
Appeal Decision

Site visit made on 16 July 2014

by Ian McHugh Dip TP MRTPI

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

Decision date: 6 August 2014

Appeal Ref: APP/L3245/A/14/2217548

Land at the Bottom of Old Mopsis Way, Morda, Oswestry, SY11 2PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Elizabeth Burton against the decision of Shropshire Council.
 - The application Ref 14/00239/OUT, dated 17 January 2014, was refused by notice dated 14 April 2014.
 - The development proposed is the erection of one bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the Council has included in its suggested conditions that the scale of the proposed development be a reserved matter. However, the scale was originally included in the planning application and is specifically referred to in the Council's decision notice. The appellant has stated that the term 'scale' was included in the planning application solely to clarify that the proposal was for a single-storey bungalow. She points out that the shape and position of the building could be different to that shown on the submitted indicative plan and referred to in the Design and Access Statement, and has therefore requested that scale becomes a reserved matter if the appeal is allowed. I see no reason why this cannot be the case. Accordingly, I have considered the proposal on the basis that scale is a reserved matter.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is a narrow, linear shaped plot, which is situated in a prominent position on the corner of Old Mopsis Way and Trefonen Road. The surrounding area is residential in character, comprising a mixture of house types. The appeal site is located adjacent to a pair of two-storey semi-detached houses. A single-storey bungalow (Karlyn) is located on the opposite corner.
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5. The proposal is in outline form (with access to be determined at this stage) and is for the erection of a detached bungalow. Vehicular access would be provided at the rear of the site. I note that the Council has no objections to the proposal on highway safety grounds, and I have no reason to disagree with this stance. An indicative site layout plan shows a rectangular-shaped bungalow, positioned towards the front of the site. I have taken into account that the proposed bungalow could be a different shape and sited in a different position.
6. The Council contends that the proposal would be an overdevelopment of the site, due to the limited amount of amenity space available, and to its impact on the character of the surrounding area. The Council states that it would appear restricted within its plot, which would be "to the detriment of the new dwelling and its surroundings".
7. In reaching my decision, I have considered the nature and appearance of nearby development, including the close proximity of other buildings to the highway (on both Old Mapsis Way and Trefonen Road) and the narrow plot widths of the row of semi-detached houses on the eastern side of the appeal site. I have noted the appellant's supporting graphic illustrations and detailed design suggestions, which seek to demonstrate that a bungalow on the site would be compatible with its surroundings. The appellant's assertion that sufficient internal space could be provided for future occupants is also given weight in my decision. In addition, my attention has been drawn to other developments in the locality that have been approved by the Council and where the plot sizes are smaller than the appeal site. However, I am required to deal with the appeal proposal on its individual merits.
8. It is a requirement of Policy CS6 of the Council's Adopted Core Strategy 2011 (CS) that all development (amongst other things) is appropriate in scale, density, pattern and design, taking into account local context and character. This is consistent with the principles of the National Planning Policy Framework (the Framework) and consequently it carries full weight in my decision.
9. Whilst, I accept that some nearby detached properties are situated close to their site boundaries, my observations are that the majority of these are on wider plots. I have also had regard to the narrow width of the plots of the neighbouring two-storey semi-detached dwellings. However these properties have a distinctly different character compared to a detached bungalow, and I am not persuaded that they provide justification for allowing the appeal.
10. Notwithstanding the potential for a different position on the appeal site, or the possibility of a differently shaped building, the narrow width of the plot would mean that any dwelling of a reasonable size would appear cramped and physically constrained on the site. Although there would be sufficient outdoor amenity space for occupiers of the proposed dwelling, a detached bungalow of any type on the plot would appear at odds and out of context with its surroundings. This would be particularly noticeable due to the highly prominent location of the site.
11. I therefore conclude that the proposal would be unacceptably harmful to the character and appearance of the area, and that it would conflict with Policy CS6 of the CS. In addition, it would fail to add to the overall quality of the area, which is a requirement of the Framework (paragraph 58).

Other Matters

12. The Council has stated that if the appeal was to be allowed, a planning obligation would be required, in order to secure a contribution towards affordable housing in the area. The requirements for a contribution are provided for in Policy CS11 of the CS and in the Council's Supplementary Planning Document on the Type and Affordability of Housing. I note that a true and complete Unilateral Undertaking (UU) has been accepted by the Council. In my opinion, the financial contribution sought by the Council is necessary; directly related to the development; and fairly and reasonably related in scale and kind to the development. It would therefore accord with the tests in Regulation 122 of the Community Infrastructure Levy Regulations and paragraph 204 of the Framework. However, this does not outweigh my findings above.
13. Representations have been received from a neighbouring resident expressing concern that the proposed development would have an adverse effect on the outlook from the resident's dwelling. It is also contended that the proposal would result in a loss of natural light. I note that the Council has no objection to the proposal on these grounds. Given the length of the plot, I am satisfied that a bungalow could be positioned on the site without having a detrimental effect on the living conditions of neighbouring residents. Consequently, I do not find the appeal proposal to be unacceptable for these reasons.

Conclusion

14. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR