



Appeal Decision

Site visit made on 4 March 2014

by Susan Holland MA DipTP MRTPI DipPollCon

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

Decision date: 31 March 2014

Appeal Ref: APP/L3245/A/13/2210532

land at rear of Maesercroft, Kinnerley, Shropshire SY10 8DF

- 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 Steve Jennings against the decision of Shropshire Council.
- The application Ref 13/03217/FUL, dated 9 August 2013, was refused by notice dated 19 November 2013.
- The development proposed is the erection of 10 dwellings together with landscaping and associated parking.

Procedural Matters

1. As originally submitted, the application was for 12 dwellings, but it was subsequently revised. Though neither specifies the date of revision, both the Appellant in his Grounds of Appeal document, and the Council in its Officer's Report to Committee, state that the description of development in the application was revised to 10 dwellings. It is clear from the terms of the Officer's Report and the Council's Decision Notice that the revision took place before the Council's consideration of the application and its decision; and from letters submitted by local residents that they have had the opportunity to see and comment on the proposal as revised. Accordingly, the appeal is to be dealt with on the basis of the revised description of development: that is, the scheme for 10 dwellings.
2. On 6 March 2014 the Department for Communities and Local Government (DCLG) issued its Planning Practice Guidance. However, the Planning Guidance has no bearing on this decision.

Decision

3. The appeal is allowed and planning permission is granted for the erection of 10 dwellings together with landscaping and associated parking on land to the rear of Maesercroft, Kinnerley, Shropshire SY10 8DF in accordance with the terms of the application, Ref 13/03217/FUL, dated 9 August 2013, and the plans submitted with it, subject to the 12 conditions set out in the Annex to this decision.

Application for costs

4. An application for costs was made by Mr Steve Jennings against Shropshire Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the appeal proposal upon the character and appearance of the surrounding area.

Reasons

6. The green fields which form the appeal site together present a long frontage to Bankfields Lane. In depth, the site borders rear gardens to frontage properties on School Road, this part of the site being effectively surrounded on 3 sides by existing dwellings, including a row of semi-detached houses fronting the south side of Bankfields Lane. A shallow offshoot of the site continues along the Bankfields Lane frontage. This part of the site is backed by open fields and faces, across Bankfields Lane, an open area of land which has planning permission for residential development as a continuation of the neighbouring Coly Anchor estate. The appeal site itself has planning permission for 7 dwellings.
7. Looking beyond the site, the surrounding residential properties are modest in both dwelling and plot size. Detached and semi-detached houses predominate, with some bungalows. The Coly Anchor development itself features a mixture of dwelling size and exterior treatment. The housing mix, exterior features and materials proposed in the appeal scheme would be compatible with these.
8. The proposed plot layout would respond to its immediate surroundings by varying garden length and the position of garages to maximise to a reasonable degree the distance from adjacent existing houses. The arrangement of proposed Plot 10, on the offshoot land, would retain an elongated garden alongside the Bankfields Lane frontage: this would draw the proposed dwelling as closely as possible within the frame of existing built development on Bankfields Lane and new built development proposed to be concentrated on the main part of the site. By arranging the proposed plots to face inwards onto a central cul-de-sac, the appeal scheme would not only give the development its own identity but also retain the existing strong hedgerow and trees on the outer highway boundary so as to keep as far as possible the rural character of Bankfields Lane. The proposal would not represent *overdevelopment*.
9. Criticisms made, by objectors, of the proposed '*off-the-peg, minimal*' design and layout focus upon dwelling size, interior arrangement, equipment (such as the lack of a woodburning stove), materials, exterior design features, and density of development: culminating in an overall judgment, on the part of objectors, of inferior *quality* said to be inconsistent with the adopted Kinnerley Parish Neighbourhood Plan. However, this criticism and judgment could be described as largely subjective: and though some small 2-bedroomed houses are proposed in the scheme, these would conform to the identified need for smaller dwellings over the plan period as expressed in the Neighbourhood Plan, which also states at paragraph ¶G2 to Annex 5 that *smaller houses are in keeping with the particular character of the area*. No evidence has been brought to the effect that the quality of the proposed dwellings would depart, downwards, in any fundamental way from those in the surrounding area.
10. In conclusion, therefore, the appeal proposal on balance would not have a materially harmful effect upon the character and appearance of the surrounding area. The proposal would meet the requirements of the statutory development plan at Policy CS6 of the adopted Shropshire Core Strategy, in particular in that it would be *appropriate in scale, density, pattern and design taking into account the local context and character*; and those of the National Planning Policy Framework, at ¶17, in that it would sufficiently secure *high quality design and a good standard of amenity for all existing and future occupiers of land and buildings*.

Other Matters

Highways

11. Objectors maintain that the proposal would exacerbate problems of parking around the nearby school to the south of the junction between Bankfields Lane and School Road. However, the site lies within very easy walking distance from the school, and a footway (to be improved under the proposals) is available along the south side of Bankfields Lane and connecting with the footway on School Road: so that the proposal in itself would not add to existing school-related traffic. In any case, the proposal would add only 3 dwellings to the number already approved for the site. The appeal scheme includes improvements to visibility at the junction, to be made within the limits of the highway, sufficient to provide for safe access by vehicles associated with the new development. Consultation with the Highways Officer raised no objection to the scheme.

Bin Store

12. The proposal would make provision for a bin store. In order to meet criticism of the location initially proposed for the store, the Appellant has submitted a further revised plan, Ref.PL06D in which the bin store is relocated from the site entrance to a more recessed position at the first 'elbow' of the access road, and screened by planting and a 1.8m fence.

Conditions

13. In addition to the standard time condition, further conditions are needed in order to secure a satisfactory development. For the avoidance of doubt, given the series of earlier revisions, it is necessary to impose a condition specifying the plans to be followed. Conditions Nos.3 & 4 are necessary in the interests of highway safety at the site access and its junction with Bankfields Lane, and at the junction of Bankfields Lane with School Road. Conditions Nos.5 & 6 are necessary to secure satisfactory treatment of existing trees and hedgerows in the interests of visual amenity and nature conservation. Conditions Nos.8-10 are necessary in the interests of nature conservation. Condition No.7 is necessary in the interests of residential amenity and to enable effective waste collection. Condition No.11 is necessary to secure residential amenity at neighbouring properties. Condition No.12 is necessary in the interests of visual amenity within the development.

S106 Unilateral Undertaking

14. The submitted completed S106 Unilateral Undertaking provides for the appropriate 10% contribution to affordable housing on the site (1 dwelling), and so satisfies the Policy CS11 of the adopted Core Strategy.

Overall Conclusion

15. In these circumstances the overall conclusion, in the light of the main issue, the prevailing planning policies for the area, and all other material considerations, is that the appeal should be allowed, subject to the 12 conditions set out in the Annex to this decision.

S Holland

INSPECTOR

ANNEX: CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised Plans Nos. PL05C, PL06D, PL10A, PL11B, PL12B, PL13B, PL14B, PL15B, PL16B, and PL17B.
- 3) Prior to the commencement of development full engineering details of the means of access and access road, including drainage and visibility sightlines, shall be submitted to and approved in writing by the Local Planning Authority; the development hereby permitted shall not be first brought into use until the access and associated works have been completed in accordance with the approved details and/or phased completion of works.
- 4) Prior to the commencement of development full engineering details of the highway improvements to the junction of Bankfields Lane/School Road together with localised improvements to Bankfields Lane shall be submitted to and approved in writing by the Local Planning Authority; the development hereby permitted shall not be first occupied until the highway improvement scheme has been fully implemented in accordance with the approved details.
- 5) No ground clearance or construction work shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that there will be no damage to any existing trees or hedgerows within the site. The submitted scheme shall include the provision of chestnut paling or similar form of protective fencing to BS5837: 1991 standard, at least 1.25m high and securely mounted on timber posts driven into the ground, has been erected around each tree, tree group or hedge to be preserved on site or on immediately adjoining land. The fencing shall be located at least 1m beyond the line described by the furthest extent of the canopy of each tree, tree group or hedge. The approved scheme shall be retained on site for the duration of the construction works.
- 6) No development shall take place until full details of landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure and boundary treatment: and soft landscape works which shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation timetables.
- 7) No dwelling hereby approved shall be occupied until the refuse collection area as shown on drawing number PL06D has been provided and properly laid out; and the space shall thereafter be maintained free of any impediment to its designated use.
- 8) A total of 12 woodcrete artificial nests, as detailed in the Updated Ecological Survey Report conducted by Pearce Environmental Ltd (July 2013) shall be erected on the site prior to first occupation of the buildings hereby permitted.
- 9) A total of 6 woodcrete bat boxes, as detailed in the Updated Ecological Survey Report conducted by Pearce Environmental Ltd (July 2013), shall be

erected on the site prior to first use of the buildings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path, and shall thereafter be permanently retained.

- 10) Work shall be carried out strictly in accordance with the Updated Ecological Survey Report conducted by Pearce Environmental Ltd (July 2013).
- 11) No windows or other openings shall be formed in the west elevations of the dwellings on Plots 4 and 5 as shown on approved drawings Nos. PL06D, PL12B, & PL13B.
- 12) The external materials and their colour shall be as detailed in the deposited revised Design and Access statement received on 18 October 2013.

(12 conditions).