
Appeal Decision

Site visit made on 26 April 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 24 August 2016

Appeal Ref: APP/L3245/W/16/3142296

Land adjacent to The Apartment Block, The Woodlands, Calcutts Road, Jackfield, Shropshire TF8 7LG

- 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 Mr Kevin Wright, Kaw Projects Ltd against the decision of Shropshire Council.
 - The application Ref 15/00614/FUL, dated 9 February 2015, was refused by notice dated 1 December 2015.
 - The development proposed is 6 x 2 No. Bedroom Apartments.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Kevin Wright, Kaw Projects Ltd against Shropshire Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appellant has submitted a Section 106 agreement with the Council in accordance with the Planning Act which would secure the proposed units as affordable rented housing. I have had regard to this matter in my decision.

Main Issue

4. The main issue is the effect of the development on the living conditions of future occupiers of the apartments with particular regard to internal space and outdoor amenity space.

Reasons

5. Based on information provided in the Council's and appellant's statements the internal floorspace of the new apartments would fall short of the minimum gross internal area standard of between 57 to 67 sqm which the Council encourages for two bedroom homes as set out within the Shropshire Type and Affordability of Housing Supplementary Planning Document 2012 (SPD).
 6. The appellant refers to internal space standards in the National Planning Policy Framework (the Framework), however, from 1 October 2015 local policies on internal spaces should be interpreted by reference to the nearest new national
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- technical standards¹ introduced under a Written Ministerial Statement in March 2015. Decision takers should only require compliance with the new technical standards where there is a relevant Local Plan policy as is the case here. The relevant new standard is 61 sqm and so the appeal scheme also falls short of this similar standard.
7. Therefore, either way, whether it is in relation to the SPD or the new national standard, there would be a conflict with the aims of the SPD. This seeks to achieve set minimum standards and avoid cramped accommodation in keeping with the strategic objective in the Council's Core Strategy 2011 (CS) of promoting good quality sustainable and affordable housing development.
 8. I note that it is not part of the appellant's case that a relaxation in the above standards would be justified, rather that a condition could be imposed to require a larger building. However the effect of this would be to significantly alter the scale of the development whilst denying third parties the opportunity of being consulted and potentially influencing such changes. I therefore consider that potential alterations to the proposal in order to achieve additional internal space would be too fundamental to reasonably secure through the requirements of a planning condition.
 9. The outdoor amenity space serving the development would essentially comprise of a paved corridor between the building and retaining wall supporting the raised area of open space to the side and rear. Whilst this would allow for general access around the outside of the building and waste bin storage, the relative narrowness of the corridor combined with its sunken aspect in relation to the raised open land and its proximity to bedroom windows means that it would not form an attractive or enjoyable communal amenity area. I consider this would be in conflict with the SPD which seeks to avoid the provision of minimal outside amenity space. Whilst it would be possible to walk a short distance from the site and enjoy this rural location the development would fail to provide a safe, convenient and attractive amenity space for residents simply wishing to sit outside or for children's play.
 10. It may be possible to utilise the raised open land as outdoor amenity space, however this area is currently shown as segregated by the retaining wall and there is no detail as to whether or how this area could be accessed. Furthermore the surface of this open land is very uneven and any details of changes required to transform it into a meaningful amenity space are currently lacking. As with any changes to the building, details of the layout, levels and accessibility of outdoor amenity space and its relationship to nearby buildings could result in significant changes to the scheme beyond which a planning condition could reasonably secure.
 11. For the above reasons I conclude that the proposal would be harmful to the living conditions of future occupiers and as such would be in conflict with Policies CS6 and CS11 of the CS which seek amongst other things for development to safeguard residential amenity; to be designed to a high quality consistent with national good practice standards and to be able to adapt to changing lifestyle needs. It would also be in conflict with the Framework which seeks as a core principle to secure a good standard of amenity for future occupants of buildings.

¹ Technical housing standards – nationally described space standard – March 2015 Department for Local Communities and Government.

Other Matters

12. I have taken into account various points raised by the appellant in support of the development. These include that the site is acceptable for residential development in principle, would add to the supply of affordable starter homes (secured through the planning agreement with the Council) on a previously used site and would utilise sustainable construction techniques. Whilst I attach some weight to these considerations they do not outweigh my negative findings on the main issue. I also acknowledge that the Council's planning officer made a positive recommendation on the scheme to the decision making Committee. However this did not prevent the Committee from taking a contrary view for the reasons given in the decision notice.
13. The appellant has expressed a grievance over the time taken by the Council to reach a decision on this proposal in the context of national decision targets. This is a matter between the Council and the appellant and would not have a bearing on the outcome of this appeal.
14. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the Severn Gorge Conservation Area (CA). The design of the proposal would reflect the detailing of the adjacent apartment block and would preserve the character and appearance of the CA. Similarly it would not result in harm to the Ironbridge Gorge World Heritage Site.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised I conclude that the appeal should be dismissed.

Roy Merrett

INSPECTOR