
Appeal Decision

Site visit made on 6 September 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 21 October 2016

Appeal Ref: APP/P1805/W/16/3149872

1 Staple Flat, Lickey End, Bromsgrove, Worcestershire B60 1HD

- 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 Martyn Dallaway against the decision of Bromsgrove District Council.
 - The application Ref 15/0957, dated 3 November 2015, was refused by notice dated 10 February 2016.
 - The development proposed is erection of one dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling at 1 Staple Flat, Lickey End, Bromsgrove, Worcestershire B60 1HD in accordance with the terms of application Ref 15/0957, dated 3 November 2015, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located in a residential area on a narrow lane, Staple Flat, north east of its junction with Old Birmingham Road (B4096). It is a sizeable plot to the side of a detached dwelling at 1 Staple Flat and largely screened from both roads by a combination of trees, high hedges and close boarded fencing. The lane rises from the junction, with houses on either side raised slightly above the road level, before it drops down to the northeast where development ends with open countryside beyond.
4. There is an electricity sub-station, also well screened, at the beginning of the lane on the northern side, and the proposal would become the first dwelling on that side of Staple Flat. The adjoining building, No 1, is a bungalow on slightly higher ground, with a single storey side extension, roof dormers, gable to the front and a double garage. Beyond it on the same side of the road are a line of dormer bungalows followed by detached and semi-detached houses with open frontages and modest gardens. Opposite the appeal site and continuing along the lane are variously styled mainly two-storey detached and semi-detached properties well set back from the road with more extensive rear gardens.
5. The proposed two-storey, four bedroom house with side garage would also be set back from the road on a similar building line to the adjoining properties

and, partly because of the gradient, at a similar height. Its pitched tiled roof, brick wall design with features such as dormer gable windows is not out of keeping with the varied design styles along the lane.

6. Though some of the hedge will be removed to accommodate the access, much of the hedging, existing trees and vegetation is to be retained providing partial screening of the building from the lane. It should also continue to be well screened from the busy road to the rear as it seems reasonable to believe that future residents would wish to retain screening and vegetation to reduce noise from the road and protect their privacy. Conditions are attached to ensure that an appropriate landscaping scheme is submitted and that significant trees both within and adjoining the appeal site are not damaged during construction. Therefore, I do not consider that the proposal would have a detrimental effect on the character and appearance of the street scene.
7. The size of the plot enables it to comfortably accommodate the proposed house whilst allowing set back from the road and sufficient garden space to the side and rear. The appellant states that the garden, parking and overall layout meets the requirements of Policy S7 of the Bromsgrove District Local Plan 2004 (Local Plan) and the Supplementary Planning Guidance Note 01: Residential Design Guide (SPG). Though that policy and guidance are cited in the Council's reason for refusal there is no detailed explanation of how the proposed development contravenes them. I also note that the original Council Officer's Report did not identify any transgressions. Therefore, I am more persuaded by the appellant's evidence and the Council Officer's original observations.
8. The scale of the proposed dwelling is not dissimilar from other dwellings along the road or in the area. It does involve the subdivision of a plot utilising an extensive side garden area but this does not of itself cause harm. The proposal does not appear cramped within the plot. Some local residents have expressed concern about this aspect but I note that Policy S8 of the Local Plan, dealing with plot sub-division, has not been referred to in the Council's reason for refusal. In any event, the criteria of the policy are satisfied in this instance as there is no persuasive evidence that the density of development, size of garden or effect on trees or hedges would lead to any substantial adverse effect. Therefore, I do not consider that the development is discordant with the existing form and pattern of development in the area.
9. The above factors lead me to conclude that the development would not harm the character and appearance of the area. It follows that it is not contrary to the objectives of Policies DS13, S7 or S8 of the Local Plan or the SPG which, amongst other things, aim to ensure that development respects the setting, form, layout and character of an area.

Other Matters

10. Though there was no comment from the Parish Council, a number of local residents have raised objections to the proposal on various other grounds. Concern has been expressed about parking, which is an issue because of the narrowness of the road. The proposal includes off road parking via two parking spaces to the side of the house and a double garage so parking stress should not be exacerbated. This provision also appears to have been acceptable to the highway authority.

11. There is general concern about the road layout, speeding in the area, the lack of pavement on one side of the road and the nearby junction. Whilst I have considered these matters, no objection has been made by the highway authority responsible for highway safety and the development is some way from the junction. Therefore, I share the Council Officer's view that the increase in traffic generated by one additional dwelling would not have a significant effect.
12. Concerns have also been expressed about the effect on trees. I note that the Council's Tree Officer was consulted and the Council have suggested an appropriate condition to protect significant trees during construction, which is included in this decision. Some residents have also referred to effects on their privacy but the appeal site is bounded by roads to the front and rear, the screening from trees and hedges would limit views out and the nearest properties are a reasonable distance away. Therefore, I do not consider that there would be harm to the privacy of occupiers of nearby dwellings.

Conditions

13. I have considered the planning conditions that have been suggested by the Council, modifying them if appropriate. A condition setting a time limit for the commencement of the development is a statutory requirement. A condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition relating to materials is appropriate in the interests of the character and appearance of the area. Conditions relating to tree protection during construction are necessary to protect significant trees within and adjoining the site. A condition restricting permitted development rights in relation to hard surfaces is necessary to ensure future protection for trees. I have also included a condition regarding landscaping and planting to preserve the character and appearance of the area.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathan Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development must be begun not later than the expiration of three years beginning with the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Proposed Floor Plans 01A; Proposed Elevations 02A; Proposed Site Plan 03B; Indicative Street Scene 04.
- 3) Prior to commencement of the development, details of the materials and finishes to be used on the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning

authority; the development shall be carried out in accordance with the approved details.

- 4) Before any materials or machinery are brought on to the site or any development, demolition, installation of services or site clearance works of any kind are commenced the developer shall erect protective fencing as illustrated by BS 5837:2012 on a line concurrent with the tree protection distances given in BS 5837:2012 and to the specific approval of the local planning authority. The developer shall maintain such fences to the satisfaction of the local planning authority until all development, the subject of this permission, has been completed.
- 5) Any section of the driveway that incurs into the BS5837:2012 Recommended Root Protection Area of any tree to be retained will need to be constructed using a suitable grade of cellular ground support material.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Class F (hard surfaces incidental to the enjoyment of a dwellinghouse) shall be carried out without the prior approval of the local planning authority to an application in that behalf.
- 7) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.