

Appeal Decision

Site visit made on 20 September 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 17th October 2016

Appeal Ref: APP/L3245/W/16/3153078

Land off Sutton Lane, Woodseaves, Market Drayton, Shropshire TF9 2AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Bolton Builders Ltd against Shropshire Council.
 - The application Ref 15/05360/REM, dated 5 December 2015, sought approval of details pursuant to conditions Nos 1, 2 and 4 of a planning permission Ref 14/01563/OUT granted on 13 August 2014.
 - The development proposed is three dwellings including new vehicular access.
 - The details for which approval is sought are: Appearance, Landscaping, Layout and Scale.
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Decision

1. The appeal is dismissed and approval of the reserved matters is refused, namely: appearance, landscaping, layout and scale details submitted in pursuance of conditions Nos 1, 2 and 4 attached to planning permission Ref 14/01563/OUT dated 13 August 2014.

Preliminary Matters

2. Outline planning permission (including access) has been granted for 3 dwellings. The application which is the subject of this appeal addressed the reserved matters of appearance, landscaping, layout and scale. I note that the approved drawings for the outline planning permission include a block plan¹ that contains an indicative layout of 3 houses and associated parking and turning areas. Condition No 7 of the outline planning permission requires that the access, parking and turning areas are satisfactorily completed in accordance with the block plan prior to the dwellings being occupied. Conditions 5 and 6 also refer to approved plans and the block plan.
3. However, the parking and turning areas as shown on drawing number 15-156a would not be in accordance with that shown on the approved block plan. Moreover, the Council have stated that a subsequent planning application has been submitted to enable amended parking, turning areas and visibility splays. Notwithstanding conditions Nos 5, 6 and 7 on the outline planning permission it is clear that layout was reserved for future consideration and I will deal with the appeal on that basis.

¹ SA14869/02

Main Issue

4. The Council did not issue a decision within the prescribed period. The appellant exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the application. The Council's appeal statement states that the drainage details supplied in connection with condition No 4 are acceptable. The appeal statement also states that it considers that there would be no harm to the living conditions of the neighbouring and future occupiers with particular regard to privacy, loss of light, outlook, noise and disturbance. However, the Council have stated that the layout does not take into consideration the character of the area and that the scale and appearance of the dwellings would not relate to local design and appearance characteristics.
5. Taking into account the above the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site comprises part of an agricultural field and it is located adjacent to a row of semi-detached dwellings that extends from the junction of Sutton Lane with the A529. Most of the dwellings nearby front Sutton Lane or the A529 with outbuildings behind. Where other buildings are sited behind the frontage for the most part they are agricultural buildings.
7. The housing in close proximity to the site is characterised by a clear linear pattern of development with well-spaced, semi-detached dwellings set in generous plots. The majority of dwellings are set back behind front gardens and have large rear gardens. These features give the area an open and spacious character and appearance. Although the gardens include domestic outbuildings such as sheds and greenhouses, these are subservient or of minor scale and do not materially alter this character.
8. The layout shows 2 dwellings facing Sutton Lane, 1 either side of the access and 1 dwelling to the rear of the frontage properties. The dwellings would have large footprints and detached garages. Consequently, the proposal would create a more closely spaced pattern of development than that which predominates in the immediate vicinity of the site. Moreover, although Plot 3 would be set well back from the road, the dwelling would be seen in views along the new access drive between the frontage properties, from Sutton Lane and from the neighbouring properties and gardens. The positioning of a dwelling behind the frontage properties would also be at odds with the predominant pattern of development, in which dwellings are arranged in a linear way and directly face the public highway.
9. The proposal would not make an efficient and effective use of the site as it would not be consistent with the established pattern of building in the area, and in comparison with adjacent properties would appear cramped. The dwellings would be of traditional materials and architectural styling that would relate well to adjacent buildings but this would not overcome the harm I have identified above.
10. Taking into account all of the above the proposal would be harmful to the character and appearance of the area. As such it would conflict with Policy CS6 of the Shropshire Core Strategy (CS) and Policy MD2 of the Site Allocations and Management of Development Plan (SAMDev) which, amongst other things, requires that all development contributes to and respects locally distinctive or

valued character by responding appropriately to the form and layout of existing development including streetscape, building heights and lines, scale, density and pattern.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR