

Appeal Decision

Site visit made on 8 October 2020

by Jameson Bridgwater DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Appeal Ref: APP/L3245/W/20/3254804

Land adjacent to The Dingle, Hopton Wafers, Shropshire

- 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 and Mrs Brian Perry against the decision of Shropshire Council.
 - The application Ref 20/00402/FUL, dated 29 October 2019, was refused by notice dated 22 April 2020.
 - The development proposed is described as 'Erection of one dwelling (modification to previously approved); erection of detached double garage'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling; erection of detached double garage at land adjacent to The Dingle, Hopton Wafers, Shropshire in accordance with the terms of the application, Ref 20/00402/FUL, dated 29 October 2019, subject to the 7 conditions in the attached schedule.

Preliminary matters

2. The appellants described the development as 'double garage and reposition dwelling'. The Council's description more accurately describes the proposal as 'erection of one dwelling (modification to previously approved); erection of detached double garage', however, I have deleted the reference to modification to previously approved as this is superfluous. I have determined the appeal upon this basis.
3. The appellants within the application form stated that the appeal site was located within Worcestershire (postal address). The Council's decision notice correctly states that the appeal site is located within Shropshire. I have determined the appeal upon this basis in the interests of clarity.

Main issue

4. The main issue in the appeal is:
 - the effect of the siting of the proposed detached garage on the character and appearance of the area.

Reasons

5. The appeal site is located within Hopton Wafers. The site is bounded on two sides by the public highway and to the north east by an area of dense planting.

Land levels fall away steeply to the east down to a stream with mature vegetation on the slopes.

6. The proposed dwelling (Plot 2) would be similar in design to extant planning permission 18/03718/FUL, albeit it would be located closer to the shared northern boundary with plot 1, and moving the corresponding distance away from the south eastern site boundary with 'The Dingle'.
7. The proposed double garage would be erected in front of the dwelling. The access would remain as approved in planning permission 18/03718/FUL, with the hardstanding and parking area in front of the dwelling remaining largely unaltered from the extant permission.

Character and appearance

8. I have carefully considered the Council's representations which argue that the siting of the proposed double garage would be detrimental to the character and appearance of the area. However, although positioned forward of the proposed dwelling, the height, design and roof form of the proposed garage are of a modest scale and proportion meaning that it would not appear incongruous in the street scene. Moreover, whilst I note that the adjoining property 'The Dingle' is set back from the highway with a largely uniform frontage, there are other properties and buildings within Hopton Wafers where built form is located directly adjacent to or close to the carriageway. Furthermore, the proposal would not be dissimilar in position and design to the detached garage located in the garden area of the adjoining house south east of 'The Dingle'. Therefore, the proposal would not result in material harm to the character and appearance of the area nor would it appear 'unneighbourly'.
9. Having come to the conclusions above, it follows that the proposal would not conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015). These seek amongst other things to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character.

Other matters

10. Local interested parties have raised the issues of highway safety, loss of light, diversion of electricity cables, and the removal of a hedge. To ensure highway safety I have applied a condition to ensure that visibility splays are provided and be permanently kept free of all obstacles or obstructions. Regarding the effect of the proposed garage on light, I consider that the proposal would not materially harm the living conditions of occupiers of 'The Dingle'. This is due to the adequate separation between the proposal and 'The Dingle'. In reaching this conclusion I have taken into consideration the position of the garage and the path of the sun.
11. Turning to the diversion of electricity cables and the removal of hedge; based on the evidence before me the diversion of the power lines falls outside the appeal site, a point confirmed by the appellant and consistent with the findings of the Planning Officer's report. With regard to the removal of the hedge, Council have referred to the Ecological Study submitted with an earlier application for the site and investigations at that time established that the front hedgerow did not contain a sufficient number of woody species to classify it as

important under the Hedgerow Regulations. Therefore, after considering these matters there is no technical or substantive evidence presented that would lead me to a different conclusion.

Conditions

12. The conditions suggested by the Council have been considered in light of the advice contained within the national Planning Practice Guidance and the National Planning Policy Framework. The appellant has also agreed in writing that in accordance with the pre-commencement regulations¹, such conditions are acceptable. In addition to the standard implementation condition, it is necessary for certainty, to define the plans with which the scheme should accord. A condition is necessary in the interests of the character and appearance of the area to control external materials to be used in the development. To minimise the risk of flooding, it is necessary for a condition requiring the submission of a scheme for foul/surface water drainage to be agreed with the Local Planning Authority.
13. A condition is necessary requiring the submission of a scheme for investigation of archaeological interest to be agreed with the Local Planning Authority. A condition removing permitted development rights in relation to schedule 2 part 1 class E of the Town and Country Planning (General Permitted Development) Order 2015 as amended is necessary to ensure that any future proposals can be considered in relation to scale, appearance and character and living conditions.

Conclusion

14. For the above reasons and having carefully considered all other matters raised. I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans Site Location Plan, Site Plan Drawing No. 1499/1C, Plans & Elevations for house Drawing No. 1499/4, and Plans & Elevations for garage Drawing No. 1499/5
3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

¹ Town and Country Planning (Pre-Commencement Conditions) Regulations 2018

4. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before either dwelling is occupied.
5. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.
6. Visibility Splays shall be provided in accordance with the details shown on plan No 1499/1C prior to first occupation of the dwelling hereby approved and these splays shall thereafter be permanently kept free of all obstacles or obstructions at the level of the adjoining highway carriageway / at a height not exceeding 0.9 metres above the level of the adjoining carriageway.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class E shall be erected, constructed or carried out.

End of schedule.