controlled as part of this application.

6.5 Other Matters

6.5.1 Residential Amenity:

It is not considered that the proposal would have any adverse impact upon the living conditions of occupants of nearby properties, having regard to the separation distances involved. Whilst the proposed properties will be situated back-to-back to numbers 18, 19 and 20 Bratton Road, they will be separated

by a minimum distance of 27 metres which is considered sufficient to ensure that privacy will not be lost.

6.5.2 Ecology:

The application raises no issues in respect of Ecological issues. The proposal has been inspected by the Council's Ecology team who raise no objections. No protected species or wildlife habitats will be affected by the proposed development.

6.5.3 Trees and Landscaping:

It is noted that a number of trees on the site appear to have been cleared to accommodate the development. The Council's Trees Officer has inspected the proposal and raises no objections, however, suggests that if approved, the Poplars at the west end of the site are removed and replaced with a more appropriate hedging species. Any approval would need to be carried out in accordance with a landscaping scheme to be submitted.

7.0 CONCLUSIONS

- 7.1 The proposed development site is located within the Telford urban area and is therefore supported in principle by Policies CS1 and CS3 and Saved Policy H6. However, the proposal would not be in keeping with the development pattern in the area which is characterised by a strong ribbon development pattern with properties fronting onto the western side of Bratton Road. The proposal would result in backland development, located behind the main development line along Bratton Road and would begin to introduce a new line of development within the area when viewed alongside the two existing properties to the north and south of the site.
- 7.2 A number of applications have been submitted for residential development on adjacent rear gardens belonging to properties along Bratton Road. Whilst five applications have been refused, two properties were granted in 1989. However, the most recent application ref. W/2006/0265 was dismissed on appeal and officers consider that the Inspectors decision, as the most recent decision in this matter, now sets the precedent which needs to be followed. Furthermore, not only would a development in this location be out of keeping with the development pattern in the area, it would also make similar applications on gardens adjacent the site difficult to resist.
- 7.3 Whilst the junction of the access drive onto Bratton Road currently suffers from substandard visibility in a northerly direction, the proposal includes measures to improve visibility to an acceptable standard. As such, on the understanding that the visibility splay is provided before the development commences, the proposal raises no objections in respect of highway safety.
- 7.4 The proposal would not raise any concerns in terms of drainage provision, loss of trees, ecology or impact upon the living conditions of nearby residents.

7.5 As a result of the above concerns, it is considered that the proposal would be contrary to Core Strategy Policies CS9 and CS15 together with Saved Policy UD2 of the Wrekin Local Plan.

8.0 RECOMMENDATION

8.1 Based on the conclusions above, it is recommended that Planning Committee **REFUSE PLANNING PERMISSION** for the following reasons:-

1. In the opinion of the Local Planning Authority, the proposal would result in unacceptable backland development, located behind the continuous built up frontage along Bratton Road. The provision of a dwelling in this location would be out of keeping with the ribbon development pattern along the west side of Bratton Road and in this respect, the proposal would therefore fail to respect the context, character and appearance of the existing area, contrary to Core Strategy Policy CS15 and Saved Policies UD2 and H6 of the Wrekin Local Plan together with the requirements of the NPPF.