



## Appeal Decision

Site visit made on 19 July 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 21 August 2017

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### Appeal Ref: **APP/C3240/W/17/3173515** **14 The Rookery, Madeley, Telford TF7 5AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Micheron Homes against the decision of Telford and Wrekin Council.
  - The application Ref TWC/2016/0668, dated 24 September 2016, was refused by notice dated 17 November 2016.
  - The development proposed is erection of detached dwelling to provide 2 no two bedroom apartments associated car-parking and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of detached dwelling to provide 2 no two bedroom apartments associated car-parking and landscaping, at 14 The Rookery, Madeley, Telford TF7 5AW, in accordance with the terms of the application Ref TWC/2016/0668, dated 24 September 2016, subject to the conditions in the attached schedule.

### Preliminary Matter

2. The name of the appellant used above is taken from the appeal form which is more complete.

### Main Issues

3. The main issues are:
  - The effect of the proposal on highway safety;
  - The effect of the proposal on the living conditions of neighbours residing at Nos 24 and 25 Station Road, with particular reference to outlook, day/sunlight and privacy; and,
  - The effect of the proposal on the character and appearance of the surrounding area.

### Reasons

#### *Highway Safety*

4. No 14 The Rookery comprises a two storey semi-detached dwelling with garden area to its rear and side. The proposed two storey detached building would be located to the side of No 14 and reached via an access lane (not adopted)

- which leads to a cul-de-sac. The site is surrounded predominantly by residential use with Madeley High Street further to the north of the site.
5. During my mid-afternoon site visit I walked along the access lane which leads to the site entrance and observed vehicular movements and on-street parking in the wider vicinity. However, I appreciate that the level of traffic and demand for parking spaces are likely to increase later in the day. I have also viewed a number of photographs submitted relating to these matters. Although narrow and involving a turn midway along its length, I have no reason to doubt that a vehicle would be able to safely travel along the lane and reach the site. Furthermore, I observed some properties had driveways abutting the lane and note that the Council state that it is used by neighbours as a private driveway.
  6. Whilst the access lane does not include a pavement for pedestrians, its width, residential character and indirect layout would prevent vehicles from travelling along it at speed and would enable sufficient inter-visibility between road users. In addition, no evidence is before me to demonstrate that existing access arrangements along the lane have caused highway safety issues, including for emergency service vehicles.
  7. Based on what I saw during my visit, the site would have sufficient space to accommodate the proposed parking and turning facilities. The appellant states that the parking standards appended to saved Policy H6 of the Wrekin Local Plan (LP) were not saved. This aside, the three parking spaces proposed would accord with the Council's parking standards in the emerging Telford & Wrekin Local Plan. Two parking spaces are also proposed to serve No 14 which would represent an improvement to existing off street parking provision. Consequently I have no reason to conclude that the proposal would exacerbate on street parking to an extent that would be detrimental to highway safety.
  8. Nor does the evidence before me indicate that the modest comings and goings associated with the proposal would result in a harmful effect to highway safety in the wider area. Moreover the Highway Authority does not object to the proposal subject to a condition to secure parking and turning facilities on site.
  9. Therefore the proposal would not have a harmful effect on highway safety. Consequently the proposal would meet the requirements of saved LP Policy H6 and paragraph 32 of the National Planning Policy Framework (the Framework). Combined these policies seek to ensure that development can be served by adequate parking and a safe and suitable access.

#### *Living Conditions*

10. During my site visit I viewed the appeal site from Nos 24 and 25 Station Road and I understand that a disabled person resides at No 24. Whilst small in size, the rear gardens serving both properties provide occupants with amenity value and include seating areas. That said, both properties are set at a lower ground floor level and bounded by high wooden panel fencing and vegetation. Consequently the outlook from both rear garden areas is already restricted. As the proposed two storey building would be set away from the eastern site boundary, views of it from the garden area would be limited.
11. Concern is raised by local neighbours regarding the effect of the proposal on levels of day and sunlight, particularly during the evening. However, for similar reasons outlined in the previous paragraph, the level of day and sunlight

- reaching the rear garden areas at Nos 24 and 25 is also already compromised. In this context, and taking into account the siting and height of the proposed building, the proposal would not have a harmful effect on the levels of day/sunlight for occupants at Nos 24 and 25. Consequently the proposal would have a limited effect on the outlook and levels of day and sunlight for neighbours when spending time at the rear garden areas.
12. At first floor level, the rear elevations of Nos 24 and 25 contain frosted windows which serve bathrooms on the outer side of the properties. Each property contains an inner window at first floor that serves a bedroom. The outlook from the first floor windows at No 25 already encompasses the two storey mass of No 14 The Rookery. In this respect indirect views of the proposal would have a limited effect on the outlook for neighbours residing at No 25.
  13. Owing to the orientation of the proposed building and of Nos 24 and 25, the proposal would be closer to the first floor windows at No 24 when compared with the separation distance between No 25 and No 14 The Rookery. However the proposed building would be lower in height than No 14 including a lower eaves and ridge height. Consequently the proposal would give neighbours at No 24 an outlook similar to that currently experienced by neighbours residing at No 25.
  14. With no evidence before me to demonstrate that the existing outlook for neighbours at No 25 has resulted in unacceptable harm to neighbouring living conditions, I conclude that the proposal would not have a harmful effect on the outlook of neighbours residing at Nos 24 and 25. As the proposed skylight windows would be obscured, sited on a low pitched roof and serve non-habitable rooms, views from them towards Nos 24 and 25 would be limited and indirect. Consequently the proposal would not have a harmful effect on the privacy of neighbours residing at Nos 24 and 25.
  15. I also viewed the site from Orchard Bungalow. Based on the separation distances involved, the indirect viewing angles and absence of proposed windows facing towards this property, the proposal would not result in a harmful effect on the living conditions of neighbours residing at Orchard Bungalow with reference to day/sunlight and privacy. To ensure neighbouring privacy remains, a condition could be attached to ensure that no further windows are inserted into the north and east elevations.
  16. Therefore the proposal would not have a harmful effect on the living conditions of neighbours residing at Nos 24 and 25 Station Road, with particular reference to outlook, day/sunlight and privacy. Consequently the proposal would meet the requirements of saved LP Policies UD2 and H6 and paragraph 17 bullet point 4 of the Framework. Combined these policies seek to ensure that development responds to its context functionally, does not have an adverse impact on adjacent land uses and provides a good standard of amenity for existing occupants of buildings.

#### *Character and Appearance*

17. Dwellings along The Rookery are predominantly two storey semi-detached properties with side hipped roof designs. Station Road contains two and single storey detached and semi-detached dwellings with varied roof designs.

Gardens in the vicinity are mostly generous in size and help give the immediate surrounding area a spacious character.

18. When viewed from the access lane, the proposal would take the appearance of a two storey dwelling in proportion and in line with the front elevation of No 14 The Rookery. As the parking and garden area would be comparable in size to those in the surrounding area, the proposal would retain the local spacious character and thus not result in overdevelopment at the site. Moreover, views of the proposed building and areas of hardstanding from the wider cul-de-sac would be screened by intervening properties to the north of the site.
19. Views from Station Road would also be limited and when made would place the proposal as part of the backdrop of existing dwellings at The Rookery. In addition, the roof design proposed would not look out of place with the varied roof designs along Station Road.
20. Paragraph 48 of the Framework states that windfall allowances should not include residential gardens and at paragraph 53 states that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens. However, the Council acknowledge that they do not have a policy relating to this topic and refer to Policy BE1 of the emerging Local Plan.
21. Of relevance, Policy BE1 supports development that respects and responds positively to its context and enhances the quality of the local built and natural environment. I consider this policy requirement accords broadly with that of the Framework's relating to good design. Based on my reasoning above the proposal would meet the requirements of emerging Local Plan Policy BE1.
22. Whilst not referred to in the Council's reason for refusal, based on the design proposed and the intervening buildings, the proposal would not have a harmful effect on the character or appearance of the Ironbridge Gorge Conservation Area, the World Heritage Site or Madeley High Street.
23. Therefore the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of saved LP Policies UD2, H6, Core Strategy Policy CS15, Madeley Neighbourhood Plan policies LC5, H7, and section 7 of the Framework. Insofar as they relate to this matter these policies seek to ensure that development is of a good design that responds positively to its local context.

#### *Other Matters*

24. Concern has been raised regarding the potential subdivision of No 14. However this does not form part of the appeal proposal. In addition, based on the garden areas provided, the proposal would provide future occupants and neighbours at No 14 with sufficient amenity space.
25. Based on the evidence before me, dismissing the appeal based on land drainage and wildlife concerns would not be justified. However a prior to development condition relating to foul and surface water drainage is necessary based on the comments of the Council's Drainage Engineer.
26. Concerns have been raised regarding the potential for noise and disturbance, including from associated vehicular journeys. However any noise and disturbance is likely to be limited in scale and typical for an established

residential area. Based on the separation distances involved, the proposal would have a limited effect on the privacy of neighbours residing at No 15 The Rookery.

27. The issue of effect on property values has also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

#### *Conditions*

28. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.
29. I have imposed a condition specifying the relevant drawings as this provides certainty. A prior to commencement of development condition relating to materials is necessary to protect the character and appearance of the surrounding area.
30. A condition requiring parking and turning areas to be completed prior to the occupation of the building is necessary for highway safety purposes. A condition to ensure windows to the east elevation are obscured and to prevent further window openings in the east and north elevation are necessary in the interests of preserving neighbouring privacy. However, based on the angle of the roof slope, it is unnecessary for the condition to ensure that the roof light windows are fixed shut.
31. Based on the evidence before me, including my site visit observations, a condition to retain vegetation is unnecessary with hedgerows located within adjoining garden areas.

#### **Conclusion**

32. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

*B Bowker*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, Existing East Elevation, Existing Ground Floor Plan, Existing First Floor Plan, Existing South Elevation, Existing West Elevation, Proposed Site Layout, Proposed Ground Floor Plan of Existing House (received 20 October 2016), Proposed First Floor Layout of Existing House (received 20 October 2016), Proposed Ground Floor, Proposed First Floor, Proposed North Elevation (received 20 October 2016), Proposed West Elevation (received 20 October 2016), Proposed South Elevation (received 20 October 2016), Proposed East Elevation (received 20 October 2016).
- 3) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the building and hard surfacing areas hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 4) The development hereby permitted shall not be occupied until the first floor windows to the east elevation of the building hereby permitted are fitted with obscure glazing. The obscured window shall be retained as such thereafter. No further windows or openings shall be formed in the north and east elevation of the building unless otherwise submitted to and approved in writing by the local planning authority.
- 5) The building hereby permitted shall not be occupied until the areas shown on the approved plans for the parking and turning of vehicles have been provided and they shall not thereafter be used for any purposes other than for the parking and turning of vehicles.
- 6) Development shall not take place until a scheme of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The proposed surface water drainage scheme shall include/ensure:
  - A soakaway drainage test;
  - Details of the location of any soakaway no less than 5m from any building;
  - Restrict surface water runoff 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% for climate change.

The approved scheme shall be completed before the development is occupied.

### **End of Schedule**