
Appeal Decision

Site visit made on 25 July 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 15 August 2016

Appeal Ref: APP/P1805/W/16/3148823

Plot 5, R/O 103 Wildmoor Lane, Bromsgrove, Worcestershire BG1 0PQ

- 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 Lee Kirby against the decision of Bromsgrove District Council.
 - The application Ref 15/0922, dated 21 May 2015, was refused by notice dated 11 December 2015.
 - The development proposed is the erection of 1 two storey dwelling with integral garage and parking area.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 two storey dwelling with integral garage and parking area at Plot 5, R/O 103 Wildmoor Lane, Bromsgrove, Worcestershire BG1 0PQ in accordance with the terms of the application, Ref 15/0922, dated 21 May 2015, and the plans submitted with it, subject to the 7 conditions set out in the attached conditions schedule.

Main Issue

2. The main issue raised by this appeal is whether the proposal would be an overdevelopment of the site.

Reasons

3. Land to the rear of No 103 Wildmoor Lane has planning permission for four dwellings. The proposal which is the subject of this appeal concerns the development of an additional dwelling, taking the number of houses on the land to the rear of No 103 up to five. The Council refused the planning application on the grounds of overdevelopment, however, no reasons were given for this and no harm was identified.
4. There is a variety to the layout and density of development within the area surrounding the appeal site. The footprint of the dwelling and the space around it would not be dissimilar to the size of the four dwellings and their plots which have planning permission and which, at the time of my site visit, were under construction. The new dwelling would be located within a plot which would afford sufficient space to the front and rear for garden space. The SPG¹ suggests that the rear garden should be a minimum length of 10.5

¹ Bromsgrove District Council, Supplementary Planning Guidance Note 1: Residential Design Guide (Published March 1995, Adopted January 2004) (SPG)

metres and I accept that the length of the garden would be sufficient to meet the requirement of the SPG.

5. I note that the main windows within the rear elevations of No 103 and No 101 Wildmoor Lane would exceed 21 metres to the new dwelling, as recommended within the SPG. This would ensure that the new dwelling would not appear overbearing to, and would not result in a harmful loss of privacy for, the occupiers of No 103 and No 101. I note from the drawings that all side windows would be obscure glazed. Together with the bathroom window which would also be obscure glazed, any potential for overlooking would be minimised further.
6. I have noted the concerns raised for the impact of the development on the privacy of No 105 Wildmoor Lane. The proposed dwelling would be some distance from and on the opposite side of the access drive to No 105. Together with the angle of the rear elevation of No 105, facing away from the appeal site, the properties would not overlook each other directly for the loss of privacy to have a harmful impact on the living conditions of the occupiers of No 105.
7. With regards to access and parking, the Council's Highways Officer considered that the access drive from Wildmoor Lane to the land at the rear of No 103 could support up to 6 dwellings. Without any evidence to the contrary, I am satisfied that the access could support the additional dwelling proposed.
8. I note local concerns with regards to the provision of parking spaces. Whilst there would be space to the front of the property for two vehicles to park, it has not been demonstrated that there would be sufficient space for vehicles to manoeuvre in and out of the spaces proposed. However, it would be reasonable to secure any planning permission with a condition to ensure that both parking spaces met highway standards. In doing so I am satisfied that the proposal would not impact on the parking and access arrangements of the site overall.
9. I note a local concern that during construction, the new dwelling would occupy space within the site for site operatives to work, causing potential harm to highway safety. It would not be unreasonable to secure any planning permission with a condition to ensure that site machinery and vehicles operate safely within the confines of the site to address this concern.
10. Whilst I note local concerns in respect of matters including refuse bins and local infrastructure, I do not consider that one additional dwelling would materially add to local infrastructure requirements and therefore cause undue harm. Furthermore, the Council did not raise these matters as a concern within its evidence and in the absence of substantive evidence to demonstrate otherwise, I have no reason to reach a contrary view to the Council.
11. In all therefore, and in light of the above, I find that the development would not be an overdevelopment of the site and therefore would comply with the SPG and Saved Policies DS13 and S7 of the Local Plan² which require the form and layout of the development to be appropriate to its surroundings.

² Bromsgrove District Local Plan (Adopted January 2004)

Other matters

12. It has been suggested that part of No 103 Wildmoor Lane has not been demolished according to the works approved. I am required to consider the merits of the development proposed; in this case one new dwelling. The works at No 103 Wildmoor Lane do not form part of this proposal and are therefore not before me for consideration.
13. I have noted concerns for discrepancies in the appellant's statement and I recognise that the decision at planning committee was unanimous. However, when taking these matters into account, together the evidence before me and my reasoning set out above, I find no substantive reason to consider that the proposed development would be harmful.
14. The proposed development concerns an additional dwelling accessed from an access drive approved under a previous planning permission. I have found that the access drive could support the additional dwelling. Concerns regarding the detailing of the access road, therefore, relate to matters outside the remit of this appeal and are not before me for consideration. In the same way, the design details of the wider site to the rear of No 103 Wildmoor Lane, to include matters such as lighting, are not before me for consideration.

Conditions

15. The Council has suggested a number of planning conditions which I have considered against advice in the Planning Policy Practice Guidance and the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a result I have amended some of them for clarity.
16. In addition to the standard time limitation for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty.
17. In the interests of protecting the character and appearance of the area I have included a condition requiring the approval of external materials. A condition regarding drainage is necessary to ensure that the site is properly drained and local flooding does not result. A condition regarding obscured glazing has been applied to ensure that the privacy of neighbouring occupiers is not affected by the development. I have also attached conditions requiring the approval and implementation of a Construction Method Statement and the implementation of a vehicular access and parking spaces in accordance with details to be first submitted to and approved by the local planning authority, in the interests of local highway safety.

Conclusion

18. For the reasons given above, the development would not constitute an overdevelopment of the site and therefore would comply with the development plan. For this reason the appeal is allowed.

R Walmsley

Inspector

CONDITIONS SCHEDULE

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2015-58-05 Rev A; 2015-58-02 Rev A; 2015-58-04 Rev A; 2015-58-03.
3. No development shall commence until samples of the external facing and roof surface materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
4. The dwelling hereby permitted shall not be occupied until the drainage works have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
5. The dwelling hereby permitted shall not be occupied until the first floor windows serving the bathroom, the en-suite and the internal staircase have been fitted with obscured glazing. Once installed, the obscured glazing shall be retained.
6. No development shall commence until the parking spaces have been completed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The parking spaces as constructed shall be retained thereafter.
7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; the storage of plant and materials used in constructing the development. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.