

## Appeal Decision

Site visit made on 9 February 2016

**by A J Mageean BA (Hons) BPI PhD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 March 2016**

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**Appeal Ref: APP/C3240/W/15/3136700**  
**21a St Michaels Close, Madeley, Telford TF7 5SD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr N Coats against the decision of Telford and Wrekin Council.
  - The application Ref TWC/2014/0178, dated 26 February 2015, was refused by notice dated 17 April 2015.
  - The development proposed is the erection of two dwelling houses and formation of vehicular and pedestrian access.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of two dwelling houses and formation of vehicular and pedestrian access at 21a St Michaels Close, Madeley, Telford TF7 5SD in accordance with the terms of the application, Ref TWC/2014/0178, dated 26 February 2015, subject to the attached schedule of conditions.

### Procedural Matters

2. The proposal is for outline planning permission, and the application makes it clear that approval is sought for access only at this stage. It is clear that the submitted drawings are intended for illustrative purposes only.
3. I note that an earlier version of this application suggested that access to this site would be gained from Coalport Road. However, this was subsequently amended and the proposal now seeks access from the existing driveway of No 21a St Michaels Close. I understand that this access would run along the western boundary of the plot (the eastern site of No 21a).

### Main Issues

4. The main issues in this case are:
    - 1) The effect of the proposed development on the character and appearance of the area with particular reference to the Green Network.
    - 2) Whether the proposed development would provide satisfactory living conditions for future residents with regards to the provision of parking and amenity space.
    - 3) The effect of the proposed development on the living conditions of nearby residents with particular reference to drainage.
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## Reasons

### *Character and appearance*

5. The appeal site is located on the edge of the settlement of Madeley at the end of St Michaels Close. It currently forms part of the residential curtilage of No 21a St Michaels Close which lies to the west of the site. The site falls notably from west to east and is bound by mature vegetation on its north, south and eastern sides. Its eastern boundary adjoins Coalport Road.
6. The proposal would place two dwellings, along with two double garages on this site. The indicative layout suggests that they would align with the existing properties at No's 13-21 St Michaels Close, and be similarly split level, with two storeys on the Coalport Road elevation and a single storey on the elevation facing No 21a St Michaels Close.
7. I note that Coalport Road forms the boundary of the Severn Gorge Conservation Area and World Heritage Site (the WHS) which lies to the south and east of the appeal site. I also note that the appeal site lies within the Council's designated Green Network as set out in the Wrekin Local Plan 1995-2006 (the Local Plan). The purpose of the policy framework for the protection of the Green Network is set out in Policies OL3, OL4 and OL5. The Green Network aims to provide green wedges which separate built up areas and enhance the sense of community, provide green lungs, meet recreational needs, support diverse natural habitats and provide open space linkages for access routes to follow.
8. I note in the Council's report to committee and appeal statement that it has indicated that it does not consider that the purpose of the Green Network is reflected within this site. This is because it is effectively an enclosed residential curtilage which is inaccessible to the public, and apart from its boundary trees does not have any ecological value. I agree with this assessment and do not consider that this site currently contributes to the Green Network designation.
9. I have also had reference to the National Planning Policy Framework (the NPPF) which does not specifically support the establishment of green networks, but states at paragraph 109 that the planning system should protect and enhance valued landscapes. In this respect I consider that the Local Plan is dated and does not comply with guidance in the NPPF. The advice at paragraph 215 of the NPPF states after 12 months from the publication of the NPPF, weight should be given to the Local Plan according to its degree of consistency with the NPPF. In this respect I give the policies in the Local Plan relating to the Green Network little weight. Further, it has not been demonstrated that the appeal site itself is, or forms part of, a valued landscape.
10. The appeal site sits adjacent to the boundary of the Severn Gorge Conservation Area and the WHS, and as such the Council have stated in their reasons for refusal that there would be a detrimental effect on the approach to the WHS. I note that Local Plan Policy SG1 accords with NPPF paragraph 132 in attaching significant weight to the protection of this heritage asset, though only insofar as it relates to development within it.
11. Whilst I noted on my site visit that development on this site would be visible from Coalport Road due to its sloping nature, this visibility would be reduced by

the mature landscape boundary which fronts the roadside. Furthermore, as this development would effectively appear as an extension to No's 13-21 St Michaels Close, I do not consider that the effect of this development on the setting of the Conservation Area and WHS would be significant. This would therefore accord with the expectations of paragraph 132 of the Framework which anticipates great weight being given to the conservation of designated heritage assets and their settings.

12. On this issue I conclude that as the Green Network designation represents outdated policy, and is of limited relevance to the appeal site there is not a conflict with Local Plan Policies OL3, OL4 or OL5, nor the relevant aspects of the NPPF. I have also concluded that given the limited effect on the setting of the Conservation Area and WHS there is not a conflict with Local Plan Policy SG1.

*Living conditions – parking and private space*

13. The Council have stated in their reasons for refusal that this proposal would result in overdevelopment of the site and therefore a cramped form of development, which would restrict the amount of both parking and private garden space for future residents. It is felt that this would be compounded by the topography of the site.
14. Whilst the site layout and details relating to floorplans and elevations have been provided for illustrative purposes only, they do demonstrate that it would be possible to place two dwellings on this site which, as noted above, would be similar in both alignment and design to No's 13-21 St Michaels Close. The plot density would also appear to be similar to adjacent properties. As such, whilst I acknowledge that the use opportunities associated with private garden areas on such a gradient are restricted, these private areas would be well screened and would be of a reasonable size. The illustrative layout also demonstrates that it would be possible for sufficient parking to be provided within the curtilage of these properties.
15. I conclude on this issue that no conflict has been identified with the Local Plan Policy UD 2 which requires new development to respond to the local context both visually and functionally. Nor does it conflict with the Telford and Wrekin Council Core Strategy Development Plan Document 2007 (the Core Strategy) Policy CS 15 which seeks to secure design that reinforces local identity.

*Living conditions – drainage*

16. The Council has identified concerns about drainage arrangements, suggesting that this development could lead to localised flooding. I acknowledge the concerns of local residents regarding this issue.
17. However, in the Council's statement submitted in support of their case I note that the Council now considers that the appellant has provided sufficient information to demonstrate that the site could be suitably drained such that localised flooding would be prevented. The Proposed Drainage Arrangement Plan and Drainage Report (December 2015) have been supplied to me as part of the appeal documentation.
18. On this issue I therefore conclude that the proposed development would not have a detrimental effect on the living conditions of nearby residents in terms of drainage issues. It would therefore not conflict with the Local Plan Policy H6

which requires development sites to be adequately drained, or the Core Strategy Policy CS13 which seeks to avoid flood risk in new development.

### **Other Matters**

19. Existing residents have expressed concerns regarding privacy and overlooking. Whilst accepting that the plans provided are for illustrative purposes only, I note that the eastern elevations would overlook the garage area and front and rear gardens of No 21a St Michaels Close, but that any overlooking would be reduced by the single storey design of the proposed buildings at this point. I have also considered the elevation to No 21 St Michaels Close and note that only one window to the lower ground floor would be present in the new dwellings. Overlooking would also be restricted by the mature vegetation present along this boundary. With regard to the overlooking of properties on Laburnum Drive, I also consider that the presence of mature vegetation along the Coalport Road boundary would minimise this possibility. This vegetation, including the protection of its roots during construction, could be managed by conditions on the approval at reserved matters stage.
20. Concerns have also been expressed about the stability of this site. I have been provided with a report by Telford Mining and Geological Services which states that this area is not considered to have any inherent instability. I support the conclusion that there is no engineering reason why this proposed development should not proceed.
21. I have looked at concerns relating to the impact on local ecology and biodiversity. In this respect I have noted the Council's Ecological Assessment which makes it clear that any such interest in this site relates to the mature vegetation on the boundaries. As this area could be protected with landscape conditions at the reserved matters stage I do not consider that this proposal would lead to harm.
22. I have also considered concerns relating to highway safety and disturbance caused by an increase in traffic locally, including for a temporary period during construction. However, the traffic associated with two dwellings would not lead to any significant traffic generation, and construction traffic would be for a temporary period only and could be managed by a condition on the approval.
23. I note comments suggesting that the proposed development would be out of character with the surrounding area. However as this area comprises properties of modern design, including those at No 13-21 St Michaels Close which are similarly split level, I do not consider that the proposed dwellings would appear out of place.
24. Whilst I note that this site does not appear in the current Strategic Housing Land Availability Assessment, I nonetheless consider that the addition of two houses in this sustainable location, closely associated with the existing settlement of Madeley, would be a benefit.

### **Conclusion**

25. I have found in this case that the proposed development would not have a damaging effect on the character and appearance of this area, nor would it

lead to adverse living conditions for current or future residents in terms of drainage and the provision of parking and private garden space.

26. For these reasons, and taking into account all other matters raised, I conclude that the appeal should succeed.

27. I have had regard to the conditions suggested by the Council. I have attached conditions limiting the life of the planning permission and setting out the requirements for the approval of reserved matters in accordance with the requirements of the Act. A condition relating to the management of construction traffic is necessary to avoid congestion and protect the living conditions of residents in the surrounding area. A drainage condition is necessary to ensure the satisfactory drainage of the site and avoid flooding. I have included conditions relating to nesting and roosting facilities and external lighting to protect and support the local wildlife population. I have also included a condition removing permitted development rights within the curtilage of the dwellings to safeguard both their private garden areas, and the character of the area more generally. I have not included conditions relating to existing and new landscaping, external materials and layout of the site as these considerations will be covered at the reserved matters stage.

*A J Mageean*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall take place not later than 2 years from the date of the approval of the last of the reserved matters to be approved.
2. Application for the approval of reserved matters shall be made to the local planning authority not later than 3 years from the dates of this permission.
3. Details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
4. Development shall not take place until a scheme has been submitted to and approved in writing by the local planning authority for:
  - a. The parking of vehicles of site personnel, operative and visitors
  - b. The loading and unloading of plant and materials
  - c. The storage of plant and materials used in constructing the development.These facilities shall be maintained throughout the course of construction of the development free from any impediment to their designated use.
5. Development shall not take place until a scheme for surface water drainage has been submitted to and approved in writing by the local planning authority. The proposed scheme shall restrict surface water run off to 5 litres per second per hectare and any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% to allow for climate change. The approved details shall be implemented prior to the first occupation of the development.
6. Prior to the first occupation of the buildings hereby permitted a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be agreed in writing by the local planning authority and the scheme shall then be undertaken in accordance with agreed details.
7. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with approved details and maintained thereafter for the lifetime of the development. The submitted scheme shall take into account the advice on lighting set out in the Bat Conservation Trust booklet 'Bats and Lighting in the UK'.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without planning permission first being obtained from the local planning authority:
  - Extension to the dwelling.
  - Free standing building within the curtilage of the dwelling.
  - Fences, gates or walls.
  - Any dormer windows.